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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. TONKO).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 27, 2010.

I hereby appoint the Honorable PAUL TONKO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

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

The Chair will alternate recognition between the parties, with each party limited to 25 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

DEFICIT REDUCTION—A RETURN TO FISCAL RESPONSIBILITY

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

Mr. CONNOLLY of Virginia. Mr. Speaker, there has been considerable finger pointing, misdirected, I might add, by our colleagues on the other side of the aisle, with respect to who is responsible for the mountain of debt weighing on our Nation. I rise to set the record straight and highlight just some of the actions we have taken to reduce the deficit and restore fiscal responsibility.

When this Congress took office in January of 2009, we inherited the worst recession since the Great Depression and a $1.2 trillion annual deficit with red ink forecast far into the future. As my colleagues will recall, the general concern 10 years ago in the financial sector was whether the United States bond market could survive in the event that the entire national debt was retired as projected at the time. Starting in fiscal year 1998, we had three straight budget surpluses, totaling more than $559 billion, with a projected $5.6 trillion surplus well into the decade.

Unfortunately, we now know what happened next. The Bush administration and Republican-controlled Congresses cast aside fiscal discipline and made a number of reckless, long-term budget decisions that turned record surpluses into record deficits. They initiated two wars, enacted two long-term tax cuts, and a new, permanent entitlement program, none of which was paid for, and all of which added to the debt. These actions alone added $6.6 trillion to the national debt and left the Federal budget fundamentally unbalanced for the foreseeable future. Tragically, but predictably, the $5.6 trillion in projected surpluses became more than $6 trillion in national debt.

But, Mr. Speaker, while we inherited these budget deficits, we also inherited the responsibility to do something about them. The American people don't want to see more of the same bankrupt fiscal policies of the past. They want to return to fiscal responsibility, and this Congress has taken a number of steps to do just that.

Earlier in this Congress, we adopted one of the most significant deficit reduction tools, reinstituting statutory PAYGO, or pay-as-you-go legislation. PAYGO is a simple concept: If you've got an idea, you've got to pay for it. And we know it works.

In 1990, in the face of then record deficits, Congress enacted statutory PAYGO, which helped lead to three straight years of surpluses. Unfortunately, in 2002, President Bush and a Republican-controlled Congress failed to reenact PAYGO. The results were disastrous and predictable—an immediate return to record deficits. Our restoration of PAYGO this year is a critical step in controlling spending and reducing deficits.

Mr. Speaker, the House of Representatives has made deficit reduction a priority with the passage of a number of important pieces of legislation. One of the largest drivers of the deficit has been the rising cost of health insurance premiums and health care costs. According to the Congressional Budget Office, the health insurance reform law will finally bend the cost curve and reduce the deficit by $124 billion over the next 10 years, and $1.2 trillion in the 10 years thereafter.

Through passage of the Student Aid and Responsibility Act, we reformed the college loan program, producing new efficiencies, expanding opportunity for millions of young people, and we reduced the deficit by $19 billion.

We responded swiftly to a Government Accountability Office report highlighting billions of dollars of cost overruns and wasteful Pentagon spending for weapons and services. The Weapons System Acquisition Reform Act and the IMPROVE Acquisition Act passed by this Congress will crack down on more than $300 billion in wasteful spending, further reducing the deficit, and will ensure that our defense dollars are serving the actual needs of our men and women in uniform.

The American Clean Energy and Security Act which passed this body set new standards for energy efficiency and use of renewable energy, which would reduce the deficit by $9 billion over the next decade.

The recently passed Wall Street Reform and Consumer Protection Act will

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enforce greater accountability of risky bank practices and reduce the deficit by $3.2 billion over the next 10 years.

Beyond those actions, President Obama's proposed 3-year spending freeze for non-security discretionary spending will reduce the deficit by another $250 billion over the next decade. The recently adopted House budget for fiscal year 2011 reduces the President's request by billions of dollars. I support the President's bipartisan National Commission on Fiscal Responsibility and Reform and its efforts to identify even further opportunities for additional deficit reduction.

Mr. Speaker, despite inheriting record deficits, we have taken a number of steps that will restore fiscal responsibility and reduce the deficit. Already, our actions, coupled with the improving economy, have resulted in more than $250 billion in reduction of the debt in the current year alone.

The United States went almost 30 years between budget surpluses from 1969 to 1998. The actions of this Congress have set us on the path to ensure it doesn't take another generation.

SEEKING ADDITIONAL ASSISTANCE FOR VICTIMS OF HURRICANE ALEX

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

Mr. HINOJOSA. Mr. Speaker, I rise today for two reasons. The first is to thank my colleagues here in the House of Representatives, and, secondly, to ask for their continued assistance.

As many of you may know, Hurricane Alex hit south Texas the first week of July. It was followed by a subsequent tropical storm that dropped more than a foot of rain on my region, which is represented by Congressmen ORTIZ, CUELLAR and myself. Even more rain, 30 inches, fell in the mountains of Monterey, Mexico, and over the next 2 weeks, the Rio Grande River swelled to record levels, causing flooding along the U.S.-Mexico border in Texas.

The Texas border, from Laredo to Brownsville, is home for over 2 million people. The international bridges in this region carry the bulk of U.S. land trade between the United States and Mexico. The border region is primarily protected by a Federal levee and floodway control system operated by the International Boundary and Water Commission, better known as the IBWC.

Although it is responsible for over 500 miles of levees just on the U.S. side and seven dams, for decades it received approximately $5 million a year for maintenance of those levees. As a result, a Corps of Engineers assessment in 2005 showed that hundreds of miles of the levee system were inadequate, too low or to weak to be certified. Several of the dams were also of great concern.

When the report was published, my border colleagues and I knew we had to work hard and fast to protect the millions of people we represent. We began working with the IBWC, the Corps of Engineers and local officials to get the information we needed to make our case to Congress. We thought outside the box.

Hidalgo County, with 750,000 people, one of the fastest growing counties in the Nation, worked with IBWC and the Department of Homeland Security to develop an ingenious plan to combine the Federal effort to fix the levees with the effort to build a new border fence. The resulting border-wall concept met DHS's criteria for a fence and reinforced the IBWC levees.

The county believed so much in this project and its urgency that it raised bond money and gave $82 million to the IBWC to expedite the repairs, even though these structures were totally a Federal responsibility. Hidalgo County is one of the poorest in the Nation and should not have had to spend their scarce resources on a Federal project. They deserve to be reimbursed.

In Washington, we met with the appropriators from both sides of the aisle to make our case. I want to particularly thank Congressman FRANK WOLF, Congressman DAVID PRICE, Congressman JOHN LEWIS, Congresswoman NITA LOWEY and Congressman DAVID OBEY for understanding the need and providing us with $400 million over the last 4 years to make the badly needed repairs.

As a result, the river levees in Hidalgo and Cameron Counties were repaired. Dams and floodways near Presidio were repaired, although not before we suffered flooding that cost the lives of U.S. and Mexican heads of the International Boundary and Water Commission who died in a helicopter crash while surveying the damage. All along the U.S.-Mexico border, repairs have been made.

I have a few pictures that demonstrate what this meant during Hurricane Alex. Here is a map showing what we would have experienced in Hidalgo County if the levees had not been repaired. Everything in blue would have been a humongous lake of approximately 150 miles. It would have looked like New Orleans did under Hurricane Rita and Hurricane Katrina. This blue area of water would have covered most of the major population area, endangering hundreds of thousands of people and causing billions and billions of dollars worth of damage.

Despite historic levels of 20 and 30 feet over flood stage, which makes the Rio Grande cresting at 59 feet, the cars on the new Anzalduas Bridge show the daily traffic coming north from Mexico. As you can see the Anzalduas Bridge, it shows that the water all around us is holding up very well because of the wall and the strengthening of the levee system.

Look at this. Unfortunately, despite our progress and historic funding, IBWC internal floodways north of the river still have not been repaired. Levees in this area did not hold and communities have been flooded.

This picture shows a section of the Rio Grande River with no levees and the resulting flooding that occurred.

This final picture is of the Anzalduas Dam. Record river water flows forced the IBWC to divert river water into the spillway that leads to the floodway. For weeks, water releases from all of the upstream dams have been diverted into the floodway because there was too much water for the dams to hold back. The record river flows have weakened dams like Amistad and Falcon which were of concern to the Corps back in 2005. Although they held this time, they may not the next time.

In conclusion, I want to thank Congressmen ORTIZ, CUELLAR, REYES, DOGGETT, RODRIGUEZ and the other members of the Border Caucus for their help. I appreciate the assistance Chairman BARNEY FRANK and his staffer Tom Glassic provided with our flood mapping and insurance issues.

I close by saying that I want to thank all the Members of this body who responded to our pleas, and I urge them to help us finish the job and complete the system. It is much less expensive than cleaning up after a natural disaster.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 13 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 10 a.m.

PRAYER

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

Through Your Word all was created. In Your Word all can be healed and brought to the fullness of life. By Your Word we are taught the ways of justice and led to peace.

Speak, Lord, Your Word to this assembly of the 111th Congress, that this Nation may be strengthened in virtue, grow in its capacity to embrace the diversity of peoples, surround them with security and right order, and so give You glory, now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from 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.

SOCIAL SECURITY

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

Mr. TONKO. Madam Speaker, I rise today just a few weeks in advance of the 75th anniversary of Social Security. This bedrock promise, earned with a lifetime of hard work, should be available for our Nation's seniors and future generations. However, my friends on the other side of the aisle are once again attempting to privatize Social Security.

Returning to previously rejected ideas, Republicans want to create a casino economy and play Russian roulette with your hard-earned benefits. If they had succeeded, for instance in 2005, seniors would have lost trillions more in the stock market meltdown of the Bush recession. Instead, nobody lost a penny of Social Security.

In the area that I represent, many people are hurting. Families and seniors are facing uncertainty and anxiety ranging from their mortgage payments, to credit card bills, and more. Let us not add to that anxiety by returning to failed ideas of the past. We must keep America moving forward.

There is a very clear choice here. We can hand the Social Security system over to Wall Street and continue raising anxiety, or we can strengthen the current system. I stand with our Nation's seniors to strengthen Social Security for the years to come.

PAKISTAN DISLOYAL ALLY?

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

Mr. POE of Texas. Madam Speaker, I heard from a Texan yesterday who was mad about why taxpayers are shelling out another $500 million for Pakistan. Americans are already giving Pakistan $1 billion a year. And Secretary of State Hillary Clinton said officials in Pakistan know where Osama bin Laden is hiding. Well, why don't they tell us where the terrorist of the desert, Osama bin Laden, is?

Isn't Pakistan supposed to be with us in this war in Afghanistan? And if they're not our ally, why are we giving them billions of taxpayer dollars? Now, in light of the illegal release of classified documents, Pakistan also appears to be taking our money and supporting our enemy, the Taliban. Maybe Pakistan isn't the loyal ally we pay them to be.

We should not be giving money we need here at home to countries that are friends in public and thieves behind closed doors. As my colleague LOUIE GOHMERT says, ''We don't have to pay these people to hate us. They will do it for free.''

And that's just the way it is.

GUN LEGISLATION PRIORITIES

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

Mr. QUIGLEY. Madam Speaker, this week Congress will vote on the Protecting Gun Owners in Bankruptcy Act of 2010 under suspension of the rules. This bill permits individuals filing for personal bankruptcy to exempt firearms from the claims of creditors. Really?

Today, there is a House bill sponsored by 109 Members of Congress that would close the gun show loophole and keep guns out of the hands of terrorists, felons, and the mentally ill. Today, there is a bill sponsored by 37 Members of this Congress that would prohibit those on the terrorist watch list from purchasing firearms. Each bill is supported by mainstream America. Each bill would save lives. Have we called either bill to the floor for debate? No.

Yet Congress stands at the ready to enact new policy that would require a bankruptcy judge to sort assets into two piles: one pile for guns, one pile for all other personal belongings. We need to reassess our priorities and regain our common sense. It's a time to stop pandering and start acting responsibly.

PRESIDENT OBAMA'S JOB KILLING MORATORIUM ON AMERICAN ENERGY PRODUCTION

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

Mr. BOUSTANY. Madam Speaker, I rise to highlight what the President's capricious and arbitrary moratorium on American energy production is doing to families.

The wife of a rig worker forwarded a letter to me that she sent to the President and to Secretary Salazar saying that while they may not need regular work, she and her family cannot keep going without jobs. Her family has bills to pay which are now 3 months behind, and they will lose almost everything they've ever worked for as a result of this arbitrary moratorium on energy production.

Her husband relies on rig exploration jobs, and even sent copies of their bills. She said her bank will not wait out the moratorium to receive her mortgage payment of over $3,000 past due. She said her family will probably lose their cars. They won't even have a car to live in if this thing persists.

Due to the moratorium, her husband lost a 30-day exploration job that would pay $732 a day, a total of $21,960 for 30 days. This is an arbitrary and malicious moratorium, and it needs to end.

WAKE UP, AMERICA

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

Mr. KUCINICH. Wake up, America. WikiLeaks' release of secret war documents gave us 92,000 reasons to end the wars. Pick one.

Wake up, America. Main Street is falling apart, businesses have closed, bankruptcies abound, people are losing their jobs, their homes, losing their retirement security, the middle class is falling apart, workers' rights are not being protected, the government's out of money. There's not even money for childhood nutrition.

Wake up, America. There's unlimited money for war, money for a corrupt government in Afghanistan. When U.S. money is not going to the Karzai mob's personal use, it goes to help the Taliban kill our troops. There's money for a corrupt government in Pakistan, which helps the Taliban in Afghanistan kill our troops. Meanwhile, our troops are committing suicide in record numbers.

Wake up, America. How can we solve the world's problems if we can't solve our own problems here at home?

□ 1010

WE MUST FIGHT AGAINST THE COMING TAX INCREASES

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

Mr. SMITH of Nebraska. The update of the President's budget estimates released Friday shows Washington still has not gotten the message. Dangerous economic and fiscal policies are not helping our country. They're resulting in deficit, debt, and an economy which continues to struggle.

Now after 18 months of government takeovers, Congress is positioned to allow the largest tax increase in history on American families and small businesses to take effect next year. January 1, 2011, every single tax bracket will increase. That means if a small business in Grand Island, Nebraska, paid 35 percent in Federal taxes this year, next year it will have to pay nearly 40 percent. When Times Square celebrates a new year, Americans who own a farm or ranch will see death taxes rise from 0 to 55 percent.

We cannot tax and spend our way back to a healthy economy. I urge my colleagues to join me against any tax increase on working families, small businesses, and farmers and ranchers before they wake up on January 1 to a brave new world.

HONORING MRS. MARGARETE HOLM

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

Mr. COURTNEY. Madam Speaker, I rise today in honor of Mrs. Margarete Holm, the widow of U.S. Army Captain Arnie Holm, a Waterford, Connecticut, native who went missing in the jungles of Vietnam 38 years ago.

Last Thursday, Margarete and Captain Holm's sister, Meg Brewster, who have been heroic in their efforts to search for Captain Holm, traveled to Crystal City, Virginia, for a family update conference organized by the Department of Defense.

During the conference, which took place during votes in this House, members of the U.S. Army presented Mrs. Holm with a POW/MIA commemorative medal to honor the next of kin for those Americans who are missing or unaccounted for in Southeast Asia. Although authorized by Congress in 1983, Mrs. Holm did not receive her Medal until last week.

For Margarete, who has tirelessly supported the cause of POW/MIAs locally in Connecticut and across the country, this medal is a long overdue recognition of her loss. Although I was unable to be with her during the presentation, I spoke to her last night to let her know how important she and all of those who are still waiting for their loved ones to return home are to me and my colleagues in this House.

To Margarete, Meg, and to all those still waiting for their loved ones to return home, please know that as the POW/MIA flag says, ''you are not forgotten''—not by the Members of this Congress, not by the men and women of our military, and certainly not by our fellow Americans.

WHERE ARE THE JOBS?

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

Mr. BLUNT. Madam Speaker, I rise again today because southwest Missourians keep telling me that they're expecting us to keep our eye on the ball. The most important thing they want us working on in the House is jobs—that's J-O-B-S, Madam Speaker. But most of the bills we've considered here on the House floor have exactly the opposite effect.

Southwest Missourians know the difference between good policies that put people back to work and the tax-raising, job-killing agenda of the majority in Washington.

Madam Speaker, there is and has been a bipartisan resistance to this extreme agenda, but the majority does whatever is necessary to pass these bills. With government control of health care and the House-passed national energy tax of cap-and-trade, costs go up and jobs go down. Despite promises that the $862 billion so-called stimulus bill would keep unemployment below 8 percent, here we are today, Madam Speaker, with an unemployment rate of over 9 percent per month.

Our top priority must be job creation. The government can't create private sector jobs, but it sure can pursue smart policies that help create those jobs.

SOCIAL SECURITY

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

Mr. BACA. This August marks the 75th anniversary of Social Security here in America. And our seniors say thank God we have the Social Security system. Over 5 million Americans currently rely on Social Security every year, including retirees, disabled Americans, who we just honored yesterday as well for serving here, and the survivors of deceased workers.

Unfortunately, on the 75th birthday, Social Security again faces a threat from congressional Republicans who want to privatize, I state, who want to privatize and dismantle our current system. From our Republican colleagues, it's the same failed policies of the past.

President Bush and the congressional Republicans pushed Social Security privatizing and benefit cuts in 2005. Now, in 2010, we must tell them ''no.'' If Republicans had been successful in 2005, seniors would have lost trillions more in the stock market meltdown of the Bush administration.

Hardworking Americans simply cannot afford the same old failed Republican policies of the past. We must continue to fight and move our economy forward.

REPEAL HEALTH CARE BILL

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

Mr. FLEMING. Madam Speaker, now that Washington leftists have forced socialized medicine down the throats of Americans, the British are about to abandon it.

According to a recent report, a large part of the British health system is being dismantled by the new government because of skyrocketing costs and widespread rationing of care that has long plagued the system and its patients. This radical reorganization would essentially abolish the 150 bureaucracies who decide who gets health care in the system, restoring that decision to its rightful place between the doctor and the patient.

Madam Speaker, as the new British Government prepares to move away from government-controlled rationing of health care, President Obama and the liberals in Congress are taking our country further down the road of socialism. I urge my colleagues to take a lesson from the British and work to repeal this disastrous legislation which inserts Washington between patients and their doctors.

EXTENDERS BILL

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

Mr. NEAL. Madam Speaker, in December and again in May, this House passed legislation to extend a popular set of expiring tax provisions providing billions of dollars in relief to millions of American families. That tax bill passed the House and has been stymied in the other body where only two Republican Senators have stood up against their party's own filibuster against these tax cuts.

Let me tell you who's suffering in the meantime: 42,000 families in Kentucky cannot deduct $108 million in college tuition fees; 86,000 families in Arizona cannot deduct $166 million in tuition fees; 304,000 families in Texas cannot deduct $708 million in college tuition fees. Nationwide, more than 4 million families cannot deduct $10.5 billion in college expenses.

A college degree means a better job for your kid. I urge our colleagues on the other side of the aisle to contact their Senators and tell them that Tax Extenders means jobs.

SOCIAL SECURITY

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

Mr. CARSON of Indiana. Madam Speaker, one of the most important social programs of our times is nearing its 75th birthday, and I am so pleased to come to the floor today and speak on the vital role of Social Security.

Our economy has indeed seen signs of rebirth. However, millions of Americans are feeling the impact, and programs such as Social Security are playing an important role in ensuring these individuals and citizens are able to have their needs met. It aggravates me daily to hear the other side continue to threaten to cut these or to once again focus on privatization.

I'm committed to working across the aisle on real solutions when problems arise, but the claim that Social Security is paying out more than it is taking in is simply untrue. The trust fund has reserves of $2.6 trillion, which continues to earn interest and will pay out benefits until 2037.

Again, I will continue to work for the American people and ensure this important program is here now and for future generations.

WHERE ARE THE JOBS?

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

Mr. GUTHRIE. Madam Speaker, I appreciate the opportunity to be here this morning to talk about during the last few weeks I've been back in my district doing America Speaking Out events and listening to people and talking with people about what their issues are and sharing with me what we should be doing here in Washington, D.C.

In my district, unemployment is the number one issue like it is across the country. And not just hearing from people looking for jobs but talking to people who want to provide jobs. And they are concerned about the tax increases that could be coming with the expiration of the tax cuts.

And one of the concerns that we heard Secretary Geithner talk about this weekend, Madam Speaker, is that the taxes could increase on those making $250,000 or more, which we know half of that runs through small businesses. So I'm talking to a lot of small business owners who are afraid of taxes because they want to grow their business and hire people and put them to work.

JOB CREATION POLICY

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

Mr. WALZ. Madam Speaker, perhaps my career as a public schoolteacher and having survived 20 years of the high school lunchroom makes me more optimistic than some of my colleagues in here—the idea of the trust that I have in our young people and in this country to overcome any adversities we see.

This weekend, I was out in Winona, Minnesota, at Peerless Chain Company, the number one producer of chain in this country, from tying down our jet fighters on aircraft carriers to providing the chains and the booms protecting the gulf coast. This is an American company who's standing with me in making sure that we get our provisions here, that don't extend long-range plans to outsource jobs, to allow people to take tax cuts to end jobs overseas but to keep them here in America. They were there also to focus on hiring veterans.

A company founded by Polish immigrants in 1917 who fought in World War I protecting American jobs, now we have the largest manufacturer of chain in North America, the fourth largest in the world, producing good American jobs by veterans and stamping those crates that go over to Asia with ''Made in America'' with a big American flag.

That's our job creation policy. That's what America can be, and that's what going forward means instead of turning back to disastrous policies that outsource those jobs.

□ 1020

JOBS

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute.)

Ms. EDWARDS of Maryland. Well, Madam Speaker, here we go again. Today and every day in this Chamber my Republican colleagues stand here and blame Democrats for failing to create jobs. What nerve they have when they haven't voted for one jobs bill for the American workers.

Right now, Senate Republicans, just like their House colleagues, are blocking the passage of five critical bills that would create at least 1.5 million jobs for the American people, and House Republicans have the audacity to accuse Democrats of not doing enough to create jobs? Shame on them.

I urge Republican Senators to vote for the America COMPETES Act, the Small Business Jobs and Credit Act, the Jobs For Main Street Act and the Small Business and Infrastructure Act to provide desperately needed jobs. If Republicans are really serious about job creation, then they'd urge their colleagues in the Senate to take immediate action and pass these bills.

Madam Speaker, it's been 186 days since we passed our first jobs bill and still they haven't acted. It's time for Senate Republicans to act, write a paycheck to the American people, and finish the job that House Democrats started.

LET'S PUT AMERICA BACK TO WORK

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

Mrs. CHRISTENSEN. Madam Speaker, this Democratic Congress, with our President, has begun to turn around the terrible job situation we inherited. The American Recovery and Reinvestment Act is working. Can you imagine where we would be without it? Private-sector employment has increased for 6 straight months, 35 percent of household wealth lost in the Bush administration has been recovered. Finally, the Senate overcame Republican objections and extended unemployment to help tide millions of people through these tough times. But that is not enough.

The American people need jobs. My community needs jobs. While unemployment overall has improved, there are too many communities which still have double-digit unemployment, and African Americans and young people are the hardest hit.

So to the other party on the other side of the Capitol: Pass the small business bill to fuel the engine of our economy, now. Pass funding we have included for youth jobs, now. Pass funding to keep teachers in our classrooms and policemen on our streets, now. Pass funding for black farmers, now.

This country thrives or falters on the strength of our working men and women. Senate Republicans: forget politics. Let's put America back to work.

THE DEFICIT

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

Mr. COHEN. Madam Speaker, you listen to the rhetoric in this hall and you hear a lot of talk from the folks on the other side of the aisle, the Republicans, about the deficit. It's very simple. There are two ways you deal with the deficit. Number one, you reduce spending or, number two, you increase income, and the way you increase income is you have more tax revenue. The two biggest ways you can get more tax revenue is taxing the most wealthy people in the country who can afford it.

The Republicans don't want to eliminate the tax cuts to the upper 1 and 2 percent of the population, people making over $250,000 a year, and they don't want require that to be a PAYGO. They just want those people to keep getting those tax breaks that were reduced 8 years ago. They're concerned about the inheritance tax, people that might inherit over $3.5 million a person. They're concerned about them. That's who they're concerned about, not middle class families who got the largest tax cut in history with the American Recovery and Reinvestment Act that not a Republican voted for. It was a Democratic bill, and the balanced budget under the Clinton years, all Democrats, a balanced budget.

So if you want to reduce deficits, you need to support the Democrats who do the hard lifting and see that we have revenue as well as responsible spending.

VOTE ''NO'' ON THE SUPPLEMENTAL

(Ms. LEE of California asked and was given permission to address the House for 1 minute.)

Ms. LEE of California. Madam Speaker, less than a month ago, Congress finally began the debate on the war in Afghanistan that really should have been held 9 years ago, but the fact remains Congress cannot continue to write a blank check for a war in Afghanistan that has ultimately made our country less safe. Our brave men and women in uniform have been put in an impossible situation in Afghanistan where there is no military solution. We should use this money to bring them home.

The Congressional Black Caucus included in the previous supplemental that the House passed the black farmer settlement and youth employment provisions, and in the supplemental it was passed several times. It was paid for, yet the Senate took these provisions out.

Let's support jobs and justice for the black farmers who have waited so long

for our government to act. Let's support our teachers. Let's not spend another dime to escalate America's longest war.

I urge my colleagues to vote ''no'' on this supplemental that we will be considering later in the day.

THE SOUTH KOREAN FREE TRADE AGREEMENT

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

Mr. DJOU. Madam Speaker, Members of the House, yesterday the United States Navy began conducting war game operations off the coast of Korea. Many of the sailors and ships come from Pearl Harbor, located in my district.

Yesterday, I also had the opportunity to finally meet with the Korean ambassador to the United States, who is also the former Prime Minister of South Korea. These are important developments. It is important for our Nation to strengthen and deepen our ties with Korea in the troubling times we have in the Korean Peninsula.

I want to state and strongly urge this House to most expeditiously move the free trade agreement between the United States and South Korea to make sure that what happened 60 years ago in the Korean Peninsula doesn't happen again.

HONORING THE LIFE OF GOVERNOR KENNY GUINN

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

Ms. TITUS. Madam Speaker, today Nevada mourns the loss of a good man, former Governor Kenny Guinn, a true public servant who always put the interests of Nevadans first, ahead of party and above politics.

I was honored to serve in the State legislature during Governor Guinn's tenure there. As a former Clark County School Superintendent, Governor Guinn led efforts to improve Nevada's system of education. And through our shared commitment to both teachers and students, we became friends as well as colleagues.

It was thanks to his leadership that we created the Millennium Scholarship which bears his name and has helped some 60,000 young Nevadans fulfill the dream of a college education. That is his legacy.

Kenny Guinn reached the State's highest office, but he never lost his special common touch for which he is so beloved by so many. My thoughts and prayers go out to his family today.

BORDER SECURITY IS NATIONAL SECURITY

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

Mrs. KIRKPATRICK of Arizona. Madam Speaker, Arizonans are tired of being let down by Washington on the border. For years, we have been calling on the Federal Government to start fulfilling its duties, and again and again, the Federal Government has debated, delayed, and stumbled.

By withholding funding for critical border resources in the Supplemental Appropriations Act, Congress is adding another black mark to its record of failure on this issue.

The fact is that border security is national security. The Federal Government has a responsibility to address threats to our communities, both abroad and at home. They are neglecting that responsibility with this bill. The House has previously accepted that expanding the border patrol is a necessary step to keep Arizonans safe. Why can't we find a way to get this done today?

Once again, lack of political will is being allowed to put our communities at risk. Folks have had enough of the culture in Washington that prizes scoring political points over solving problems. The people of my district and my State deserve better than this from Congress.

□ 1030

SOCIAL SECURITY

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

Ms. FUDGE. Madam Speaker, for almost 75 years, Social Security has helped Americans save for retirement and has provided the supplemental income they could count on in their golden years. For almost as long, congressional Republicans have attacked Social Security and are doing so yet again.

The Republicans' efforts are unconscionable and inexcusable. They fail to realize Social Security is earned, not gifted, to American workers. It comes from a lifetime of hard work and investment.

Democrats will not let Republicans play politics with this benefit. They will not and must not succeed in robbing seniors of the benefits they have earned and deserve.

TAX RATES

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

Mr. YARMUTH. Madam Speaker, we heard just a few minutes ago a repetition of the myth that our friends from the Republican Party tried to foist on the American people, the idea that somehow, by restoring the pre-Bush tax rates on the wealthiest Americans, we are going to impede small business. Well, I come from a family of small business people, and I can assure you that nothing is further from the truth.

I have a brother in the barbecue business. He does very well, makes a lot of money. He used to vote Republican because he didn't want to pay as much tax. But he called me in 2008 and said, you know, I am starting to support Democrats now and I am going to support President Obama. The reason is because I realized, finally, that if people can't afford to buy barbecue, it doesn't matter what their tax rate is.

Ladies and gentlemen, the reason we need to restore the tax rates to the pre-Bush rates is because we have a way to get this country out of deficit. More importantly, the answer to our economic woes is rebuilding America, making it in America and restoring our manufacturing base and the jobs that come with it so people can afford barbecue.

FAILED RECOVERY POLICIES MAKE NEARLY 15 MILLION UNEMPLOYED

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

Mr. PENCE. Madam Speaker, 18 months into this administration, one thing is clear: the economic policies of this administration and this liberal Democratic Congress have failed. Nearly 15 million Americans are unemployed. Unemployment hovers near a heart-breaking 10 percent; and after months of runaway spending, bailouts and takeovers, Washington Democrats are now poised to add tax increases to their agenda.

The American people are starting to realize that unless this Congress acts, every single income tax bracket will increase on January 1, 2011, every single one. This weekend Treasury Secretary Geithner actually said ''The country can withstand that. I think it's good policy.''

Really? Fifteen million Americans unemployed and this administration defines good policy as what the country can withstand? The country cannot withstand more spending, more borrowing, more bailouts, or more taxes; and House Republicans will fight this tax increase with everything we have got.

HMONG VETERANS

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

Mr. COSTA. Madam Speaker, today I will introduce legislation that will provide for burial benefits in national cemeteries to Hmong veterans who served in support of U.S. forces in Vietnam.

Given the service to our Nation, I believe this is an appropriate honor. During the Vietnam War, officers from the

CIA Special Activities Division trained and led Hmong men in Laos and in Vietnam for special combat activities. These forces numbered in the tens of thousands and conducted missions against communist forces and the North Vietnamese, fighting shoulder to shoulder with U.S. soldiers.

Since the end of the conflict in Vietnam, thousands of Hmong families have resettled around the United States today and as a result of a law signed by President Ford are now United States citizens. Only a few thousand of these original veterans remain alive today.

As was done with the Philippine Armed Forces who served in support of U.S. in World War II, we should recognize that precedent by offering internment privileges to national cemeteries after verification and documentation is completed by the Department of Veterans Affairs.

I urge you to support this legislation.

U.S. MANUFACTURING WILL LEAD US INTO RECOVERY

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

Ms. WASSERMAN SCHULTZ. Madam Speaker, Democrats are committed to growing our economy and getting Americans back to work. We want to continue to support America's manufacturing workers by closing tax loopholes that outsource U.S. jobs overseas. These savings will pay for hometown tax credits for small businesses to expand American manufacturing jobs.

The Democrats are boosting incentives to create American clean energy jobs and build state-of-the-art wind turbines, solar panels and other new technologies. We can pay for this by ending subsidies to big oil companies, government giveaways to companies that rake in millions of dollars.

We are strengthening the rules that the U.S. Government and its contractors buy American, especially to build our transportation, energy and communications infrastructure. And we are telling foreign countries like China to honor fair trade principles or lose American business.

In just over 1 year we have turned our economy around, going from losing nearly 800,000 jobs in the last month of the Bush administration to 6 straight months of private sector job growth totaling nearly 600,000 new private sector jobs created just this year.

We are heading in the right direction and Democrats are going to ensure that U.S. manufacturing will continue to lead us into economic recovery. America will make things once again.

HISTORY AND POLICIES

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

Mr. MORAN of Virginia. Madam Speaker, we have been going back and forth between the Republican and Democratic sides with two views of history and two policies.

The Republican Party has argued all morning, and it will continue right through the election, that we should go back to the Reagan-Bush policies of the past and the Democrats want to try a new approach. But let's just review the history.

Ronald Reagan ran for President saying that any President who doesn't balance the budget should be impeached, and yet for 8 years he never once submitted a balanced budget, and, in fact, quadrupled the deficit. Bill Clinton came into office, adopted the suggestion of President George Herbert Walker Bush, the 41st President, that you should have a concept called PAYGO. The first President Bush may have lost an election as a result, but it was the right thing to do.

Bill Clinton adopted the PAYGO concept as his own and made sure that any new spending was offset with additional revenue and for any tax cuts we were prepared to cut spending proportionately. It worked.

We created surpluses, so many surpluses, in fact, that Alan Greenspan was worried we had too much Treasury debt floating out there. The reality is that this past President's policy that the Republicans would want us to go back to, took a $5.6 trillion projected Clinton surplus and turned it into $3.5 trillion of Bush's legacy of debt. Is that what the American people really want to see repeated? I don't think so.

RACE TO GROW CLEAN ENERGY JOBS

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

Mr. INSLEE. Madam Speaker, we are involved in a race today. It's a race to grow clean energy jobs, and we are in a race with the rest of the world and particularly China.

China recently announced they will be investing over $750 billion over the next 10 years to grow clean energy jobs in China. They have announced they are going to put a cap on carbon so that they can create demand for the creation of new, clean energy jobs.

What are we doing in this country? Unfortunately, the other Chamber, the U.S. Senate, has dropped the ball and isn't moving a ball to create a demand for these new clean energy jobs with a cap on carbon.

We can lose this race if we don't get off the dime and get into this race. But I want to assure folks we are going to get into this race one way or another and one way is with the Environmental Protection Agency creating a limitation on carbon so we can create the demands for these clean energy jobs so we can make clean energy electric cars in this country and sell them into China.

For those people who are going to object to the EPA regulation of carbon, you had your chance and you can't be heard to squawk. We are going to move forward on clean energy jobs.

HONORING COAST GUARD ON 100TH ANNIVERSARY

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

Mrs. DAHLKEMPER. Madam Speaker, I rise today with a parent's pride to honor the 100th anniversary of the United States Coast Guard Academy.

The long and proud heritage of the Coast Guard Academy began in 1910 in New London, Connecticut, and continues today in the academy's ongoing mission to promote the values of honor, respect, and devotion to duty.

The rigorous academic program of the Coast Guard Academy provides a holistic education that includes academics, physical fitness, character and leadership and that trains cadets in the many roles the Coast Guard takes in our national security.

On behalf of my district in western Pennsylvania, I offer my congratulations to the commandant of the Coast Guard and the superintendent of the United States Coast Guard Academy and its staff for 100 years of operation of the Coast Guard Academy.

I especially congratulate all the cadets and graduates of the academy, including my daughter Linden now serving in the Gulf of Mexico, for their incredible work and dedication to our country.

God bless the United States Coast Guard, Semper Paratus.

□ 1040

TWO HEROES

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

Mr. HIMES. Madam Speaker, I wonder if we aren't loose in the way we use the word ''hero.'' We sometimes call those who die unexpectedly, innocents who are killed, heroes. I wonder if in doing so we don't cheapen the extent to which the word ''hero'' must be applied to men like Michael Baik and Steven Velazquez, two firefighters in Bridgeport who gave their lives in the line of duty this weekend, two men who woke up every day and said, ''I will risk my life and my well-being for you, my fellow citizens,'' and now leave behind wives, and in the case of Michael, three children, and in the case of Steven, two children.

These were men who exemplify, I think, the best of what we mean when we say that we care about each other. And speaking as their Representative, and I hope on behalf of all my colleagues, we thank them, we thank their families, and wish them Godspeed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

SUPPLEMENTAL APPROPRIATIONS ACT, 2010

Mr. OBEY. Madam Speaker, I move that the House suspend the rules, recede from the House amendment to the Senate amendment to the bill (H.R. 4899) making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes, and concur in the Senate amendment.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, to be available from funds in the Agricultural Credit Insurance Fund, as follows: guaranteed farm ownership loans, $300,000,000; operating loans, $650,000,000, of which $250,000,000 shall be for unsubsidized guaranteed loans, $50,000,000 shall be for subsidized guaranteed loans, and $350,000,000 shall be for direct loans.

For an additional amount for the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: guaranteed farm ownership loans, $1,110,000; operating loans, $29,470,000, of which $5,850,000 shall be for unsubsidized guaranteed loans, $7,030,000 shall be for subsidized guaranteed loans, and $16,590,000 shall be for direct loans.

For an additional amount for administrative expenses necessary to carry out the direct and guaranteed loan programs, $1,000,000.

EMERGENCY FOREST RESTORATION PROGRAM

For implementation of the emergency forest restoration program established under section 407 of the Agricultural Credit Act of 1978 (16 U.S.C. 2206) for expenses resulting from natural disasters that occurred on or after January 1, 2010, and for other purposes, $18,000,000, to remain available until expended: Provided, That the program: (1) shall be carried out without regard to chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'') and the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and (2) with rules issued without a prior opportunity for notice and comment except, as determined to be appropriate by the Farm Service Agency, rules may be promulgated by an interim rule effective on publication with an opportunity for notice and comment: Provided further, That in carrying out this program, the Secretary shall use the authority provided under section 808(2) of title 5, United States Code: Provided further, That to reduce Federal costs in administering this heading, the emergency forest restoration program shall be considered to have met the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for activities similar in nature and quantity to those of the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.).

FOREIGN AGRICULTURAL SERVICE

FOOD FOR PEACE TITLE II GRANTS

For an additional amount for ''Food for Peace Title II Grants'' for emergency relief and rehabilitation, and other expenses related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake, $150,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SECTION 101. None of the funds appropriated or made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a biomass crop assistance program as authorized by section 9011 of Public Law 107–171 in excess of $552,000,000 in fiscal year 2010 or $432,000,000 in fiscal year 2011: Provided, That section 3002 shall not apply to the amount under this section.

SEC. 102. (a) Section 502(h)(8) of the Housing Act of 1949 (42 U.S.C. 1472(h)(8)) is amended to read as follows:

''(8) FEES.—Notwithstanding paragraph (14)(D), with respect to a guaranteed loan issued or modified under this subsection, the Secretary may collect from the lender—

''(A) at the time of issuance of the guarantee or modification, a fee not to exceed 3.5 percent of the principal obligation of the loan; and

''(B) an annual fee not to exceed 0.5 percent of the outstanding principal balance of the loan for the life of the loan.''.

(b) Section 739 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriation Act, 2001 (H.R. 5426 as enacted by Public Law 106–387, 115 Stat. 1549A–34) is repealed.

(c) For gross obligations for the principal amount of guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, an additional amount shall be for section 502 unsubsidized guaranteed loans sufficient to meet the remaining fiscal year 2010 demand, provided that existing program underwriting standards are maintained, and provided further that the Secretary may waive fees described herein for very low- and low-income borrowers, not to exceed $697,000,000 in loan guarantees.

CHAPTER 2

DEPARTMENT OF COMMERCE

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

(RESCISSION)

Of the funds made available under the heading ''National Telecommunications and Information Administration'' for Digital-to-Analog Converter Box Program in prior years, $111,500,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

Pursuant to section 703 of the Public Works and Economic Development Act (42 U.S.C. 3233), for an additional amount for ''Economic Development Assistance Programs'', for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in States that experienced damage due to severe storms and flooding during March 2010 through May 2010 for which the President declared a major disaster covering an entire State or States with more than 20 counties declared major disasters under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974, $49,000,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'', $5,000,000, for necessary expenses related to commercial fishery failures as determined by the Secretary of Commerce in January 2010.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

EXPLORATION

The matter contained in title III of division B of Public Law 111–117 regarding ''National Aeronautics and Space Administration Exploration'' is amended by inserting at the end of the last proviso '': Provided further, That notwithstanding any other provision of law or regulation, funds made available for Constellation in fiscal year 2010 for 'National Aeronautics and Space Administration Exploration' and from previous appropriations for 'National Aeronautics and Space Administration Exploration' shall be available to fund continued performance of Constellation contracts, and performance of such Constellation contracts may not be terminated for convenience by the National Aeronautics and Space Administration in fiscal year 2010''.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $1,429,809,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $40,478,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $145,499,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $94,068,000.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $5,722,000.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $2,637,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $34,758,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $1,292,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $33,184,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $11,719,927,000, of which $218,300,000 shall be available to restore amounts transferred from this account to ''Overseas Humanitarian, Disaster, and Civic Aid'' for emergency relief activities related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $2,735,194,000, of which $187,600,000 shall be available to restore

amounts transferred from this account to ''Overseas Humanitarian, Disaster, and Civic Aid'' for emergency relief activities related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $829,326,000, of which $30,700,000 shall be available to restore amounts transferred from this account to ''Overseas Humanitarian, Disaster, and Civic Aid'' for emergency relief activities related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $3,835,095,000, of which $218,400,000 shall be available to restore amounts transferred from this account to ''Overseas Humanitarian, Disaster, and Civic Aid'' for emergency relief activities related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $1,236,727,000: Provided, That up to $50,000,000, to remain available until expended, shall be available for transfer to the Port of Guam Improvement Enterprise Fund established by section 3512 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417): Provided further, That funds transferred under the previous proviso shall be merged with and available for obligation for the same time period and for the same purposes as the appropriation to which transferred: Provided further, That these funds may be transferred by the Secretary of Defense only if he determines such amounts are required to improve facilities, relieve port congestion, and provide greater access to port facilities: Provided further, That any amounts transferred pursuant to the previous three provisos shall be available to the Secretary of Transportation, acting through the Administrator of the Maritime Administration, to carry out under the Port of Guam Improvement Enterprise Program planning, design, and construction of projects for the Port of Guam to improve facilities, relieve port congestion, and provide greater access to port facilities: Provided further, That the transfer authority in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary shall, not fewer than five days prior to making transfers under this authority, notify the congressional defense committees in writing of the details of any such transfer.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $41,006,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $75,878,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $857,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $124,039,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $180,960,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $203,287,000.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for ''Afghanistan Security Forces Fund'', $2,604,000,000, to remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer.

IRAQ SECURITY FORCES FUND

For the ''Iraq Security Forces Fund'', $1,000,000,000, to remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, United States Forces—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, and renovation: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $219,470,000, to remain available until September 30, 2012.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $3,000,000, to remain available until September 30, 2012.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $17,055,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $2,065,006,000, to remain available until September 30, 2012.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $296,000,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $31,576,000, to remain available until September 30, 2012.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $162,927,000, to remain available until September 30, 2012.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $174,766,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $672,741,000, to remain available until September 30, 2012.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $189,276,000, to remain available until September 30, 2012.

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the ''Mine Resistant Ambush Protected Vehicle Fund'', $1,123,000,000, to remain available until September 30, 2011: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: Provided further, That the Secretary shall transfer such funds only to appropriations for operations and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That the funds transferred shall be merged with and available for the same purposes and the same time period as the appropriation to which they are transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary shall, not fewer than 10 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $44,835,000, to remain available until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $163,775,000, to remain available until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $65,138,000, to remain available until September 30, 2011.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $1,134,887,000, to remain available until expended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $33,367,000 for operation and maintenance: Provided, That language under this heading in title VI, division A of Public Law 111–118 is amended by striking ''$15,093,539,000'' and inserting in lieu thereof ''$15,121,714,000''.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $94,000,000, to remain available until September 30, 2011.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 301. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)): Provided, That section 8079 of the Department of Defense Appropriations Act, 2010 (Public Law 111–118; 123 Stat. 3446) is amended by striking ''fiscal year 2010 until'' and all that follows and insert ''fiscal year 2010.''.

(INCLUDING TRANSFER OF FUNDS)

SEC. 302. Section 8005 of the Department of Defense Appropriations Act, 2010 (division A of Public Law 111–118) is amended by striking ''$4,000,000,000'' and inserting ''$4,500,000,000''.

SEC. 303. Funds made available in this chapter to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: Provided, That upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

SEC. 304. Of the funds obligated or expended by any Federal agency in support of emergency humanitarian assistance services at the request of or in coordination with the Department of Defense, the Department of State, or the U.S. Agency for International Development, on or after January 12, 2010 and before February 12, 2010, in support of the Haitian earthquake relief efforts not to exceed $500,000 are deemed to be specifically authorized by the Congress.

SEC. 305. Section 8011 of the title VIII, division A of Public Law 111–118 is amended by striking ''within 30 days of enactment of this Act'' and inserting in lieu thereof ''30 days prior to contract award''.

(RESCISSIONS)

SEC. 306. (a) Of the funds appropriated in Department of Defense Appropriation Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''Other Procurement, Air Force, 2009/2011'', $5,000,000; and

''Research, Development, Test and Evaluation, Army, 2009/2010'', $72,161,000.

(b) Section 3002 shall not apply to the amounts in this section.

SEC. 307. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal years 2009 or 2010 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

HIGH-VALUE DETAINEE INTERROGATION GROUP CHARTER AND REPORT

SEC. 308. (a) SUBMISSION OF CHARTER AND PROCEDURES.—Not later than 30 days after the final approval of the charter and procedures for the interagency body established to carry out an interrogation pursuant to a recommendation of the report of the Special Task Force on interrogation and Transfer Policies submitted under section 5(g) of Executive Order 13491 (commonly known as the High-Value Detainee Interrogation Group), or not later than 30 days after the date of the enactment of this Act, whichever is later, the Director of National Intelligence shall submit to the congressional intelligence committees such charter and procedures.

(b) UPDATES.—Not later than 30 days after the final approval of any significant modification or revision to the charter or procedures referred to in subsection (a), the Director of National Intelligence shall submit to the congressional intelligence committees any such modification or revision.

(c) LESSONS LEARNED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report setting forth an analysis and assessment of the lessons learned as a result of the operations and activities of the High-Value Detainee Interrogation Group since the establishment of that group.

(d) SUBMITTAL OF CHARTER AND REPORTS TO ADDITIONAL COMMITTEES OF CONGRESS.—At the same time the Director of National Intelligence submits the charter and procedures referred to in subsection (a), any modification or revision to the charter or procedures under subsection (b), and any report under subsection (c) to the congressional intelligence committees, the Director shall also submit such matter to—

(1) the Committees on Armed Services, Homeland Security and Governmental Affairs, the Judiciary, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Homeland Security, the Judiciary, and Appropriations of the House of Representatives.

CHAPTER 4

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

INVESTIGATIONS

For an additional amount for ''Investigations'', $5,400,000: Provided, That funds provided under this heading in this chapter shall be used for studies in States affected by severe storms and flooding: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for ''Mississippi River and Tributaries'' to dredge eligible projects in response to, and repair damages to Federal projects caused by, natural disasters, $18,600,000, to remain available until expended: Provided, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

OPERATION AND MAINTENANCE

For an additional amount for ''Operation and Maintenance'' to dredge navigation projects in response to, and repair damages to Corps projects caused by, natural disasters, $173,000,000, to remain available until expended: Provided, That the Secretary of the Army is directed to use $44,000,000 of the amount provided under this heading for nondisaster related emergency repairs to critical infrastructure: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for ''Flood Control and Coastal Emergencies'', as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to natural disasters as authorized by law, $20,000,000, to remain available until expended: Provided, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

GENERAL PROVISIONS—THIS CHAPTER

EMERGENCY DROUGHT RELIEF

SEC. 401. For an additional amount for ''Water and Related Resources'', $10,000,000, for drought emergency assistance: Provided, That financial assistance may be provided under the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2201 et seq.) and any other applicable Federal law (including regulations) for the optimization and conservation of project water supplies to assist drought-plagued areas of the West.

SEC. 402. Funds made available in the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85), under the account ''Weapons Activities'' shall be available for the purchase of not to exceed one aircraft.

RECLASSIFICATION OF CERTAIN APPROPRIATIONS FOR THE NATIONAL NUCLEAR SECURITY ADMINISTRATION

SEC. 403. (a) FISCAL YEAR 2009 APPROPRIATIONS.—The matter under the heading ''Weapons Activities'' under the heading ''National Nuclear Security Administration'' under the heading ''Atomic Energy Defense Activities'' under the heading ''Department of Energy'' under title III of division C of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 621) is amended by striking ''the 09–D–007 LANSCE Refurbishment, PED,'' and inserting ''capital equipment acquisition, installation, and associated design funds for LANSCE,''.

(b) FISCAL YEAR 2010 APPROPRIATIONS.—The amount appropriated under the heading ''Weapons Activities'' under the heading ''National Nuclear Security Administration'' under the heading ''Atomic Energy Defense Activities'' under the heading ''Department of Energy'' under title III of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85; 123 Stat. 2866) and made available for LANSCE Reinvestment, PED, Los Alamos National Laboratory, Los Alamos, New Mexico, shall be made available instead for capital equipment acquisition, installation, and associated design funds for LANSCE, Los Alamos National Laboratory, Los Alamos, New Mexico.

SEC. 404. (a) Section 104(c) of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214(c)) is amended by striking ''September 30, 2010'' and inserting ''September 30, 2012'' in lieu thereof.

(b) Section 301 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2241) is amended by striking ''through 2010'' and inserting ''through 2012'' in lieu thereof.

SEC. 405. (a) The Secretary of the Army shall not be required to make a determination under the National Historic Preservation Act of 1966 (16 U.S.C. 470, et seq.) for the project for flood control, Trinity River and tributaries, Texas, authorized by section 2 of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved

March 2, 1945 [59 Stat. 18], as modified by section 5141 of the Water Resources Development Act of 2007 [121 Stat. 1253].

(b) The Federal Highway Administration is exempt from the requirements of 49 U.S.C. 303 and 23 U.S.C. 138 for any highway project to be constructed in the vicinity of the Dallas Floodway, Dallas, Texas.

SEC. 406. (a) The Secretary of the Army may use funds made available under the heading ''OPERATION AND MAINTENANCE'' of this chapter to place, at full Federal expense, dredged material available from maintenance dredging of existing Federal navigation channels located in the Gulf Coast region to mitigate the impacts of the Deepwater Horizon Oil spill in the Gulf of Mexico.

(b) The Secretary of the Army shall coordinate the placement of dredged material with appropriate Federal and Gulf Coast State agencies.

(c) The placement of dredged material pursuant to this section shall not be subject to a least-cost-disposal analysis or to the development of a Chief of Engineers report.

(d) Nothing in this section shall affect the ability or authority of the Federal Government to recover costs from an entity determined to be a responsible party in connection with the Deepwater Horizon Oil spill pursuant to the Oil Pollution Act of 1990 or any other applicable Federal statute for actions undertaken pursuant to this section.

CHAPTER 5

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'' for necessary expenses for emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake, $690,000, to remain available until expended: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(RESCISSION)

Of the amounts made available for necessary expenses of the Office of Inspector General under this heading in Public Law 111–117, $1,800,000 are rescinded: Provided, That section 3002 shall not apply to the amount under this heading.

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT TO THE PUBLIC DEFENDER SERVICE FOR THE DISTRICT OF COLUMBIA

(INCLUDING RESCISSION)

For an additional amount for ''Federal Payment to the Public Defender Service for the District of Columbia'', $700,000, to remain available until September 30, 2012.

Of the funds provided under this heading for ''Federal Payment to the District of Columbia Public Defender Service'' in title IV of division D of Public Law 111–8, $700,000 are rescinded: Provided, That section 3002 shall not apply to the amounts under this heading.

INDEPENDENT AGENCY

FINANCIAL CRISIS INQUIRY COMMISSION

SALARIES AND EXPENSES

For the necessary expenses of the Financial Crisis Inquiry Commission established pursuant to section 5 of the Fraud Enforcement and Recovery Act of 2009 (Public Law 111–21), $1,800,000, to remain available until February 15, 2011: Provided, That section 3002 shall not apply to the amount under this heading.

CHAPTER 6

DEPARTMENT OF HOMELAND SECURITY

COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'' for necessary expenses and other disaster-response activities related to Haiti following the earthquake of January 12, 2010, $50,000,000, to remain available until September 30, 2012.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for ''Acquisition, Construction, and Improvements'', $15,500,000, to remain available until September 30, 2014, for aircraft replacement.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Disaster Relief'', $5,100,000,000, to remain available until expended, of which $5,000,000 shall be transferred to the Department of Homeland Security Office of the Inspector General for audits and investigations related to disasters.

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For an additional amount for ''United States Citizenship and Immigration Services'' for necessary expenses and other disaster response activities related to Haiti following the earthquake of January 12, 2010, $10,600,000, to remain available until September 30, 2011.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 601. Notwithstanding the 10 percent limitation contained in section 503(c) of Public Law 111–83, for fiscal year 2010, the Secretary of Homeland Security may transfer to the fund established by 8 U.S.C. 1101 note, up to $20,000,000, from appropriations available to the Department of Homeland Security: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 5 days in advance of such transfer.

(RESCISSIONS)

SEC. 602. (a) The following unobligated balances made available pursuant to section 505 of Public Law 110–329 are rescinded: $2,200,000 from Coast Guard ''Operating Expenses''; $1,800,000 from the ''Office of the Secretary and Executive Management''; and $489,152 from ''Analysis and Operations''.

(b) The third clause of the proviso directing the expenditure of funds under the heading ''Alteration of Bridges'' in the Department of Homeland Security Appropriations Act, 2009, is repealed, and from available balances made available for Coast Guard ''Alteration of Bridges'', $5,910,848 are rescinded: Provided, That funds rescinded pursuant to this subsection shall exclude balances made available in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

(c) From the unobligated balances of appropriations made available in Public Law 111–83 to the ''Office of the Federal Coordinator for Gulf Coast Rebuilding'', $700,000 are rescinded.

(d) Section 3002 shall not apply to the amounts in this section.

SEC. 603. The Administrator of the Federal Emergency Management Agency shall consider satisfied for Hurricane Katrina the non-Federal match requirement for assistance provided by the Federal Emergency Management Agency pursuant to section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5170c(a).

SEC. 604. Funds appropriated in Public Law 111–83 under the heading National Protection and Programs Directorate ''Infrastructure Protection and Information Security'' shall be available for facility upgrades and related costs to establish a United States Computer Emergency Readiness Team Operations Support Center/Continuity of Operations capability.

SEC. 605. Two C–130J aircraft funded elsewhere in this Act shall be transferred to the Coast Guard.

SEC. 606. Notwithstanding any other provision of law, including any agreement, the Federal share of assistance, including direct Federal assistance provided under sections 403, 406, and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5140b, 5172, and 5173), for damages resulting from FEMA–3311–EM–RI, FEMA–1894–DR, FEMA–1906–DR, FEMA–1909–DR, and all other areas Presidentially declared a disaster, prior to or following enactment, and resulting from the May 1 and 2, 2010 weather events that elicited FEMA–1909–DR, shall not be less than 90 percent of the eligible costs under such sections.

SEC. 607. (a) Not later than 30 days after the date of the enactment of this Act, the Assistant Secretary for the Transportation Security Administration shall issue a security directive that requires a commercial foreign air carrier who operates flights in and out of the United States to check the list of individuals that the Transportation Security Administration has prohibited from flying not later than 30 minutes after such list is modified and provided to such air carrier.

(b) The requirements of subsection (a) shall not apply to commercial foreign air carriers that operate flights in and out of the United States and that are enrolled in the Secure Flight program or that are Advance Passenger Information System Quick Query (AQQ) compliant.

CHAPTER 7

DEPARTMENT OF LABOR

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Departmental Management'' for mine safety activities and legal services related to the Department of Labor's caseload before the Federal Mine Safety and Health Review Commission (''FMSHRC''), $18,200,000, which shall remain available for obligation through the date that is 12 months after the date of enactment of this Act: Provided, That the Secretary of Labor may transfer such sums as necessary to the ''Mine Safety and Health Administration'' for enforcement and mine safety activities, which may include conference litigation functions related to the FMSHRC caseload, investigation of the Upper Big Branch Mine disaster, standards and rulemaking activities, emergency response equipment purchases and upgrades, and organizational improvements: Provided further, That the Committees on Appropriations of the Senate and the House of Representatives are notified at least 15 days in advance of any transfer.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Public Health and Social Services Emergency Fund'' for necessary expenses for emergency relief and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, and for other disaster-response activities relating to the earthquake, $220,000,000, to remain available until expended: Provided, That these funds may be transferred by the Secretary to accounts within the Department of Health and Human Services, shall be merged with the appropriation to which transferred, and shall be available only for the purposes provided herein: Provided further, That none of the funds provided in this paragraph may be transferred prior to notification of the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That the transfer authority provided in this paragraph is in addition

to any other transfer authority available in this or any other Act: Provided further, That funds appropriated in this paragraph may be used to reimburse agencies for obligations incurred for the purposes provided herein prior to enactment of this Act: Provided further, That funds may be used for the non-Federal share of expenditures for medical assistance furnished under title XIX of the Social Security Act, and for child health assistance furnished under title XXI of such Act, that are related to earthquake response activities: Provided further, That funds may be used for services performed by the National Disaster Medical System in connection with such earthquake, for the return of evacuated Haitian citizens to Haiti, and for grants to States and other entities to reimburse payments made for otherwise uncompensated health and human services furnished in connection with individuals given permission by the United States Government to come from Haiti to the United States after such earthquake, and not eligible for assistance under such titles: Provided further, That the limitation in subsection (d) of section 1113 of the Social Security Act shall not apply with respect to any repatriation assistance provided in response to the Haiti earthquake of January 12, 2010: Provided further, That with respect to the previous proviso, such additional repatriation assistance shall only be available from the funds appropriated herein.

RELATED AGENCY

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For an additional amount for ''Federal Mine Safety and Health Review Commission, Salaries and Expenses''$3,800,000, to remain available for obligation for 12 months after enactment of this Act.

CHAPTER 8

HOUSE OF REPRESENTATIVES

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For a payment to Joyce Murtha, widow of John P. Murtha, late a Representative from Pennsylvania, $174,000: Provided, That section 3002 shall not apply to this appropriation.

CAPITOL POLICE

GENERAL EXPENSES

For an additional amount for ''Capitol Police, General Expenses'' to purchase and install the indoor coverage portion of the new radio system for the Capitol Police, $12,956,000, to remain available until September 30, 2012: Provided, That the Chief of the Capitol Police may not obligate any of the funds appropriated under this heading without approval of an obligation plan by the Committees on Appropriations of the Senate and the House of Representatives.

CHAPTER 9

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $242,296,000, to remain available until September 30, 2012: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $406,590,000, to remain available until September 30, 2012: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Family Housing Operation and Maintenance, Air Force'', $7,953,000.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for ''Compensation and Pensions'', $13,377,189,000, to remain available until expended: Provided, That section 3002 shall not apply to the amount under this heading.

GENERAL PROVISION—THIS CHAPTER

(INCLUDING TRANSFER OF FUNDS)

SEC. 901. (a) Of the amounts made available to the Department of Veterans Affairs under the ''Construction, Major Projects'' account, in fiscal year 2010 or previous fiscal years, up to $67,000,000 may be transferred to the ''Filipino Veterans Equity Compensation Fund'' account or may be retained in the ''Construction, Major Projects'' account and used by the Secretary of Veterans Affairs for such major medical facility projects (as defined under section 8104(a) of title 38, United States Code) that have been authorized by law as the Secretary considers appropriate: Provided, That any amount transferred from ''Construction, Major Projects'' shall be derived from unobligated balances that are a direct result of bid savings: Provided further, That no amounts may be transferred from amounts that were designated by Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(b) Section 3002 shall not apply to the amount in this section.

LIMITATION ON USE OF FUNDS AVAILABLE TO THE DEPARTMENT OF VETERANS AFFAIRS

SEC. 902. The amount made available to the Department of Veterans Affairs by this chapter under the heading ''VETERANS BENEFITS ADMINISTRATION'' under the heading ''COMPENSATION AND PENSIONS'' may not be obligated or expended until the expiration of the period for Congressional disapproval under chapter 8 of title 5, United States Code (commonly referred to as the ''Congressional Review Act''), of the regulations prescribed by the Secretary of Veterans Affairs pursuant to section 1116 of title 38, United States Code, to establish a service connection between exposure of veterans to Agent Orange during service in the Republic of Vietnam during the Vietnam era and hairy cell leukemia and other chronic B cell leukemias, Parkinson's disease, and ischemic heart disease.

CHAPTER 10

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Diplomatic and Consular Programs'', $1,261,000,000, to remain available until September 30, 2011: Provided, That the Secretary of State may transfer up to $149,500,000 of the total funds made available under this heading to any other appropriation of any department or agency of the United States, upon concurrence of the head of such department or agency and after consultation with the Committees on Appropriations, to support operations in and assistance for Afghanistan and Pakistan and to carry out the provisions of the Foreign Assistance Act of 1961.

For an additional amount for ''Diplomatic and Consular Programs'' for necessary expenses for emergency relief, rehabilitation, and reconstruction support, and other expenses related to Haiti following the earthquake of January 12, 2010, $65,000,000, to remain available until September 30, 2011: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act: Provided further, That up to $3,700,000 of the funds made available in this paragraph may be transferred to, and merged with, funds made available under the heading ''Emergencies in the Diplomatic and Consular Service'': Provided further, That up to $290,000 of the funds made available in this paragraph may be transferred to, and merged with, funds made available under the heading ''Repatriation Loans Program Account''.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'' for necessary expenses for oversight of operations and programs in Afghanistan, Pakistan, and Iraq, $3,600,000, to remain available until September 30, 2013.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'' for necessary expenses for emergency needs in Haiti following the earthquake of January 12, 2010, $79,000,000, to remain available until expended: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for ''Contributions for International Peacekeeping Activities'' for necessary expenses for emergency security related to Haiti following the earthquake of January 12, 2010, $96,500,000, to remain available until September 30, 2011: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'' for necessary expenses for emergency broadcasting support and other expenses related to Haiti following the earthquake of January 12, 2010, $3,000,000, to remain available until September 30, 2011: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'' for necessary expenses for oversight of operations and programs in Afghanistan and Pakistan, $3,400,000, to remain available until September 30, 2013.

For an additional amount for ''Office of Inspector General'' for necessary expenses for oversight of emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, $4,500,000, to remain available until September 30, 2012: Provided, That up to $1,500,000 of the funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH AND CHILD SURVIVAL

For an additional amount for ''Global Health and Child Survival'' for necessary expenses for pandemic preparedness and response, $45,000,000, to remain available until September 30, 2011.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'' for necessary expenses for emergency relief and rehabilitation, and other expenses related to Haiti following the earthquake of January 12, 2010, $460,000,000, to remain available until expended: Provided, That

funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Economic Support Fund'', $1,620,000,000, to remain available until September 30, 2012, of which not less than $1,309,000,000 shall be made available for assistance for Afghanistan and not less than $259,000,000 shall be made available for assistance for Pakistan: Provided, That funds appropriated under this heading in this Act and in prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for assistance for Afghanistan may be made available, after consultation with the Committees on Appropriations, for disarmament, demobilization and reintegration activities, subject to the requirements of section 904(e) in this chapter, and for a United States contribution to an internationally managed fund to support the reintegration into Afghan society of individuals who have renounced violence against the Government of Afghanistan.

For an additional amount for ''Economic Support Fund'' for necessary expenses for emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, $770,000,000, to remain available until September 30, 2012: Provided, That of the funds appropriated in this paragraph, up to $120,000,000 may be transferred to the Department of the Treasury for United States contributions to a multi-donor trust fund for reconstruction and recovery efforts in Haiti: Provided further, That of the funds appropriated in this paragraph, up to $10,000,000 may be transferred to, and merged with, funds made available under the heading ''United States Agency for International Development, Funds Appropriated to the President, Operating Expenses'' for administrative costs relating to the purposes provided herein and to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act: Provided further, That funds appropriated in this paragraph may be transferred to, and merged with, funds available under the heading ''Development Credit Authority'' for the purposes provided herein: Provided further, That such transfer authority is in addition to any other transfer authority provided by this or any other Act: Provided further, That funds made available to the Comptroller General pursuant to title I, chapter 4 of Public Law 106–31, to monitor the provision of assistance to address the effects of hurricanes in Central America and the Caribbean, shall also be available to the Comptroller General to monitor relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, and shall remain available until expended: Provided further, That funds appropriated in this paragraph may be made available to the United States Agency for International Development and the Department of State to reimburse any accounts for obligations incurred for the purpose provided herein prior to enactment of this Act.

For an additional amount for ''Economic Support Fund'' for necessary expenses for assistance for Jordan, $100,000,000, to remain available until September 30, 2012.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for ''Migration and Refugee Assistance'' for necessary expenses for assistance for refugees and internally displaced persons, $165,000,000, to remain available until expended.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For an additional amount for ''International Affairs Technical Assistance'' for necessary expenses for emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, $7,100,000, to remain available until September 30, 2012: Provided, That of the funds appropriated in this paragraph, up to $60,000 may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $1,034,000,000, to remain available until September 30, 2012: Provided, That of the funds appropriated under this heading, not less than $650,000,000 shall be made available for assistance for Iraq of which $450,000,000 is for one-time start up costs and limited operational costs of the Iraqi police program, and $200,000,000 is for implementation, management, security, communications, and other expenses related to such program and may be obligated only after the Secretary of State determines and reports to the Committees on Appropriations that the Government of Iraq supports and is cooperating with such program: Provided further, That funds appropriated in this chapter for assistance for Iraq shall not be subject to the limitation on assistance in section 7042(b)(1) of division F of Public Law 111–117: Provided further, That of the funds appropriated in this paragraph, not less than $169,000,000 shall be made available for assistance for Afghanistan and not less than $40,000,000 shall be made available for assistance for Pakistan: Provided further, That of the funds appropriated under this heading, $175,000,000 shall be made available for assistance for Mexico for judicial reform, institution building, anti-corruption, and rule of law activities, and shall be available subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

For an additional amount for ''International Narcotics Control and Law Enforcement'' for necessary expenses for emergency relief, rehabilitation, and reconstruction aid, and other expenses related to Haiti following the earthquake of January 12, 2010, $147,660,000, to remain available until September 30, 2012: Provided, That funds appropriated in this paragraph may be used to reimburse obligations incurred for the purposes provided herein prior to enactment of this Act.

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for ''Foreign Military Financing Program'', $100,000,000, to remain available until September 30, 2012, of which not less than $50,000,000 shall be made available for assistance for Pakistan and not less than $50,000,000 shall be made available for assistance for Jordan.

GENERAL PROVISIONS—THIS CHAPTER

EXTENSION OF AUTHORITIES

SEC. 1001. Funds appropriated in this chapter may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

ALLOCATIONS

SEC. 1002. (a) Funds appropriated in this chapter for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the report accompanying this Act:

(1) ''Diplomatic and Consular Programs''.

(2) ''Economic Support Fund''.

(3) ''International Narcotics Control and Law Enforcement''.

(b) For the purposes of implementing this section, and only with respect to the tables included in the report accompanying this Act, the Secretary of State and the Administrator of the United States Agency for International Development, as appropriate, may propose deviations to the amounts referred in subsection (a), subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

SPENDING PLANS AND NOTIFICATION PROCEDURES

SEC. 1003. (a) SPENDING PLANS.—Not later than 45 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, and the Broadcasting Board of Governors, shall submit reports to the Committees on Appropriations detailing planned uses of funds appropriated in this chapter, except for funds appropriated under the headings ''International Disaster Assistance'' and ''Migration and Refugee Assistance''.

(b) OBLIGATION REPORTS.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, and the Broadcasting Board of Governors, shall submit reports to the Committees on Appropriations not later than 90 days after enactment of this Act, and every 180 days thereafter until September 30, 2012, on obligations, expenditures, and program outputs and outcomes.

(c) NOTIFICATION.—Funds made available in this chapter shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961, except for funds appropriated under the headings ''International Disaster Assistance'' and ''Migration and Refugee Assistance''.

AFGHANISTAN

SEC. 1004. (a) The terms and conditions of sections 1102(a), (b)(1), (c), and (d) of Public Law 111–32 shall apply to funds appropriated in this chapter that are available for assistance for Afghanistan.

(b) Funds appropriated in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' that are available for assistance for Afghanistan may be obligated only if the Secretary of State reports to the Committees on Appropriations that prior to the disbursement of funds, representatives of the Afghan national, provincial or local government, local communities and civil society organizations, as appropriate, will be consulted and participate in the design of programs, projects, and activities, and following such disbursement will participate in implementation and oversight, and progress will be measured against specific benchmarks.

(c)(1) Funds appropriated in this chapter may be made available for assistance for the Government of Afghanistan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Afghanistan is—

(A) cooperating with United States reconstruction and reform efforts;

(B) demonstrating a commitment to accountability by removing corrupt officials, implementing fiscal transparency and other necessary reforms of government institutions, and facilitating active public engagement in governance and oversight of public resources; and

(C) respecting the internationally recognized human rights of Afghan women.

(2) If at any time after making the determination required in paragraph (1) the Secretary receives credible information that the factual basis for such determination no longer exists, the Secretary should suspend assistance and promptly inform the relevant Afghan authorities that

such assistance is suspended until sufficient factual basis exists to support the determination.

(d) Funds appropriated in this chapter and in prior Acts that are available for assistance for Afghanistan may be made available to support reconciliation with, or reintegration of, former combatants only if the Secretary of State determines and reports to the Committees on Appropriations that—

(1) Afghan women are participating at national, provincial and local levels of government in the design, policy formulation and implementation of the reconciliation or reintegration process, and women's internationally recognized human rights are protected in such process; and

(2) such funds will not be used to support any pardon, immunity from prosecution or amnesty, or any position in the Government of Afghanistan or security forces, for any leader of an armed group responsible for crimes against humanity, war crimes, or other violations of internationally recognized human rights.

(e) Funds appropriated in this chapter that are available for assistance for Afghanistan may be made available to support the work of the Independent Electoral Commission and the Electoral Complaints Commission in Afghanistan only if the Secretary of State determines and reports to the Committees on Appropriations that—

(1) the Independent Electoral Commission has no members or other employees who participated in, or helped to cover up, acts of fraud in the 2009 elections for president in Afghanistan, and the Electoral Complaints Commission is a genuinely independent body with all the authorities that were invested in it under Afghanistan law as of December 31, 2009, and with no members appointed by the President of Afghanistan; and

(2) the central Government of Afghanistan has taken steps to ensure that women are able to exercise their rights to political participation, whether as candidates or voters.

(f)(1) Not more than 45 days after enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the Committees on Appropriations a strategy to address the needs and protect the rights of Afghan women and girls, including planned expenditures of funds appropriated in this chapter, and detailed plans for implementing and monitoring such strategy.

(2) Such strategy shall be coordinated with and support the goals and objectives of the National Action Plan for Women of Afghanistan and the Afghan National Development Strategy and shall include a defined scope and methodology to measure the impact of such assistance.

(g)(1) Notwithstanding section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) and requirements for awarding task orders under task and delivery order contracts under section 303J of such Act (41 U.S.C. 253j), the Secretary of State may award task orders for police training in Afghanistan under current Department of State contracts for police training.

(2) Any task order awarded under paragraph (1) shall be for a limited term and shall remain in performance only until a successor contract or contracts awarded by the Department of Defense using full and open competition have entered into full performance after completion of any start-up or transition periods.

PAKISTAN

SEC. 1005. (a) Funds appropriated in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Foreign Military Financing Program'' and ''Pakistan Counterinsurgency Capability Fund'' shall be made available—

(1) in a manner that promotes unimpeded access by humanitarian organizations to detainees, internally displaced persons, and other Pakistani civilians adversely affected by the conflict; and

(2) in accordance with section 620J of the Foreign Assistance Act of 1961, and the Secretary of State shall inform relevant Pakistani authorities of the requirements of section 620J and of its application, and regularly monitor units of Pakistani security forces that receive United States assistance and the performance of such units.

(b)(1) Of the funds appropriated in this chapter under the heading ''Economic Support Fund'' for assistance for Pakistan, $5,000,000 shall be made available through the Bureau of Democracy, Human Rights and Labor, Department of State, for human rights programs in Pakistan, including training of government officials and security forces, and assistance for human rights organizations.

(2) Not later than 90 days after enactment of this Act and prior to the obligation of funds under this subsection, the Secretary of State shall submit to the Committees on Appropriations a human rights strategy in Pakistan including the proposed uses of funds.

(c) Of the funds appropriated in this chapter under the heading ''Economic Support Fund'' for assistance for Pakistan, up to $1,500,000 should be made available to the Department of State and the United States Agency for International Development for the lease of aircraft to implement programs and conduct oversight in northwestern Pakistan, which shall be coordinated under the authority of the United States Chief of Mission in Pakistan.

IRAQ

SEC. 1006. (a) The uses of aircraft in Iraq purchased or leased with funds made available under the headings ''International Narcotics Control and Law Enforcement'' and ''Diplomatic and Consular Affairs'' in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be coordinated under the authority of the United States Chief of Mission in Iraq.

(b) The terms and conditions of section 1106(b) of Public Law 111–32 shall apply to funds made available in this chapter for assistance for Iraq under the heading ''International Narcotics Control and Law Enforcement''.

(c) Of the funds appropriated in this chapter and in prior acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Diplomatic and Consular Programs'' and ''Embassy Security, Construction, and Maintenance'' for Afghanistan, Pakistan and Iraq, up to $300,000,000 may, after consultation with the Committees on Appropriations, be transferred between, and merged with, such appropriations for activities related to security for civilian led operations in such countries.

HAITI

SEC. 1007. (a) Funds appropriated in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' that are available for assistance for Haiti may be obligated only if the Secretary of State reports to the Committees on Appropriations that prior to the disbursement of funds, representatives of the Haitian national, provincial or local government, local communities and civil society organizations, as appropriate, will be consulted and participate in the design of programs, projects, and activities, and following such disbursement will participate in implementation and oversight, and progress will be measured against specific benchmarks.

(b)(1) Funds appropriated in this chapter under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' may be made available for assistance for the Government of Haiti only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Haiti is—

(A) cooperating with United States reconstruction and reform efforts; and

(B) demonstrating a commitment to accountability by removing corrupt officials, implementing fiscal transparency and other necessary reforms of government institutions, and facilitating active public engagement in governance and oversight of public resources.

(2) If at any time after making the determination required in paragraph (1) the Secretary receives credible information that the factual basis for making such determination no longer exists, the Secretary should suspend assistance and promptly inform the relevant Haitian authorities that such assistance is suspended until sufficient factual basis exists to support the determination.

(c)(1) Funds appropriated in this chapter for bilateral assistance for Haiti may be provided as direct budget support to the central Government of Haiti only if the Secretary of State reports to the Committees on Appropriations that the Government of the United States and the Government of Haiti have agreed, in writing, to clear and achievable goals and objectives for the use of such funds, and have established mechanisms within each implementing agency to ensure that such funds are used for the purposes for which they were intended.

(2) The Secretary should suspend any such direct budget support to an implementing agency if the Secretary has credible evidence of misuse of such funds by any such agency.

(3) Any such direct budget support shall be subject to prior consultation with the Committees on Appropriations.

(d) Funds appropriated in this chapter that are made available for assistance for Haiti shall be made available, to the maximum extent practicable, in a manner that emphasizes the participation and leadership of Haitian women and directly improves the security, economic and social well-being, and political status of Haitian women and girls.

(e) Funds appropriated in this chapter may be made available for assistance for Haiti notwithstanding any other provision of law, except for section 620J of the Foreign Assistance Act of 1961 and provisions of this chapter.

HAITI DEBT RELIEF

SEC. 1008. (a) For an additional amount for ''Contribution to the Inter-American Development Bank'', ''Contribution to the International Development Association'', and ''Contribution to the International Fund for Agricultural Development'', to cancel Haiti's existing debts and repayments on disbursements from loans committed prior to January 12, 2010, and for the United States share of an increase in the resources of the Fund for Special Operations of the Inter-American Development Bank, to the extent separately authorized in this chapter, in furtherance of providing debt relief for Haiti in view of the Cancun Declaration of March 21, 2010, a total of $212,000,000, to remain available until September 30, 2012.

(b) Up to $40,000,000 of the amounts appropriated under the heading ''Department of the Treasury, Debt Restructuring'' in prior Acts making appropriations for the Department of State, foreign operations, and related programs may be used to cancel Haiti's existing debts and repayments on disbursements from loans committed prior to January 12, 2010, to the Inter-American Development Bank, the International Development Association, and the International Fund for Agricultural Development, and for the United States share of an increase in the resources of the Fund for Special Operations of the Inter-American Development Bank in furtherance of providing debt relief to Haiti in view of the Cancun Declaration of March 21, 2010.

HAITI DEBT RELIEF AUTHORITY

SEC. 1009. The Inter-American Development Bank Act, Public Law 86–147, as amended (22

U.S.C. 283 et seq.), is further amended by adding at the end thereof the following new section:

"SEC. 40. AUTHORITY TO VOTE FOR AND CONTRIBUTE TO AN INCREASE IN RESOURCES OF THE FUND FOR SPECIAL OPERATIONS; PROVIDING DEBT RELIEF TO HAITI.

''(a) VOTE AUTHORIZED.—In accordance with section 5 of this Act, the United States Governor of the Bank is authorized to vote in favor of a resolution to increase the resources of the Fund for Special Operations up to $479,000,000, in furtherance of providing debt relief for Haiti in view of the Cancun Declaration of March 21, 2010, which provides that:

''(1) Haiti's debts to the Fund for Special Operations are to be cancelled;

''(2) Haiti's remaining local currency conversion obligations to the Fund for Special Operations are to be cancelled;

''(3) undisbursed balances of existing loans of the Fund for Special Operations to Haiti are to be converted to grants; and

''(4) the Fund for Special Operations is to make available significant and immediate grant financing to Haiti as well as appropriate resources to other countries remaining as borrowers within the Fund for Special Operations, consistent with paragraph 6 of the Cancun Declaration of March 21, 2010.

''(b) CONTRIBUTION AUTHORITY.—To the extent and in the amount provided in advance in appropriations Acts the United States Governor of the Bank may, on behalf of the United States and in accordance with section 5 of this Act, contribute up to $252,000,000 to the Fund for Special Operations, which will provide for debt relief of:

''(1) up to $240,000,000 to the Fund for Special Operations;

''(2) up to $8,000,000 to the International Fund For Agricultural Development (IFAD); and

''(3) up to $4,000,000 for the International Development Association (IDA).

''(c) AUTHORIZATION OF APPROPRIATIONS.—To pay for the contribution authorized under subsection (b), there are authorized to be appropriated, without fiscal year limitation, for payment by the Secretary of the Treasury $212,000,000, for the United States contribution to the Fund for Special Operations.''.

MEXICO

SEC. 1010. (a) For purposes of funds appropriated in this chapter and in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading ''International Narcotics Control and Law Enforcement'' that are made available for assistance for Mexico, the provisions of paragraphs (1) through (3) of section 7045(e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8) shall apply and the report required in paragraph (1) shall be based on a determination by the Secretary of State of compliance with each of the requirements in paragraph (1)(A) through (D).

(b) Funds appropriated in this chapter under the heading ''International Narcotics Control and Law Enforcement'' that are available for assistance for Mexico may be made available only after the Secretary of State submits a report to the Committees on Appropriations detailing a coordinated, multi-year, interagency strategy to address the causes of drug-related violence and other organized criminal activity in Central and South America, Mexico, and the Caribbean, which shall describe—

(1) the United States multi-year strategy for the region, including a description of key challenges in the source, transit, and demand zones; the key objectives of the strategy; and a detailed description of outcome indicators for measuring progress toward such objectives;

(2) the integration of diplomatic, administration of justice, law enforcement, civil society, economic development, demand reduction, and other assistance to achieve such objectives;

(3) progress in phasing out law enforcement activities of the militaries of each recipient country, as applicable; and

(4) governmental efforts to investigate and prosecute violations of internationally recognized human rights.

(c) Of the funds appropriated in this chapter under the heading ''Diplomatic and Consular Programs'', up to $5,000,000 may be made available for armored vehicles and other emergency diplomatic security support for United States Government personnel in Mexico.

EL SALVADOR

SEC. 1011. Of the funds appropriated in this chapter under the heading ''Economic Support Fund'', $25,000,000 shall be made available for necessary expenses for emergency relief and reconstruction assistance for El Salvador related to Hurricane/Tropical Storm Ida.

DEMOCRATIC REPUBLIC OF THE CONGO

SEC. 1012. Of the funds appropriated in this chapter under the heading ''Economic Support Fund'', $15,000,000 shall be made available for necessary expenses for emergency security and humanitarian assistance for civilians, particularly women and girls, in the eastern region of the Democratic Republic of the Congo.

INTERNATIONAL SCIENTIFIC COOPERATION

SEC. 1013. Funds appropriated in prior Acts making appropriations for the Department of State, foreign operations, and related programs that are made available for science and technology centers in the former Soviet Union may be used to support productive, non-military projects that engage scientists and engineers who have no weapons background, but whose competence could otherwise be applied to weapons development, provided such projects are executed through existing science and technology centers and notwithstanding sections 503 and 504 of the FREEDOM Support Act (Public Law 102–511), and following consultation with the Committees on Appropriations, the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

INTERNATIONAL RENEWABLE ENERGY AGENCY

SEC. 1014. For fiscal year 2011 and thereafter, the President is authorized to accept the statute of, and to maintain membership of the United States in, the International Renewable Energy Agency, and the United States' assessed contributions to maintain such membership may be paid from funds appropriated for ''Contributions to International Organizations''.

OFFICE OF INSPECTOR GENERAL PERSONNEL

SEC. 1015. (a) Funds appropriated in this chapter for the United States Agency for International Development Office of Inspector General (OIG) may be made available to contract with United States citizens for personal services when the Inspector General determines that the personnel resources of the OIG are otherwise insufficient.

(1) Not more than 5 percent of the OIG personnel (determined on a full-time equivalent basis), as of any given date, are serving under personal services contracts.

(2) Contracts under this paragraph shall not exceed a term of 2 years unless the Inspector General determines that exceptional circumstances justify an extension of up to 1 additional year, and contractors under this paragraph shall not be considered employees of the Federal Government for purposes of title 5, United States Code, or members of the Foreign Service for purposes of title 22, United States Code.

(b)(1) The Inspector General may waive subsections (a) through (d) of section 8344, and subsections (a) through (e) of section 8468 of title 5, United States Code, and subsections (a) through (d) of section 4064 of title 22, United States Code, on behalf of any re-employed annuitant serving in a position within the OIG to facilitate the assignment of persons to positions in Iraq, Pakistan, Afghanistan, and Haiti or to positions vacated by members of the Foreign Service assigned to those countries.

(2) The authority provided in paragraph (1) shall be exercised on a case-by-case basis for positions for which there is difficulty recruiting or retaining a qualified employee or to address a temporary emergency hiring need, individuals employed by the OIG under this paragraph shall not be considered employees for purposes of subchapter III of chapter 83 of title 5, United States Code, or chapter 84 of such title, and the authorities of the Inspector General under this paragraph shall terminate on October 1, 2012.

AUTHORITY TO REPROGRAM FUNDS

SEC. 1016. Of the funds appropriated by this chapter for assistance for Afghanistan, Iraq and Pakistan, up to $100,000,000 may be made available pursuant to the authority of section 451 of the Foreign Assistance Act of 1961, as amended, for assistance in the Middle East and South Asia regions if the President finds, in addition to the requirements of section 451 and certifies and reports to the Committees on Appropriations, that exercising the authority of this section is necessary to protect the national security interests of the United States: Provided, That the Secretary of State shall consult with the Committees on Appropriations prior to the reprogramming of such funds, which shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the funding limitation otherwise applicable to section 451 of the Foreign Assistance Act of 1961 shall not apply to this section: Provided further, That the authority of this section shall expire upon enactment of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2011.

SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION

(INCLUDING RESCISSION)

SEC. 1017. (a) Of the funds appropriated under the heading ''Department of State, Administration of Foreign Affairs, Office of Inspector General'' and authorized to be transferred to the Special Inspector General for Afghanistan Reconstruction in title XI of Public Law 111–32, $7,200,000 are rescinded.

(b) For an additional amount for ''Department of State, Administration of Foreign Affairs, Office of Inspector General'' which shall be available for the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight in Afghanistan, $7,200,000, and shall remain available until September 30, 2011.

CHAPTER 11

DEPARTMENT OF TRANSPORTATION

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

Of the amounts provided for Safety Belt Performance Grants in Public Law 111–117, $15,000,000 shall be available to pay for expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109–59 and chapter 301 and part C of subtitle VI of title 49, United States Code, and for the planning or execution of programs authorized under section 403 of title 23, United States Code: Provided, That such funds shall be available until September 30, 2011, and shall be in addition to the amount of any limitation imposed on obligations in fiscal year 2011.

Of the amounts made available for Safety Belt Performance Grants under section 406 of title 23, United States Code, $25,000,000 in unobligated balances are permanently rescinded: Provided, That section 3002 shall not apply to the amounts under this heading.

CONSUMER ASSISTANCE TO RECYCLE AND SAVE PROGRAM

(RESCISSION)

Of the amounts made available for the Consumer Assistance to Recycle and Save Program, $44,000,000 in unobligated balances are rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For an additional amount for the ''Community Development Fund'', for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic revitalization in areas affected by severe storms and flooding from March 2010 through May 2010 for which the President declared a major disaster covering an entire State or States with more than 20 counties declared major disasters under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974, $100,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93–383): Provided, That funds shall be awarded directly to the State or unit of general local government at the discretion of the Secretary: Provided further, That prior to the obligation of funds a grantee shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: Provided further, That funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program: Provided further, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: Provided further, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State or subdivision thereof under the Community Development Fund: Provided further, That a State or subdivision thereof may use up to 5 percent of its allocation for administrative costs: Provided further, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by a State or subdivision thereof explaining why such waiver is required to facilitate the use of such funds or guarantees, if the Secretary finds that such waiver would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: Provided further, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: Provided further, That the Secretary shall obligate to a State or subdivision thereof not less than 50 percent of the funding provided under this heading within 90 days after the enactment of this Act.

TITLE II

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount, in addition to amounts provided elsewhere in this Act, for ''Economic Development Assistance Programs'', to carry out planning, technical assistance and other assistance under section 209, and consistent with section 703(b), of the Public Works and Economic Development Act (42 U.S.C. 3149, 3233), in States affected by the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, $5,000,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount, in addition to amounts provided elsewhere in this Act, for ''Operations, Research, and Facilities'', $13,000,000, to remain available until expended, for responding to economic impacts on fishermen and fishery-dependent businesses: Provided, That the amounts appropriated herein are not available unless the Secretary of Commerce determines that resources provided under other authorities and appropriations including by the responsible parties under the Oil Pollution Act, 33 U.S.C. 2701, et seq., are not sufficient to respond to economic impacts on fishermen and fishery-dependent business following an incident related to a spill of national significance declared under the National Contingency Plan provided for under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605).

For an additional amount, in addition to amounts provided elsewhere in this Act, for ''Operations, Research, and Facilities'', for activities undertaken including scientific investigations and sampling as a result of the incidents related to the discharge of oil and the use of oil dispersants that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, $7,000,000, to remain available until expended. These activities may be funded through the provision of grants to universities, colleges and other research partners through extramural research funding.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', Food and Drug Administration, Department of Health and Human Services, for food safety monitoring and response activities in connection with the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, $2,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the ''Office of the Secretary, Salaries and Expenses'' for increased inspections, enforcement, investigations, environmental and engineering studies, and other activities related to emergency offshore oil spill incidents in the Gulf of Mexico, $29,000,000, to remain available until expended: Provided, That such funds may be transferred by the Secretary to any other account in the Department of the Interior to carry out the purposes provided herein.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for ''Salaries and Expenses, General Legal Activities'', $10,000,000, to remain available until expended, for litigation expenses resulting from incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For an additional amount for ''Science and Technology'' for a study on the potential human and environmental risks and impacts of the release of crude oil and the application of dispersants, surface washing agents, bioremediation agents, and other mitigation measures listed in the National Contingency Plan Product List (40 C.F.R. Part 300 Subpart J), as appropriate, $2,000,000, to remain available until expended: Provided, That the study shall be performed at the direction of the Administrator of the Environmental Protection Agency, in coordination with the Secretary of Commerce and the Secretary of the Interior: Provided further, That the study may be funded through the provision of grants to universities and colleges through extramural research funding.

GENERAL PROVISION—THIS TITLE

DEEPWATER HORIZON

SEC. 2001. Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752) is amended in the second sentence:

(1) by inserting '': (1)'' before ''may obtain an advance'' and after ''the Coast Guard'';

(2) by striking ''advance. Amounts'' and inserting the following: ''advance; (2) in the case of discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, may, without further appropriation, obtain one or more advances from the Oil Spill Liability Trust Fund as needed, up to a maximum of $100,000,000 for each advance, the total amount of all advances not to exceed the amounts available under section 9509(c)(2) of the Internal Revenue Code of 1986 (26 U.S.C. 9509(c)(2)), and within 7 days of each advance, shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance; and (3) amounts''.

PROHIBITION ON FINES AND LIABILITY

SEC. 2002. None of the funds made available by this Act shall be used to levy against any person any fine, or to hold any person liable for construction or renovation work performed by the person, in any State under the final rule entitled ''Lead; Renovation, Repair, and Painting Program; Lead Hazard Information Pamphlet; Notice of Availability; Final Rule'' (73 Fed. Reg. 21692 (April 22, 2008)), and the final rule entitled ''Lead; Amendment to the Opt-out and Recordkeeping Provisions in the Renovation, Repair, and Painting Program'' signed by the Administrator on April 22, 2010.

RIGHT-OF-WAY

SEC. 2003. (a) Notwithstanding any other provision of law, the Secretary of the Interior shall—

(1) not later than 30 days after the date of enactment of this Act, amend Right-of-Way Grants No. NVN–49781/IDI–26446/NVN–85211/NVN–85210 of the Bureau of Land Management to shift the 200-foot right-of-way for the 500-kilovolt transmission line project to the alignment depicted on the maps entitled ''Southwest Intertie Project'' and dated December 10, 2009, and May 21, 2010, and approve the construction, operation and maintenance plans of the project; and

(2) not later than 90 days after the date of enactment of this Act, issue a notice to proceed with construction of the project in accordance with the amended grants and approved plans described in paragraph (1).

(b) Notwithstanding any other provision of law, the Secretary of Energy may provide or facilitate federal financing for the project described in subsection (a) under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115) or the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.), based on the comprehensive reviews and consultations performed by the Secretary of the Interior.

FUNDING FOR ENVIRONMENTAL AND FISHERIES IMPACTS

SEC. 2004. (1) FISHERIES DISASTER RELIEF.—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, $15,000,000 to be available to provide fisheries disaster relief under section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a) related to a commercial fishery failure due to a fishery resource disaster in the Gulf of Mexico that resulted from the Deepwater Horizon oil discharge.

(2) EXPANDED STOCK ASSESSMENT OF FISHERIES.—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, $10,000,000 to conduct an expanded stock assessment of the fisheries of the Gulf of Mexico. Such expanded stock assessment shall include an assessment of the commercial and recreational catch and biological sampling, observer programs, data management and processing activities, the conduct of assessments, and follow-up evaluations of such fisheries.

(3) ECOSYSTEM SERVICES IMPACTS STUDY.—For an additional amount, in addition to other amounts provided for the Department of Commerce, $1,000,000 to be available for the National Academy of Sciences to conduct a study of the long-term ecosystem service impacts of the Deepwater Horizon oil discharge. Such study shall assess long-term costs to the public of lost water filtration, hunting, and fishing (commercial and recreational), and other ecosystem services associated with the Gulf of Mexico.

(4) IN GENERAL.—Of the amounts appropriated or made available under division B, title I of Public Law 111–117 that remain unobligated as of the date of the enactment of this Act under Procurement, Acquisition, and Construction for the National Oceanic and Atmospheric Administration, $26,000,000 of the amounts appropriated are hereby rescinded.

TITLE III

GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

SEC. 3001 No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

EMERGENCY DESIGNATION

SEC. 3002. Unless otherwise specified, each amount in this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 3003. (a) Notwithstanding any other provision of law, for fiscal year 2010 only, all funds received from sales, bonuses, royalties, and rentals under the Geothermal Steam Act of 1970 (30 U.S.C. §§1001 et seq.) shall be deposited in the Treasury, of which—

(1) 50 percent shall be used by the Secretary of the Treasury to make payments to States within the boundaries of which the leased land and geothermal resources are located;

(2) 25 percent shall be used by the Secretary of the Treasury to make payments to the counties within the boundaries of which the leased land or geothermal resources are located; and

(3) 25 percent shall be deposited in miscellaneous receipts.

(b) Section 3002 shall not apply to this section.

SEC. 3004. (a) Public Law 111–88, the Interior, Environment, and Related Agencies Appropriations Act, 2010, is amended under the heading ''Office of the Special Trustee for American Indians'' by—

(1) striking ''$185,984,000'' and inserting ''$176,984,000''; and

(2) striking ''$56,536,000'' and inserting ''$47,536,000''.

(b) Section 3002 shall not apply to the amounts in this section.

SEC. 3005. Section 502(c) of the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; Public Law 105–312) is amended by striking ''2008'' and inserting ''2011''.

SEC. 3006. For fiscal years 2010 and 2011—

(1) the National Park Service Recreation Fee Program account may be available for the cost of adjustments and changes within the original scope of contracts for National Park Service projects funded by Public Law 111–5 and for associated administrative costs when no funds are otherwise available for such purposes;

(2) notwithstanding section 430 of division E of Public Law 111–8 and section 444 of Public Law 111–88, the Secretary of the Interior may utilize unobligated balances for adjustments and changes within the original scope of projects funded through division A, title VII, of Public Law 111–5 and for associated administrative costs when no funds are otherwise available;

(3) the Secretary of the Interior shall ensure that any unobligated balances utilized pursuant to paragraph (2) shall be derived from the bureau and account for which the project was funded in Public Law 111–5; and

(4) the Secretary of the Interior shall consult with the Committees on Appropriations prior to making any charges authorized by this section.

SEC. 3007. (a) Section 205(d) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2304(d)) is amended by striking ''10 years'' and inserting ''11 years''.

(b) Section 3002 shall not apply to this section.

SEC. 3008. Of the amounts appropriated for the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) under the heading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under the heading ''STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES'' under title II of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 579), at the discretion of the Attorney General, the amounts to be made available to Genesee County, Michigan for assistance for individuals transitioning from prison in Genesee County, Michigan pursuant to the joint statement of managers accompanying that Act may be made available to My Brother's Keeper of Genesee County, Michigan to provide assistance for individuals transitioning from prison in Genesee County, Michigan.

SEC. 3009. Section 159(b)(2)(C) of title I of division A of the Consolidated Appropriations Act, 2010 (49 U.S.C. 24305 note) is amended by striking clauses (i) and (ii) and inserting the following:

''(i) requiring inspections of any container containing a firearm or ammunition; and

''(ii) the temporary suspension of firearm carriage service if credible intelligence information indicates a threat related to the national rail system or specific routes or trains.''.

PUBLIC AVAILABILITY OF CONTRACTOR INTEGRITY AND PERFORMANCE DATABASE

SEC. 3010. Section 872(e)(1) of the Clean Contracting Act of 2008 (subtitle G of title VIII of Public Law 110–417; 41 U.S.C. 417b(e)(1)) is amended by adding at the end the following: ''In addition, the Administrator shall post all such information, excluding past performance reviews, on a publicly available Internet website.''.

ASSESSMENTS ON GUANTANAMO BAY DETAINEES

SEC. 3011. (a) SUBMISSION OF INFORMATION RELATED TO DISPOSITION DECISIONS.—Not later than 45 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the participants of the interagency review of Guantanamo Bay detainees conducted pursuant to Executive Order 13492 (10 U.S.C. 801 note), shall fully inform the congressional intelligence committees concerning the basis for the disposition decisions reached by the Guantanamo Review Task Force, and shall provide to the congressional intelligence committees—

(1) the written threat analyses prepared on each detainee by the Guantanamo Review Task Force established pursuant to Executive Order 13492; and

(2) access to the intelligence information that formed the basis of any such specific assessments or threat analyses.

(b) FUTURE SUBMISSIONS.—In addition to the analyses, assessments, and information required under subsection (a) and not later than 10 days after the date that a threat assessment described in subsection (a) is disseminated, the Director of National Intelligence shall provide to the congressional intelligence committees—

(1) any new threat assessment prepared by any element of the intelligence community of a Guantanamo Bay detainee who remains in detention or is pending release or transfer; and

(2) access to the intelligence information that formed the basis of such threat assessment.

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' has the meaning given that term in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)).

SEC. 3012. Of the amounts appropriated for the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) under the heading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under the heading ''STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES'' under title II of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 579), at the discretion of the Attorney General, the amounts to be made available to the Marcus Institute, Atlanta, Georgia, to provide remediation for the potential consequences of childhood abuse and neglect, pursuant to the joint statement of managers accompanying that Act, may be made available to the Georgia State University Center for Healthy Development, Atlanta, Georgia.

COASTAL IMPACT ASSISTANCE

SEC. 3013. Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) is amended by adding at the end the following:

''(e) EMERGENCY FUNDING.—

''(1) IN GENERAL.—In response to a spill of national significance under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), at the request of a producing State or coastal political subdivision and notwithstanding the requirements of part 12 of title 43, Code of Federal Regulations (or a successor regulation), the Secretary may immediately disburse funds allocated under this section for 1 or more individual projects that are—

''(A) consistent with subsection (d); and

''(B) specifically designed to respond to the spill of national significance.

''(2) APPROVAL BY SECRETARY.—The Secretary may, in the sole discretion of the Secretary, approve, on a project by project basis, the immediate disbursal of the funds under paragraph (1).

''(3) STATE REQUIREMENTS.—

''(A) ADDITIONAL INFORMATION.—If the Secretary approves a project for funding under this subsection that is included in a plan previously approved under subsection (c), not later than 90 days after the date of the funding approval, the producing State or coastal political subdivision shall submit to the Secretary any additional information that the Secretary determines to be necessary to ensure that the project is in compliance with subsection (d).

''(B) AMENDMENT TO PLAN.—If the Secretary approves a project for funding under this subsection that is not included in a plan previously approved under subsection (c), not later than 90 days after the date of the funding approval, the producing State or coastal political subdivision shall submit to the Secretary for approval an

amendment to the plan that includes any projects funded under paragraph (1), as well as any information about such projects that the Secretary determines to be necessary to ensure that the project is in compliance with subsection (d).

''(C) LIMITATION.—If a producing State or coastal political subdivision does not submit the additional information or amendments to the plan required by this paragraph, or if, based on the information submitted by the Secretary determines that the project is not in compliance with subsection (d), by the deadlines specified in this paragraph, the Secretary shall not disburse any additional funds to the producing State or the coastal political subdivisions until the date on which the additional information or amendment to the plan has been approved by the Secretary.''.

This Act may be cited as the ''Supplemental Appropriations Act, 2010''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 4899.

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

There was no objection.

Mr. OBEY. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, I have a double and conflicting obligation on this matter. As chairman of the committee, I have an obligation to this House to bring this war supplemental before the House to allow this institution to work its will. But I also have the obligation of my conscience to indicate by my individual vote my profound skepticism that this action will accomplish much more than to serve as a recruiting incentive for those who most want to do us ill.

Last year, as the administration was undertaking its Afghanistan review, I expressed my concern that the best policy in the world could not succeed if we did not have the tools on the ground, namely, the effective cooperation of the governments of Afghanistan and Pakistan, to accomplish it. I submit today that those critical tools are not at hand.

The Afghan Government has not demonstrated the focused determination, reliability, and judgment necessary to bring this effort to a rational and successful conclusion. Even if we could have greater confidence in that government's capacity, it would likely take so long that it will obliterate our ability to make the kinds of long-term investments in our own country that are so desperately needed.

We have appropriated over $1 trillion for the wars in Iraq and Afghanistan to date, more than $700 billion to Iraq and $300 billion for Afghanistan. These wars have been paid for with borrowed money. What's happened with this bill is a good indication of the tensions in the false choices that we face. The bill started in March as a domestic disaster relief and youth summer jobs bill, and the Senate added war funding. Then we tried to do something about other emergencies this year, such as the loss of more than 100,000 teachers' jobs because of devastating State and local budget cuts, border security vulnerabilities, and a shortfall in Pell Grant funding because more students qualify for aid due to the economic recession.

The House tried to fund those emergencies, which were largely paid for with offsets to other programs, but now, true to form, virtually everything we've attempted to do this year to address the economic crisis and emergencies on the domestic side of the ledger has fallen by the wayside. And on the current course, we will face the very same situation again next year and the following year as well.

Military experts tell us that it could take up to 10 more years to achieve any acceptable outcome in Afghanistan. We've already been there 9 years. I believe that is too high a price to pay. Now, to those who say we must pay it because we're going after al Qaeda, I would note that Afghanistan is where al Qaeda used to be. Today, there are fewer than 100 al Qaeda in Afghanistan, which was publicly confirmed last month by CIA Chief Panetta. Al Qaeda has relocated to other countries and regions.

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

Mr. OBEY. I yield myself 1 additional minute.

I have the highest respect and appreciation for our troops who have done everything asked of them, but they are being let down by the inability of the governments of Afghanistan and, in some instances, Pakistan to do their parts. I would be willing to support additional war funding provided that Congress would vote up or down explicitly on whether or not to continue this policy after a new National Intelligence Estimate is produced. But absent that discipline, I cannot look my constituents in the eye and say that this operation will hurt our enemies more than it hurts us, and so I will reluctantly vote ''no.''

I reserve the balance of my time.

Mr. LEWIS of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, our first job as Members of Congress is to support our troops, the men and women who are in harm's way protecting our country. It has been 6 months since the President sent the supplemental funding request to the Congress. The package we're considering today is, ironically, the very same clean emergency spending package the Senate approved on May 27, precisely 2 months ago. The delay in passing this legislation was caused by one thing and only one thing: the House Democratic leadership majority's continuing and unwavering appetite for spending.

The Senate passed its clean version of the supplemental in May and sent it to the House for speedy approval. Instead of quickly passing it and sending it to the President's desk, however, House Democrats spent weeks negotiating with themselves over just how much nonemergency spending could be placed on the backs of our troops.

Senate Democrats and the White House sent strong signals that adding billions in domestic nonemergency spending would further delay funding for our troops as well as critical disaster assistance to areas of our country in desperate need, but that advice was ignored by the House majority. Fortunately, the Senate, last week, wisely rejected the House majority's effort to piggyback tens of billions of dollars of additional spending onto the package. The Senate has sent back to the House the very same clean emergency supplemental it sent 2 months ago. Today, the House must do the right thing and approve this funding. We cannot afford to wait another minute to get this long overdue package to the President.

I applaud the Senate for rejecting billions of dollars of nonemergency spending placed on the backs of the troops. Let's support our men and women in uniform, support disaster assistance for areas of the country in great need, and pass this spending bill.

I urge an ''aye'' vote, and I reserve the balance of my time.

Mr. OBEY. Madam Speaker, I yield 3 minutes to the distinguished chair of the Defense Appropriations Subcommittee, the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Madam Speaker, I rise in strong support of the supplemental. The Under Secretary of Defense, Mr. Hale, advises that the operation and maintenance accounts will begin to exhaust available obligation authority in early August. The Under Secretary has made it very clear that we have to get this funding enacted.

The Senate bill includes $32.8 billion, $352 million below the President's request for operations, personnel costs, and equipment reconstitution related to overseas contingency operations in Iraq and Afghanistan, and for emergency relief activities related to the earthquake relief.

□ 1050

The bill includes funding in the following major categories:

For military personnel, $1.8 billion;

For operations and maintenance, the bill includes $24.6 billion;

Also, for the Afghanistan-Iraq Security Forces Fund, the bill includes requested funds of $2.6 billion for the Afghan Forces Fund and $1 billion for the Iraq Security Readiness programs;

The bill funds key readiness programs to prepare military forces for combat operations and other missions, including for OPTEMPO flying hours, steaming days, depot maintenance, training, spare parts, and base operations;

Regarding troop expansion in Afghanistan, the bill fully funds additional units to support the troop expansion in Afghanistan;

The bill provides $50 million for the Department of Defense to transfer to the Department of Transportation for port activities in Guam;

It also reimburses $72.5 million to the Navy for emergency flood repairs;

The bill includes $4.9 billion for procurement. This would include aircraft-vehicle force protection and other equipment;

For research, development, test, and evaluation, the bill provides $273.7 million for R, D, T, and E, which is a few million below the President's request;

Regarding the Revolving Management Fund, the bill would provide $1.1 billion for defense work and capital funds. It would also provide $33.4 million for the defense health program. The bill includes $94 million for drug interdiction and counterdrug activities in Afghanistan, Pakistan, and Central Asia;

For the Joint Improvised Explosive Device, that money from JIEDDO would be transferred to the Army.

I just think it is clear that we have got to pass this bill today, this supplemental, and get this behind us as we move on to the 2011 bill. As stated, the Secretary and the comptroller pointed out that, by mid-August, we will start running out of funds for key crucial accounts, and they will have to start making adjustments that will be ridiculous, so we must get this done today.

Mr. LEWIS of California. Madam Speaker, I yield 3 minutes to our leader on the Homeland Security subcommittee, the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. I thank the gentleman for yielding.

Madam Speaker, while there should be no higher priority for Congress than to provide for our common defense, the Democrats have chosen to delay, abuse, and exploit this wartime funding bill—no committee markup, the circumvention of regular order, and the exploitation of our national security needs in order to bail out the special interests. Perhaps most disturbing is the inexplicable 6-month delay that has kept our brave troops waiting far too long.

Madam Speaker, the sheer criticality of this war and disaster supplemental should transcend the inconvenience of election year politics. Sadly, that is not the case this year. This episode in political futility has brought us right back to where we should have been all along—funding our critical needs with a clean bill. Because of this calamitous process, we leave a glaring omission—failing to address the President's recently requested enhancements to border security and to fight the murderous drug war.

While I intend to support this vital bill, I must emphatically state that abusing the process and failing to deliver on our country's emergency needs is a failure of leadership of the highest order. The American people deserve much better.

Mr. OBEY. I yield 2 minutes to the chairwoman of the Foreign Operations Appropriations Subcommittee, the distinguished gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Madam Speaker, I rise in support of providing urgently needed funds for our troops and diplomats to address the most pressing international crisis.

This bill provides approximately $3.7 billion for State Department operations and assistance programs in Afghanistan, Pakistan, and Iraq, which are critical, not to continue war but to execute the President's strategy to bring home our troops.

My subcommittee is addressing serious concerns about the oversight of our assistance in Afghanistan. The administration must expend every dime of these funds responsibly and efficiently to advance our security interests.

An additional $1.8 billion will aid recovery efforts in Haiti where 1,450,000 people remain displaced and struggle daily to survive. Other international assistance includes $175 million for Mexico for counternarcotics programs and $150 million in economic and military assistance for Jordan, an important ally facing increased economic and security pressures.

While I am pleased this bill includes an increased responsibility for airlines to check passenger lists against the TSA's issued No Fly List to prevent continued air security breakdowns, I am deeply disappointed it has been stripped of funding to help prevent teacher layoffs—an emergency in our districts. I hope the House will provide additional funds to preserve and create jobs in the coming months to continue our economic recovery.

Mr. LEWIS of California. Madam Speaker, I yield 3 minutes to our leader on the Armed Services Committee, the gentleman from California, BUCK MCKEON.

Mr. MCKEON. I thank the gentleman for yielding.

Madam Speaker, I rise today in strong support of the long delayed troop funding supplemental. The failure to pass this supplemental before the August work period would result in severe consequences to our military departments.

Last Thursday, Undersecretaries of the Army, Navy, and Air Force testified at our committee that, without this supplemental, their services will be dangerously close to the point of having to furlough Department of Defense employees. According to Robert Work, Undersecretary of the Navy, the failure to pass the supplemental before the recess would ''hamstring the department's operations for the remainder of the year and significantly disrupt operations within the department.''

Madam Speaker, these are departments at war. The President sent us his troop funding request in February. Our former commander in Afghanistan, General McChrystal, urged its passage by Memorial Day. Secretary of Defense Robert Gates said if the supplemental were not passed by the Fourth of July recess, the department would have to resort to doing stupid things. Now we are 60 days past Memorial Day.

Those of us here in Congress cannot lose sight of the broader perspective. Our brave military men and women and their civilian counterparts are in the midst of a tough fight that is critical to U.S. national security. Cutting off their funding in the middle of that fight is tantamount to abandonment. I have confidence that General Petraeus and our troops will succeed in Afghanistan if given the time, space, and resources they need to complete their mission.

In December and again when we tapped General Petraeus, the President reminded us of why we are in Afghanistan. It was the epicenter of where al Qaeda planned and launched the 9/11 attacks against innocent Americans. The timeline for success in Afghanistan can not be dictated by arbitrary political clocks here in Washington. It must be driven by the operational clock in Kabul, Kandahar, and the Afghan countryside. We all hope and pray that this goal can be accomplished by July 2011, but conditions on the ground must dictate the pace of any withdrawal.

The Democratic leadership in the House has tried to advance their domestic political agenda on the backs of our forces while at the same time permitting one antiwar measure after another to be debated on the House floor. This is cynical and wrong.

A vote on a clean troop funding bill is long overdue. We should have accomplished this work months ago, not in the last minutes before we adjourn for the August work period. We must send this troop funding to the President without further delay. I encourage all Members to send a clear message to our military men and women by supporting this critical troop funding bill.

This Congress believes in you. We support you and we honor your dedication.

□ 1100

Mr. OBEY. I yield 2 minutes to the distinguished gentleman from Texas (Mr. EDWARDS), the chairman of the Military Construction Subcommittee.

Mr. EDWARDS of Texas. Madam Speaker, I rise today in strong support of this bill which will provide our service men and women the vital support they need to carry out their missions in Afghanistan and Iraq. This bill also strongly supports America's veterans by including $13.4 billion in funds for Vietnam veterans exposed to agent orange. And I thank Chairman OBEY for his strong support of this provision.

Last October VA Secretary Shinseki announced that the VA had found linkages between agent orange and three additional diseases, Parkinson's disease, ischemic heart disease and B cell

leukemia. This presumption allows veterans who served in the Vietnam War and who have these diseases to have these benefits expedited.

Rick Weidman, director of government relations at the Vietnam Veterans of America, says this bill ''provides some measure of justice to these very ill Vietnam veterans and their families by making the funds available for vitally needed health care and just compensation to replace their lost earnings due to these illnesses.''

Passage of this bill, Madam Speaker, would mean that 86,000 Vietnam veterans or their survivors, at long last, who were previously denied disability compensation, would now be eligible for retroactive payments. In addition, the VA anticipates that approximately 67,400 new claims will be filed.

It is important that we pass this bill in support of both our active duty service men and women and our veterans to send a clear message that our country is grateful for those who serve today and will never forget those who served in years past.

I urge swift passage of this bill.

Mr. LEWIS of California. Madam Speaker, I reserve the balance of my time.

Mr. OBEY. I yield 1 minute to the gentleman from Missouri (Mr. SKELTON), the distinguished chairman of the Armed Services Committee.

Mr. SKELTON. Madam Speaker, today we take a vital step toward fulfilling one of Congress' most basic and important responsibilities. We will provide the men and women of the United States military with the resources they need to carry out their missions in Iraq and Afghanistan, missions for which they are risking their lives.

While I wish we would have been able to send a bill to the President sooner, passage of this bill today will ensure that funding is provided to the Department of Defense without any operational disruptions.

Without this bill, the Department of Defense would be forced to use inefficient and costly budget workarounds throughout the month of August. According to testimony the Armed Service Committee received last week, without this bill the Department of Defense would be forced in September to furlough thousands of civilian employees and would even be forced to reprogram funding to pay the troops.

Instead, by passing this bill today on a strong bipartisan vote, we can uphold the best traditions of Congress in support of our national security.

Mr. LEWIS of California. Madam Speaker, I have no further requests for time, and I continue to reserve the balance of my time.

Mr. OBEY. I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. MCGOVERN), a key member of the Rules Committee.

Mr. MCGOVERN. I thank Chairman OBEY for yielding me the time and for his incredible leadership on so many issues.

Madam Speaker, after nearly 10 years, thousands of American troops killed or wounded, and hundreds of billions of dollars of borrowed money, I believe we must radically change our policy in Afghanistan.

Of all the disturbing things in the recent Rolling Stone article about this war, the most disturbing was this: a senior adviser to General McChrystal said that if the American people paid more attention to the war, it would become even less popular.

Well, after seeing the documents published yesterday, it's clear what he was talking about: corruption and incompetence in the Afghan Government, questions about the role of the Pakistani intelligence services.

Madam Speaker, the same old same old is simply not working, and it's costing us dearly. At a time when the American people are suffering through the worst economy in generations, we're told that we can't afford to extend unemployment benefits. We're told that we can't afford to help States keep cops on the beat or teachers in the classroom. We're told we can't afford to help more families send their kids to college.

But today, we're asked to borrow another $33 billion for nation-building in Afghanistan.

Well, with all due respect, Madam Speaker, I think we need to do some more nation-building here at home.

All of us are dedicated to defeating al Qaeda wherever they are, but our current policy in Afghanistan is deeply flawed. Occupying Afghanistan in support of a corrupt and incompetent government will continue to claim the lives of our soldiers. It will continue to bankrupt us, and it will not enhance our national security.

This is not just the President's war. It's our war too. Congress has an obligation to ask the tough questions and demand straight answers. We must not simply kick the can down the road and hope for the best.

Our troops and their families have made incredible sacrifices. They deserve a policy worthy of those sacrifices. It is a mistakes to give this administration yet another blank check for this war.

I urge my colleagues to vote ''no'' on this bill and make it clear that Congress demands a different approach.

Mr. OBEY. I yield 1 minute to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Wikileaks released 92,000 previously secret documents, totaling 200,000 pages, any one of which could conceivably be a case for a congressional hearing, which demonstrate that Congress has not been given a true account of the war by either the military or by two administrations. It would be good if Congress had announced hearings once WikiLeaks documents came forward.

But what we've learned is this: our troops are being placed in mortal peril because of poor logistics, countless innocent civilians killed by mistake, an Afghanistan Government which is hopelessly corrupt, Pakistan intelligence collaborating with the Taliban against the U.S., the Pentagon understating the fire power of the insurgents, a top Pakistani general visiting a suicide bombing school monthly.

Will we go deeper in this war in Afghanistan despite an abundance of information that it's time to get out?

We need to make the decision now. Today, vote against the supplemental.

Mr. OBEY. I yield 2 minutes to the distinguished gentlewoman from California (Ms. LEE).

Ms. LEE of California. I thank the gentleman for yielding and for his leadership.

Madam Speaker, less than a month ago Congress finally began the debate on the war in Afghanistan that should have really been held 9 years ago.

While evidence continues to mount that our military engagement in Afghanistan has become a quagmire of corruption and ill-defined objectives, the bill under consideration will provide, if you can believe this, another $37 billion for the wars in Afghanistan and Iraq that have already cost this Nation more than $1 trillion.

Congress cannot continue to write a blank check for a war in Afghanistan that has ultimately made our country less safe. Our brave men and women in uniform have been put in an impossible situation in Afghanistan where there is no military solution.

It is time to provide funding for only their safe and orderly withdrawal. No more funding for combat operations.

It's a shame and disgrace that we cannot support justice long overdue for black farmers, or youth employment programs, or teachers, firefighters and police officers who need their jobs, or temporary assistance for needed families.

The Congressional Black Caucus continues to fight for jobs here in our own country. Let's not spend another dollar to escalate America's longest war. The costs of this war are too enormous in blood and treasure.

I urge my colleagues to stand in opposition to a policy of war without end, and vote against this bill, and really begin to look at our priorities and our own country.

Yes, we need to help continue to stabilize, actually, regionally, in terms of Afghanistan and the Middle East and the wars that our young men and women have served in so well. But, no, we cannot continue to do it in the way that we have done it. And so I respectfully ask for a ''no'' vote.

It's time to change direction in Afghanistan. It's time to vote for jobs in our own country.

□ 1110

Mr. LEWIS of California. I continue to reserve the balance of my time.

Mr. OBEY. I yield 1 minute to the distinguished gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the distinguished chairman.

Having recently returned from Afghanistan, I can say to you that our soldiers are resilient, and the people of Afghanistan are looking for their government to provide them with the leadership and the resources to improve their quality of life. But our plan is not working.

And now that we have two of our trusted and wonderful naval personnel missing, and we realize that this is a place that needs a plan, we cannot continue to support this war when the Government of Afghanistan will not stand up. They will have the necessary security forces. They need to be in front of the line.

And we need to provide moneys for Pell grants, for teachers, and firefighters, and police officers, for the settlement for black farmers, 100,000 of them, and for youth jobs and summer jobs for people in America who are unemployed, and those families who need support as a bridge to carry them over.

I believe in this Nation, and I believe in our soldiers. I salute them. And I believe it is time to bring them home with honors. They are our heroes. They have done what they needed to do in Afghanistan. They provided for a democratic government. It's time now to bring them home with honor. Vote ''no'' on this supplemental.

Mr. LEWIS of California. Madam Speaker, I am prepared to yield 2 minutes, by way of a colloquy, to my colleague, the chairman of the Subcommittee on National Defense, the gentleman from Washington, NORM DICKS.

Mr. DICKS. I appreciate the gentleman yielding to me.

The purpose for this is just to discuss the situation. The Secretary of Defense and the comptroller have made it very clear that money for our troops in the field in Afghanistan and Iraq will start running out by August 7. So we have a responsibility to the men and women who are serving this country in harm's way—and we've seen the horrific injuries that these people have suffered—to make certain that they have the resources to conduct this operation until something different is the policy of the United States.

I just hope that we can have a bipartisan vote here today of people who understand their responsibility and recognize that we've got to provide the funding. If we don't get the funding done today, Mr. HOYER has already said we're not going home. We're going to stay here until we get this done.

So I think this is a responsibility of this Congress. We have had months to work on this thing. And it's now time to get the job done. I hope that we can have bipartisan support on both sides of the aisle for this supplemental.

It isn't the supplemental that I wanted. I had I think a much better bill. But the reality is time has run out. We've got to do it now.

Mr. LEWIS of California. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman from California.

Mr. LEWIS of California. I very much appreciate the leadership that my colleague is providing on the Defense Subcommittee of Appropriations. He knows very clearly that Secretary Gates is faced with his back against the wall. We've got to deliver this supplemental now. And I applaud very much his leadership in connection with this effort. I thank the gentleman.

Mr. OBEY. I yield 1 minute to the distinguished gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. I wish to address the security of our citizens. Here's a headline July 26 that we're going to see repeated across the country in the next year: ''Linwood Cops Face Job Cuts.'' We are facing a 25 percent reduction of police officers in Linwood, Washington, because we can't pay for them, our first line of security in our neighborhoods. But today we would be voting for something on the order of over several years of about $4 billion to train police officers in Kabul, Afghanistan.

It is wrong to be borrowing money from China, laying off American police officers, to train police officers in Afghanistan. And it is wrong because it isn't showing respect for the few families that are fighting this war, our troops and their families, while the rest of us go to the beach and not be fiscally responsible for this war.

If we're going to fight this war, we should pay for it. And we should pay for it in a way that keeps our cops on the beat, our first line of security.

Mr. LEWIS of California. Madam Speaker, I yield myself the balance of my time.

In closing, I want to one more time express my deep appreciation for the Senate, of all things, for rejecting billions of dollars of nonemergency spending placed on the backs of our troops. Let's support our men and women in uniform, support disaster assistance for areas of the country in need, and pass this spending bill today.

I yield back the balance of my time.

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

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

Mr. OBEY. Madam Speaker, I don't know when it was that this Congress has suddenly decided that when we talk about critical needs that that does not include border security, that that does not include meeting our obligation to those students in this country who are eligible for Pell Grants who also must get funding in this bill, and our school children, who do a whole lot better if they don't lose 100,000 teachers out of the classroom nationwide.

The second point I would make is simply this. If the Pakistani and Afghan Governments were doing half the job that American troops are doing in this war, I wouldn't be worried about supporting this bill. But tragically, they aren't. And the biggest favor we can do those troops is to recognize that reality.

As I indicated, I will vote ''no'' on this piece of legislation.

DISCLOSURE OF EARMARKS

The following table lists the congressional earmarks (as defined in clause 9(e) of rule XXI) contained in the Senate amendment to H.R. 4899. The Senate amendment does not contain any limited tax or tariff benefits as defined in paragraphs (f) or (g) of clause 9 of rule XXI.

TITLE I—CHAPTER 2—DEPARTMENT OF COMMERCE

[Congressionally directed spending items]

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
DOC	EDA	Economic Development Assistance Programs	$49,000,000	(1)	
DOC	NOAA—ORF	Commercial Fisheries Failures	$5,000,000	(1)	Young (AK)

TITLE I—CHAPTER 4—DEPARTMENT OF DEFENSE, CIVIL

[Congressionally directed spending items]

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
Corps of Engineers & FHWA	GP	Dallas Floodway, TX		(1)	Edwards (TX); Johnson, Eddie Bernice

TITLE I—CHAPTER 6—DEPARTMENT OF HOMELAND SECURITY

[Congressionally directed spending items]

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
FEMA	GP	Reimbursements for Presidentially Declared Disasters—KY, MS, TN, RI		(1)	Kennedy; Langevin
FEMA	GP	Match Requirement for Hurricane Katrina—MS		(1)	

TITLE I—CHAPTER 11—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Congressionally directed spending items]

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
HUD	CPD	Community Development Fund	$100,000,000	(1)	Davis (TN); Langevin

TITLE II—DEPARTMENT OF THE INTERIOR

[Congressionally directed spending items]

Agency	Account	Project	Amount	Requester(s)	
				Senate	House
BLM	GP	Southwest Intertie Project		(1)	

TITLE III—GENERAL PROVISIONS

[Congressionally directed spending items]

Agency	Account	Recipient	Project	Amount	Requester(s)	
					Senate	House
DOJ	OJP-Byrne	Georgia State University, Atlanta, GA	Remediation For The Potential Consequences of Childhood Abuse and Neglect.	$100,000	(1)	Bishop (GA)
DOJ	OJP-Byrne	My Brother's Keeper of Genesee County, Flint, MI.	Assistance for Those Transitioning From Prison	$100,000	(1)	Kildee

[1] Included in the Senate amendment to H.R. 4899.

Ms. BORDALLO. Madam Speaker, I rise in strong support of H.R. 4899, the Supplemental Appropriations Act of 2010. This legislation provides crucial funding to our servicemen and women who are serving in harm's way and protecting our Nation.

In addition, this legislation will provide funding to maintain America's strategic posture in the Pacific region. H.R. 4899 includes $50 million in funding for the Port of Guam. Specifically, the legislation authorizes the Department of Defense to transfer $50 million of operations and maintenance funds to the Port of Guam Improvement Enterprise Fund within the Maritime Administration. The $50 million in funding is critical to begin necessary infrastructure improvements and modernization projects at the Port of Guam.

The 110th Congress took positive action when it authorized the Port of Guam Improvement Enterprise Fund as section 3512 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417). This provision, which I sponsored, codified an important relationship between the Maritime Administration and the Port Authority of Guam. The provision was critical to ensuring that the Federal Government would bring its expertise to assist the Port of Guam in beginning necessary improvements.

The Port of Guam has repeatedly been identified as a potential chokepoint for the delivery of materials, supplies and personnel to support the realignment of military forces to Guam. Further, the Port's operational capabilities are critical to maintaining civilian economic development on the island. If these improvements are not made, the realignment of military forces to Guam would be severely delayed, add additional costs to future military construction and could hinder the island's economy. Furthermore, in September 2009 the United States Transportation Command designated Guam as the 16th strategic port in the United States. Strategic port designation indicated the importance of the Port of Guam to our economic and military posture in the Asia-Pacific region.

The $50 million in transfer authority for the Port of Guam in H.R. 4899 marks an important step toward ensuring the success of the military build-up on Guam and the future economic development of the island. After the Port of Guam was denied critical Recovery Act funding, the Obama Administration took quick action and requested the transfer authority. This demonstrates the Administration's commitment to address our island's longstanding infrastructure needs and I appreciate its support and leadership on this matter. I would also like to thank my colleagues in Congress for their support, in particular Congressman DAVID OBEY, Chairman of the House Committee on Appropriations; Congressman NORM DICKS, Chairman of the Subcommittee on Defense and Congressman JOHN OLVER, Chairman of the Subcommittee on Transportation, Housing and Urban Development and Related Agencies.

Mr. BOEHNER. Madam Speaker, while I'm concerned about why this critical troop funding bill was delayed, I am pleased the House is finally focused on meeting the most pressing needs of our troops and our Nation. I told the president three months ago that Republicans would work with him to pass a clean troop funding bill through Congress.

Unfortunately, this funding was delayed for months while Democrats sought to add billions in unnecessary, unrelated spending to the bill. This is unacceptable, especially when we're borrowing 41 cents of every dollar we spend from our kids and grandkids.

As we vote today, we should take a moment to reflect on the sacrifices our troops and their families have made, and continue to make, in Iraq and Afghanistan. For nine years, we have asked our troops to leave their families and risk their lives to advance freedom abroad and protect our security at home. They have met every challenge presented to them, and continue pushing themselves every day to carry out a long, difficult, and dangerous mission.

As our troops continue their fight, it is imperative that Congress provide the resources they need, and remain committed to supporting them in the mission we have sent them on.

Denying terrorists a safe haven in Afghanistan is critical to the safety and security of our country. Going forward, I hope we will focus our attention on supporting our troops in a timely manner and promoting our long-term national security at home and abroad.

Ms. MCCOLLUM. Madam Speaker, across our country there are communities, businesses, and families that continue to struggle to escape an economic recession that has caused far reaching hardship and too much pain. Congress has a responsibility to ensure the economic security of the American people, as well as defend the national security of the Nation. This appropriations bill does not adequately meet the needs of the American people and I will not vote to pass it.

Today's vote on the emergency supplemental appropriation provides $37 billion to continue the wars in Afghanistan and Iraq, plus nearly $3 billion for the crisis in Haiti. There is also $13 billion in funds for Vietnam War era veterans which I strongly support. To my great dismay the funds previously passed by the House to address urgent domestic needs such as securing our borders, preventing 100,000 teachers from layoffs, creating youth summer jobs, and financing Pell grants for higher education have been stripped from this bill by the U.S. Senate. Unlike the war funding which is financed by deficit spending, the House fully paid for the domestic priorities that were removed. It is simply unacceptable to abandon the serious needs of our

communities while calling the war in Afghanistan—the longest war in the history of the United States—an ''emergency.''

Since 2001, following the September 11th attack on the U.S., I have supported military action in Afghanistan to remove the Taliban from power and eliminate al-Qaeda. During this time U.S. and NATO troops have bravely pursued a military strategy that has provided the Afghan people with an opportunity to rebuild their country and determine their own future. It is now time for Afghans to be fully responsible for their own destiny without dependence on 100,000 U.S. troops.

After nine years of war and more than $300 billion of war funds added to our national debt, it is clear that an open ended U.S. military presence in Afghanistan is not acceptable to Afghans or Americans. President Obama is correct to have established a July 2011 date to begin withdrawal of U.S. forces. Still I question whether an additional eleven months of U.S. troops in combat will result in a security and political environment that will be significantly improved from what exists today. I believe now is the time for a movement away from an expanded military presence in Afghanistan towards a strategic drawdown of U.S. troops and a refocus on a counter-terrorism strategy to prevent al-Qaeda from again taking root.

On July 1, 2010 during debate on this supplemental bill, I supported amendments to move towards ending the U.S. military presence in Afghanistan by putting limits on the funds appropriated. Unfortunately those amendments failed. I voted for the ''Lee Amendment'' to limit the use of military funding for Afghanistan to activities related to the safe withdrawal of troops and the continued protection of civilian and military personnel in the country. I also voted for the ''McGovern, Obey, Jones Amendment'' which calls for a plan for the safe, orderly and expeditious redeployment of U.S. troops from Afghanistan. Today's vote allows no such amendments to be offered.

It was a surprise to listen today to one of my Republican colleagues, the Armed Services ranking member, who stated during debate on this bill that the U.S. will succeed in Afghanistan if Congress only gives the military the ''time, space and resources.'' This Republican call for apparently endless resources for Afghanistan is in sharp contrast to their policies here at home in which ''no'' is their position on providing emergency assistance for our own citizens.

Madam Speaker, I would like to commend the courage and determination of all U.S. troops who are serving in Afghanistan or have served there since 2002. The Afghan people suffered mercilessly under the Taliban regime and it was U.S. and NATO troops who freed them from a medieval existence. It is not an appropriate role for U.S. troops to rebuild a country that has experienced 30 years of war nor can they provide on-going security for a government which has not earned the trust of its own people.

U.S. troops deserve a mission that is clear and achievable so they can return safely home with the knowledge that they have helped to keep America secure and allowed the Afghan people to make their own future. It is now time for the Afghan people to make that future.

Mr. BRALEY of Iowa. Madam Speaker, I rise today in support of this bill but also to voice my strong concerns with the direction of the wars in Iraq and Afghanistan. While I fully support ensuring the safety of our Nation's troops, I have serious concerns over the provisions of this bill related to the funding of the conflicts. I have long advocated a responsible withdrawal from Afghanistan and believe that the continued funding of these wars outside of the appropriations process without a plan in place for withdrawal is reckless and wasteful. I firmly believe that Congress must require a responsible exit strategy from Afghanistan and work to ensure that the withdrawal of U.S. forces from Iraq remains on track.

Over the weekend, severe weather across Iowa caused heavy rains, thunderstorms, hail, tornadoes, and flooding that devastated numerous communities in my district. I support this bill today for the $5.1 billion included to replenish the Federal Emergency Management Agency's Disaster Relief Fund, which has been operating at a dangerously low level since the beginning of this year, halting recovery projects in Iowa and across the country from past disasters. With the recent disasters in my district, I believe this continued funding is vital to ensure that my constituents and other citizens who are faced with disaster have the necessary assistance to recover and rebuild from these devastating storms.

I applaud the House and Senate for acting today to ensure appropriate funding is available for disaster recovery and for other provisions in support of veterans, but I do not support another blank check for the wars in Iraq and Afghanistan.

Mr. VAN HOLLEN. Madam Speaker, I support President Obama's request to provide our troops with the equipment and support they need for their mission. We also owe it to our troops to have a realistic strategy that is worthy of their sacrifice.

The toughest decisions we face as a nation are questions of war and peace. Whenever we ask the men and women of our armed forces to put their lives at risk, the President and Members of Congress have a solemn obligation to consider all the facts and exercise their best judgment for the country.

More than 8 years ago, our nation was the target of a terrorist attack launched by al Qaeda operating out of Afghanistan. The United Nations unanimously passed a resolution supporting the right of the United States to respond forcefully to that attack. Our NATO allies universally backed our actions, invoking the provisions of the NATO charter stating that an attack on one was an attack on all. Today, largely because the Bush administration diverted attention and resources away from this region to Iraq, Osama bin Laden and al Qaeda continue to regain strength and plot attacks against Americans from along the Afghanistan-Pakistan border. The Bush Administration also failed to persuade Pakistan to confront the Afghan Taliban insurgents operating inside Pakistan with the support of al Qaeda.

While there is no doubt that al Qaeda operates in parts of Yemen, Sudan, Somalia, and other areas, the Afghanistan-Pakistan border region remains the operational and ideological center for al Qaeda's global operations. The President is right to conclude that allowing al Qaeda to operate there unchecked poses a serious security risk to the U.S. and American citizens around the world.

President Obama has developed a carefully considered and comprehensive ''counterinsurgency'' strategy for Afghanistan and Pakistan that relies not only on the use of troops but also the use of civilian resources.

The strategy has four parts. First, American and NATO forces will accelerate the training and deployment of the Afghan national security forces, both army and police. This will allow U.S. forces to begin returning home starting in July of next year. Second, in the interim, U.S. and Afghan forces will reverse the Taliban's momentum by working to stabilize major population centers.

Third, the strategy engages Pakistan as a full partner in these efforts. As a result of better coordination between our two countries, for the first time since the beginning of the war, al Qaeda and the Taliban are being genuinely challenged by the Pakistan military.

Finally, the U.S. will work with its partners in Afghanistan and Pakistan to create a more effective civilian strategy—with the goal of establishing sustainable economic opportunities for Afghans and strengthening the country's national and local governance structures. As the 9–11 Commission determined, extremist groups exploit the poor socioeconomic conditions, such as high unemployment, in the border areas to gain adherents to their cause. With this in mind, I introduced the Afghanistan-Pakistan Security and Prosperity Enhancement Act, which will allow the President to designate Reconstruction Opportunity Zones, ROZs, in Afghanistan and parts of Pakistan and allow qualified businesses duty-free access to U.S. markets for designated products. This legislation, which has passed the House and is pending in the Senate, would help create meaningful job opportunities for young people who are currently vulnerable to the lure of extremism.

The President's strategy contains a timeline which initiates a responsible redeployment of American troops in July of next year. He has established this timeline to send a clear message to the Afghan government that they must take seriously their role in creating a stable Afghanistan and to communicate to the people of Afghanistan that the U.S. has no interest in an open-ended engagement in their country.

During floor consideration of the House bill, I supported the McGovern/Obey Amendment, which would codify the president's plan to initiate a responsible drawdown of U.S. forces beginning a year from now. That amendment required that by April 4, 2011, the president submit to Congress a redeployment plan that is consistent with the policy he announced in December 2009. That amendment did not pass and the Senate bill did not contain a similar amendment.

The choice we face today is to cut off all funds for our troops in the field and operations in Afghanistan or support President Obama's request to provide the resources necessary to support the strategy outlined in his speech of December 2009. I oppose the immediate withdrawal of all U.S. and NATO forces in Afghanistan for two reasons. First, it would immediately strengthen the hand of the most extremist Taliban leaders (those most closely tied to al Qaeda), undercutting any leverage behind ongoing efforts to get some Taliban fighters to lay down their arms and undermining Afghan President Hamid Karzai's new initiative to reach a political accommodation with those members of the Taliban open to national reconciliation. If such a political solution is undermined and the old Taliban regime

retakes control of Afghanistan, they will again turn that country into a safe haven for expanded al Qaeda operations. It would also lead to the return of an extreme Taliban regime that encourages horrendous acts like pouring gasoline into the eyes of girls who attempt to go to school.

Second, the immediate withdrawal of U.S. and NATO forces would weaken Pakistan's resolve to confront the Pakistani Taliban, the Afghan Taliban, and al Qaeda. The most promising development over the last year has been the Government of Pakistan's willingness to fight the growing menace of the Pakistani Taliban. In addition, very recently, the Pakistani government has also shown a willingness to confront elements of the Afghan Taliban. The capture of Mullah Bandar, the operational chief of the Afghan Taliban, and two Afghan Taliban shadow governors, demonstrates this progress. The withdrawal of U.S. forces from Afghanistan would sabotage those nascent efforts. Why should the Pakistani forces confront the Afghan Taliban if the U.S. walks away now?

There are no guarantees of success in Afghanistan and Pakistan. But, we do know that failure to confront al Qaeda would leave Americans constantly exposed to another attack like that perpetrated on September 11, 2001.

Madam Speaker, I support adoption of the FY10 Supplemental Appropriations bill.

Mr. GARY G. MILLER of California. Madam Speaker, I rise in support of H.R. 4899, the Supplemental Appropriations Act for Fiscal Year 2010. Overall, this legislation provides necessary war funding and essential support for our Nation's military—without arbitrary benchmarks or timetables that would tie the hands of our military commanders—and much needed assistance for several other emergency needs.

For the men and women in uniform fighting in the defense of freedom, this troop funding bill is long overdue. Although the President had requested emergency funding in February, House Democrats have finally brought a clean version of the Supplemental Appropriations bill after multiple and convoluted attempts to attach expensive and controversial items on the legislation.

Approving this clean supplemental quickly and getting it to our military leaders is a top priority. Inaction would force our commanders to begin making compromising budget decisions that could negatively affect our military readiness. It would also signal to our enemies a lack of resolve that could undermine our mission in several very dangerous areas of the world.

In addition to providing our troops with this necessary funding, the bill also contains $162 million to support the victims of the Gulf oil spill. Although I own stock in Transocean, I did not place the funding for the oil spill in the legislation and do not consider it a conflict of interest to vote for this bill. All in all, this funding represents less than .3 percent of the entire funding contained in the bill.

Mr. BLUMENAUER. Madam Speaker, as a nation, we face challenges ranging from education shortfalls and growing energy needs to a slowly recovering job market. We cannot afford to escalate the Afghan war with a credit card. The mounting loss of life and widespread corruption gives no indication that more money and more boots on the ground will achieve success in Afghanistan.

We need success at home. The elements in the bill for veterans exposed to Agent Orange and for FEMA are a start. I cannot support a bill that spends $37 billion in Afghanistan while denying $10 billion for teacher jobs, $1 billion for summer youth employment, $5 billion for Pell grants, and $701 million for border security. My votes signal in the strongest possible terms that this war must be wound down and not escalated.

Across Oregon, our priorities are helping small businesses, creating jobs, and supporting our schools.

We need to start making the right choices. This means drawing down from a costly war that Americans and Afghans want to end, and investing in a better, more productive future for our country.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. OBEY) that the House suspend the rules, recede from the House amendment to the Senate amendment to the bill, H.R. 4899, and concur in the Senate amendment.

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

The yeas and nays were ordered.

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

□ 1120

SURFACE TRANSPORTATION EARMARK RESCISSION, SAVINGS, AND ACCOUNTABILITY ACT

Ms. MARKEY of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5730) to rescind earmarks for certain surface transportation projects.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5730

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 ''Surface Transportation Earmark Rescission, Savings, and Accountability Act''.

SEC. 2. RESCISSION OF ALLOCATED PROJECT FUNDS.

(a) ISTEA AND STURAA.—The unobligated balances available on December 31, 2010, under sections 1103(b), 1104(b), 1105(f), 1106(a), 1106(b), 1107(b), and 1108(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240) and subsections (c) and (d) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100–17) are rescinded.

(b) TEA 21.—The unobligated balance available on September 30, 2011, under section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105–178) for each project for which less than 10 percent of the amount authorized for such project under such section has been obligated is rescinded.

SEC. 3. REPEAL OF APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM CORRIDOR DESIGNATION.

Section 1117(d) of the Transportation Equity Act for the 21st Century (112 Stat. 161) is repealed and the designation made by that section shall no longer be effective.

SEC. 4. RESCISSION OF UNDESIGNATED HIGH PRIORITY PROJECT FUNDS.

Of the amounts authorized for fiscal years 2005 through 2009 in section 1101(a)(16) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) to carry out the high priority projects program under section 117 of title 23, United States Code, that are not allocated for projects described in section 1702 of such Act, $8,190,355 are rescinded.

SEC. 5. REPORT.

Not later than October 31, 2011, and not later than October 31 of each year thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report identifying each project authorized under section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105–178), sections 1301, 1302, 1702, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59), and section 144(f) of title 23, United States Code, that has inactive funds or that has been completed in the previous fiscal year. Such report shall include, for each such project—

(1) the amount of funds authorized under such section;

(2) the unobligated balance of such funds; and

(3) a reference to the public law, section number, and project number under which such project was authorized.

The SPEAKER pro tempore (Mr. HARE). Pursuant to the rule, the gentlewoman from Colorado (Ms. MARKEY) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Colorado.

Ms. MARKEY of Colorado. I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of my bill, H.R. 5730, the Surface Transportation Earmark Rescission, Savings, and Accountability Act. The bill will eliminate a total of $713 million in contract authority for 309 old transportation earmarks. In short, this bill will prevent our deficit from rising by another $713 million.

In today's fiscal climate, we must be judicious in our spending. And my legislation follows the commonsense principle of use it or lose it.

Before I came to Congress, I owned several small businesses. One of my businesses was a small coffee and ice cream shop called Huckleberry's. With a shop that sells food, the use it or lose it principle is intrinsic. We would not buy more perishable foods than we would sell; otherwise, we were at a loss.

Every small business owner knows that when you are working on a tight budget, you cannot afford wasteful spending. And that, Mr. Speaker, is exactly what these earmarks are. By targeting these earmarks, my legislation will deliver real savings.

H.R. 5730 is one step towards the ultimate goal of reducing our Nation's deficit. By rescinding unused earmark funds from over 20 years ago, we will be improving the way in which Federal funds are managed while proving our commitment to fiscal discipline.

In today's economy, it is essential that we manage taxpayer dollars well, especially with respect to transportation funding. We will never be able to adequately address the investment gap in transportation infrastructure if we do not curb unnecessary spending.

To promote responsible future funding, my bill also requires the Secretary of Transportation to submit an annual report that identifies each project authorized under TEA–21 in SAFTEA-LU that contains inactive funding or that has completed in the previous year. This provision will give Congress greater oversight, and with the identification of such projects, we may be able to implement more cost-saving measures in the future.

Mr. Speaker, many of these earmarks have been on the books since 1987, and it's high time we tell the States to use it or lose it.

I reserve the balance of my time.

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

Mr. Speaker, I rise in support of this legislation, H.R. 5730. It rescinds $713.2 million in contract authority for 309 projects from four prior Surface Transportation Authorization Acts. This rescission of contract authority will come from the following authorization bills: $4.5 million for projects designated in the Surface Transportation and Uniform Relocation Assistance Act of 1987; $263.5 million for projects designated in the Intermodal Surface Transportation Efficiency Act of 1991; $441.4 million designated for projects in the Transportation Equity Act for the 21st Century; and $8.1 million authorized by the Safe, Accountable, Flexible, Efficient Transportation Equity Act, SAFETEA.

In total, H.R. 5730 rescinds approximately $713 million in contract authority, which is a type of budget authority. However, this bill, like the bill sponsored by Mr. PERRIELLO last week, unfortunately will not have any impact on outlays or direct spending. According to the Congressional Budget Office, the budget deficit is defined as the amount by which the Federal Government's outlays exceed its total revenues. Because H.R. 5730 will not reduce the Federal Government's outlays, this bill, unfortunately, will not reduce the budget deficit. However, I believe it is smart for Congress to look at the projects it has funded in the past and take the projects that are no longer going to move forward off the books.

While I certainly applaud the gentlewoman from Colorado for this legislation, we need to go much further. Congress needs to do much more to reduce our ballooning national debt and the current budget deficit.

Last week the Office of Management and Budget projected that this year's budget deficit will be $1.5 trillion. If I told somebody 10 years ago or even 5 years ago that we would be facing a $1.5 trillion deficit in 1 year's time, they wouldn't have believed it. By the end of the year, the Federal debt will represent 62 percent of our Nation's economy. Congress needs to step up and take immediate action to ensure our children and grandchildren are not buried under a mountain of debt.

I've also been asked by Ranking Member MICA to point out that none of the five Transportation and Infrastructure Committee bills being considered on the floor today were sponsored by members of the minority. Traditionally, 30 percent of the bills considered under suspension of the rules have been sponsored by members of the minority. However, of the 43 T&I committee suspension bills that have been considered this session, only four have been sponsored by members of the minority, and we certainly encourage the committee to try to work to improve this percentage back to its traditional 30 percent.

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

GENERAL LEAVE

Ms. MARKEY of Colorado. 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 H.R. 5730.

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

There was no objection.

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

Mr. DUNCAN. Mr. Speaker, I yield such time as he may consume to our colleague, the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. I thank my colleague for yielding.

Mr. Speaker, while I support the overall intent of H.R. 5730, it appears that this bill also moves a political agenda, and, therefore, I rise in opposition.

Section 3 of the bill includes a repeal of Corridor 0–1 on the Appalachian Highway system located in Pennsylvania's Fifth Congressional District—my district. While H.R. 5730 aims to rescind unspent funds, there are simply no authorized funds associated with the 0–1 Corridor.

I have come to this floor on several occasions to speak in favor of deficit reduction. Section 3 of this bill does nothing to lessen the deficit.

Last month we lost a champion of the Appalachian Regional Commission, Senator Byrd. Senator Byrd was instrumental in capping the available miles in the Appalachian system. Section 3 is a feeble attempt to skirt that cap in hopes of moving this project to another district in the future.

Federal law provides metropolitan planning organizations with a role in the coordination of transportation improvements. I've received letters of opposition from planning organizations, and I quote: ''The ARC has indicated that completion of the system is a top priority.''

Investment in the 0–1 Corridor has already occurred. In 2004, preliminary engineering was done. In 2006 and 2010, the project was added to the long-range plan. The planning organization actions indicate that it will advance the project when sufficient funds are available, and the current legislation enhances that possibility.

This scramble is nothing more than a political payout and a key sign of what is wrong in Washington. Repealing the Corridor 0–1 designation would impede critical safety improvements and puts the future of infrastructure development of Centre and Clearfield Counties in jeopardy.

Mr. Speaker, I encourage my colleagues to join me in opposition of this flawed measure.

NORTH CENTRAL PENNSYLVANIA REGIONAL PLANNING AND DEVELOPMENT COMMISSION,
Ridgway, PA, July 15, 2010.

Senator ROBERT CASEY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR CASEY: On July 1, 2010, the House passed H.R. 4899, the Supplemental Appropriations Act, 2010, which included Obey Amendment #2, a repeal of the Appalachian Development Highway Systems (ADHS) designation of Corridor O–1 (Section 4172). The O–1 Corridor was designated in TEA–21 (Section 1117(d)) and has been in place for the past 12 years. The mileage of the ADHS is legislatively capped and the inclusion of Section 4172 is an inappropriate attempt at removing mileage from one congressional district in hopes that the Appalachian Regional Commission will then vote to move the miles to another project.

In 1965 Congress authorized the construction of the ADHS and by the end of FY 2009, 2,694.6 miles of the 3090 mile system were completed or under construction. The ARC has indicated that completion of the ADHS remains a top priority. Given numerous safety issues identified along the O–1 corridor, we believe it is imperative that you ensure the commitments made in TEA–21 are preserved and Section 4172 of H.R. 4899, as passed by the House, is not included in the final supplemental appropriations package.

It is widely known that ADHS projects would take years to complete and given the economic climate and strains on the Commonwealth's transportation budget, the residents along the O–1 Corridor should not be put at a disadvantage for the gain of another region. This is an important and vital link in our overall transportation system in North Central Pennsylvania and we ask for your continued support. We appreciate your attention to this matter and look forward to your response.

Sincerely,

ERIC M. BRIDGES,
Executive Director.

CENTRE COUNTY METROPOLITAN PLANNING ORGANIZATION (CCMPO),
State College, PA, July 21, 2010.

Re H.R. 4899, Supplemental Appropriations Act, 2010—Section 4172.

Hon. ARLEN SPECTER,
U.S. Senate, Hart Building, Washington, DC.

DEAR SENATOR SPECTER: On July 1, 2010, the CCMPO was informed that the U.S.

House of Representatives recently approved H.R. 4899, the Supplemental Appropriations Act, 2010, which included an amendment repealing the Appalachian Development Highway System (ADHS) designation for Corridor O–1 in Centre and Clearfield Counties. Corridor O–1 was originally designated as part of the ADHS in June 1998, in the Transportation Equity Act for the 21st Century (TEA–21).

Improvements in Corridor O–1 will address safety issues on existing roads connecting Interstate 99 and Interstate 80, and will facilitate economic development activities in the Moshannon Valley and central Pennsylvania. Preliminary engineering work on Corridor O–1 began in 1999 and proceeded in a timely manner until March 2004, when work was suspended on over 20 major highway projects in the Commonwealth because of funding constraints. At that time, a recommended preferred alternative had been identified, and the project was nearing environmental clearance.

In 2006, the CCMPO included Corridor O–1 as a high-priority ''Project for Future Consideration'' in its adopted Long Range Transportation Plan (LRTP) 2030. On March 23, 2010, the CCMPO again designated Corridor O–1 as a ''Project for Future Consideration'' in its new LRTP 2040, which is scheduled for adoption in September 2010. The CCMPO's actions indicate that it intends to advance the project when sufficient funding is available, and the current ADHS designation enhances the possibility of funding being committed.

The Appalachian Regional Commission (ARC) has indicated that completion of the ADHS is a top priority. Considerable investment has already been made in the ADHS system in Centre County, with only the I–99/I–80 Interchanges and the Corridor O–1 project yet to be finished. Pursuing these improvements in safety and the resulting economic development will fulfill the initial intention of the ADHS. We urge you to take action to ensure that the repeal of Corridor O–1's designation in Section 4172 of H.R. 4899 is not included in the final legislation, which will preserve the original commitment in TEA–21.

In late 2008, similar efforts were made to transfer the ADHS designation and associated system mileage from Corridor O–1 to another project in the Commonwealth. Although the CCMPO was aware of the 2008 efforts, we were not informed of the most recent action, which affects a key project within our jurisdiction. Federal law provides Metropolitan Planning Organizations with a role in the coordination of transportation improvements and the expenditure of federal funding for such improvements. A proposed action of this importance warrants early notification to the affected area, and the opportunity for discussion by the state and local officials represented on the CCMPO.

We also note that media reports about the passage of H.R. 4899 characterizing Corridor O–1 as a ''stagnant'' corridor are misleading. This project, like several other major highway projects across the Commonwealth, is only awaiting a commitment of funds in order to advance.

On behalf of the members of the CCMPO Coordinating Committee, we appreciate your past support for transportation projects of all modes in Centre County, and request your support in ensuring that Section 4172 of H.R. 4899 is not included in the final Supplemental Appropriations Act, 2010. We look forward to your response about this important issue.

If you have any questions or need additional information about this project, please contact Thomas P. Zilla of the CCMPO staff at tzilla@crcog.net.

Sincerely,

DANIEL D. KLEES,
Chair, CCMPO Coordinating Committee.

□ 1130

Ms. MARKEY of Colorado. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Arizona (Mr. FLAKE), cosponsor of the bill.

Mr. FLAKE. I thank the gentlelady for yielding, and I thank the gentlelady for sponsoring this legislation. I rise in support of it. As was mentioned, I am a cosponsor.

This would rescind contract authority for old transportation earmarks. I think we all recognize there are a lot of earmarks that go through this place that are never funded, and that's usually a good thing because often they are quite wasteful.

This bill also shines a spotlight on wasteful transportation earmarks in a number of bills, and it rescinds more than $8 million in contract authority for SAFETEA–LU which we passed just a few years ago. Many of us will remember, SAFETEA–LU contained more than 6,000 earmarks, including the infamous earmark for the Bridge to Nowhere, but it also included bike paths, museums, hiking trails, visitor centers, streetscapes, and parking facilities worth more than $700 million alone.

I would urge those who are looking to bolster their fiscal credentials by voting for this legislation to rescind contract authority for old earmarks to remember that in 2 days we'll be considering the T–HUD transportation bill, which contains about 500 new earmarks worth more than $300 million, and if we are going back and saying, yes, earmarks are wasteful, we ought to recognize that in the same week we're doing this we're also considering a new appropriation bill with about 500 earmarks worth about $300 million.

I will be offering a series of amendments, and if I'm allowed I'll offer that, if the majority allows me to do it, to strike some of these earmarks, and I hope that the same people who vote for this legislation will also vote to strike certain wasteful earmarks from that legislation as well.

We simply can't say all right we're for fiscal responsibility when we're rescinding old earmarks that haven't been spent or earmarked moneys and then a couple of days later approve a bill that has more than 500 earmarks worth about $300 million that will take effect now.

So, anyway, I commend the gentlelady for bringing this to the floor. I urge my colleagues to vote for it. This is a good piece of legislation. Let's also remember when we're approving new earmarks we ought to have the same fiscal discipline.

Mr. DUNCAN. Mr. Speaker, as I said earlier, I support this legislation. It is a small step for fiscal conservatism. I think it is very unfortunate, though, that this debate comes right on the heels of the debate about the war supplemental, a more than $55 billion bill on top of the hundreds of billions we've already spent for the war in Afghanistan.

A columnist in today's Washington's Post said, We are wading deeper into a long running, morally ambiguous conflict that has virtually no chance of ending well.

I think it's very sad that we're talking about spending mega-billions more on a war that has continued for over 9 years at this point and is not worth one more American life.

But I commend the gentlewoman from Colorado for bringing this legislation to the floor. As I said earlier, it's unfortunate that in the way we do the Federal accounting this will not reduce the deficit, but it is a step in the right direction, and we need to go further and actually cut total Federal spending by the $713 million that procedurally we are saving here in this bill.

I yield back the balance of my time.

Ms. MARKEY of Colorado. Mr. Speaker, I include in the RECORD a letter from the Taxpayers For Common Sense Action that was written to Mr. OBERSTAR, chairman of the House Transportation and Infrastructure Committee.

TAXPAYERS FOR COMMON SENSE,
July 27, 2010.

CHAIRMAN JAMES OBERSTAR,
House Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN OBERSTAR: Taxpayers for Common Sense, a non-partisan budget watchdog, strongly supports a small but important step to reduce the nation's yawning budget deficit: the inclusion of a provision in the Federal Aviation Administration authorization legislation that would rescind transportation earmarks that remain unobligated ten or more years after their authorization.

The Senate has already adopted an amendment to its version of the bill, introduced by Sen. Russ Feingold (D–WI), which indicates that chamber's support for this idea. A bill introduced by Rep. Betsy Markey (D–CO) (H.R.5730—Surface Transportation Earmark Rescission, Savings, and Accountability Act), builds upon the Senate provision and saves even more taxpayer dollars. Rep. Markey's proposal identifies more than $713 million worth of unused earmarks that can be rescinded, most of which are more than ten years old. There may be an opportunity to rescind additional earmarks from previous appropriations bills, which would be worth pursuing as well.

We urge you will take this opportunity to save taxpayers hundreds of millions of dollars and wipe these liabilities off the books. If you would like to discuss this issue further please contact me or Erich Zimmermann.

Sincerely,

RYAN ALEXANDER,
President.

Mr. OBERSTAR. Mr. Speaker, I rise today in strong support of H.R. 5730, the ''Surface Transportation Earmark Rescission, Savings, and Accountability Act,'' introduced by the gentlewoman from Colorado (Ms. MARKEY).

The gentlewoman from Colorado (Ms. MARKEY) has scoured the books of the Federal Highway Administration to identify funds that can be rescinded. This bill rescinds $713.2

million of Federal-aid highway contract authority that is currently available for 309 Member-designated projects included in four prior surface transportation authorization bills. It takes this $713 million off the table so that it cannot be used to increase spending in the future. Any savings from this bill will be used to reduce the deficit.

Specifically, the bill:

Rescinds all remaining highway earmarks designated in the Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA) (P.L. 100–17): $4.55 million for 2 projects;

Rescinds all remaining highway earmarks designated in the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (P.L. 102–240): $263.543 million for 154 projects;

Rescinds all highway projects designated in the Transportation Equity Act for the 21st Century (TEA 21) (P.L. 105–178) that have not obligated at least 10 percent of the funds authorized for the project: $441.475 million for 152 projects; and

Rescinds all High Priority Project program funds authorized by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) (P.L. 109–59) that were not designated for use on a specific project: $8.190 million for 1 project.

In addition, the bill establishes a process for tracking unspent project funds going forward, enabling Congress to identify projects that have inactive funds or that have been completed in the previous year.

Member-designated projects play an important role in the Federal-aid highway program. They provide constituents with a chance to weigh in directly with their elected officials on their community priorities, and allow Members an opportunity to support transportation safety and mobility improvements that may be overlooked by the State Department of Transportation.

Yet, it is also necessary to use a commonsense approach to dealing with projects that are complete or no longer viable. Many of the funds rescinded under this bill are from projects that are complete, but have excess remaining funds that cannot be used now that the project is finished. There is no reason for these remaining funds to stay on the books.

Other projects affected are those that show no likelihood of going forward, due to changing community priorities or other transportation needs. Rescinding funds from projects that are no longer viable is a practical approach to saving taxpayers' dollars.

Rescinding this $713 million now prevents it from being used to increase spending in the future.

It has, unfortunately, become somewhat routine for appropriations bills to rescind contract authority to offset other spending. Such rescissions are included in appropriations acts because they are useful in offsetting other spending. Even if a contract authority rescission is "scored" as only reducing budget authority, not outlays, a budget authority offset is often all that is needed to facilitate additional spending in an appropriations bill.

In fact, the Senate Appropriations Committee has proposed to use a portion of the funds rescinded in this bill to offset spending in its version of the FY 2011 Transportation, Housing and Urban Development appropriations bill.

To the extent that this bill takes $713 million off the table and makes that amount unavailable for rescission, or use, by some future appropriations bill, it will indeed result in "real" savings.

The gentlewoman's bill is in line with the High Priority Project reform principles issued by the bipartisan leadership of the Committee on Transportation and Infrastructure in April 2009, which established an unprecedented level of transparency, accountability, and reform for surface transportation projects going forward.

These principles called for the repeal of funds from older projects that have not spent out. The gentlewoman's bill is an effective and thoughtful means of achieving this policy objective and will save the government money by eliminating unnecessary project designations.

H.R. 5730 is one step in a continuing effort to find savings within programs under the jurisdiction of the Committee on Transportation and Infrastructure. Other steps are also being taken. Last week, the House passed H.R. 5604, the "Surface Transportation Savings Act of 2010", introduced by the gentleman from Virginia (Mr. PERRIELLO), which rescinds $107 million in highway safety and transit contract authority.

I applaud the gentlewoman from Colorado (Ms. MARKEY) for her initiative in bringing this measure forward and her commitment to sound fiscal policy.

I urge my colleagues to join me in supporting H.R. 5730.

Mr. HIGGINS. Mr. Speaker, today I made an error in how I voted on rollcall 471, passage of H.R. 5730, the Surface Transportation Earmark Rescission, Savings, and Accountability Act.

I intended to vote against this legislation and I would like to make the record clear as to why. For 50 years, my community in Buffalo and Western New York has long struggled with the vestiges of economic decline. The public has also been denied proper access to Buffalo's waterfront. This bill would rescind funding that would directly improve public access to the waterfront and support our community's economic revitalization. Providing public access to the waterfront has been my top goal throughout my career as a public servant.

While I understand the frustration with project funding that was long ago authorized, yet remains unspent, and the need to focus on deficit reduction, I will continue to insist that the agencies responsible for the deployment of these funds advance these initiatives without further delay. It is for this very reason that I opposed and intended to vote against this bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Colorado (Ms. MARKEY) that the House suspend the rules and pass the bill, H.R. 5730.

The question was taken.

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

Ms. MARKEY of Colorado. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

CONGRATULATING COAST GUARD ACADEMY ON 100TH ANNIVERSARY

Mr. CUMMINGS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 258) congratulating the Commandant of the Coast Guard and the Superintendent of the Coast Guard Academy and its staff for 100 years of operation of the Coast Guard Academy in New London, Connecticut, and for other purposes.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 258

Whereas the School of Instruction to the U.S. Revenue Cutter Academy was established at Fort Trumbull in New London, Connecticut, in 1910, which later became known as the Coast Guard Academy after the consolidation of the Life Saving Service and the Revenue Cutter Service in 1915;

Whereas the Coast Guard Academy moved to its present location along the banks of the Thames River in 1932;

Whereas in 1946, the former German Navy training vessel HORST WESSEL was acquired by the United States for use by the Coast Guard and renamed EAGLE, which today travels around the world each year;

Whereas for 100 years, the Coast Guard Academy has called New London, Connecticut, home, where it has trained and shaped the leadership of the Coast Guard;

Whereas today, the Coast Guard Academy is a highly competitive educational institution that attracts driven, committed leaders who go on to serve our Nation in the many diverse roles played by our Coast Guard;

Whereas the rigorous academic program of the Coast Guard Academy provides a holistic education that includes academics, physical fitness, character, and leadership, and that trains cadets in the multiple roles of the Coast Guard's multimission responsibilities;

Whereas the Coast Guard Academy is an integral part of the southeastern Connecticut community and its cadets participate in many community service projects throughout the region, working with school systems and serving as mentors for children;

Whereas the Coast Guard Academy is a vital link to the maritime legacy of Connecticut and our Nation, and an important part of our Nation's defense; and

Whereas in 2010, in honor of its 100th year in New London, Connecticut, the Coast Guard Academy will open its gates to the public for events highlighting this milestone, including concerts, art exhibits, an open house, and other events to allow Americans to learn more about this unique educational institution: Now, therefore, be it

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

(1) congratulates the Commandant of the Coast Guard and the Superintendent of the Coast Guard Academy and its staff for 100 years of operation of the Coast Guard Academy in New London, Connecticut;

(2) honors the many men and women who have graduated from the Coast Guard Academy and served on behalf of our Nation over the last 100 years; and

(3) encourages all Americans to learn more about the Coast Guard Academy, its mission, and its long history of training the men and women of the Coast Guard.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. CUMMINGS) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. CUMMINGS. 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 H. Con. Res. 258.

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

There was no objection.

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

H. Con. Res. 258, authored by Congressman COURTNEY, celebrates the 100th anniversary of the Coast Guard Academy in New London, Connecticut, and honors the many men and women who have graduated from the Academy and served our Nation with distinction over the past 100 years.

On September 15, 1910, what is today the Coast Guard Academy was established as the School of Instruction to the U.S. Revenue Cutter Academy at Fort Trumbull in New London. After the former Life Saving Service and the Revenue Cutter Service were merged in 1915 to form the modern U.S. Coast Guard, the school in New London formally became the U.S. Coast Guard Academy. In the 1930s, the Academy was moved to its present location on the Thames River in a new facility built specifically to house it.

Today, the Coast Guard Academy combines instruction in academic subjects, physical fitness, and character and leadership development to create the holistic education that prepares the future officers of the United States Coast Guard to manage all of the Coast Guard's mission areas, including search and rescue, marine safety, homeland security and maritime domain awareness, and oil spill response.

Mr. Speaker, as we celebrate the Academy's 100th anniversary, I also note that on June 28 the Academy's Class of 2014 was inducted: 199 male and 90 female cadets were sworn into the class. I am also proud to report that nearly 24 percent of this incoming class is composed of minorities, including 35 Hispanic Americans, 15 African Americans, and 13 Asian Americans. By comparison, the Class of 2013, which was inducted in 2009, was comprised of only 15.5 percent minorities, and previous classes have been even less diverse.

During my tenure as chairman of the Subcommittee on Coast Guard and Maritime Transportation, I have held four hearings in the subcommittee specifically to examine diversity in the Coast Guard, and particularly the decline in diversity at the Academy. Over the past year, the Academy has implemented new outreach initiatives in diverse communities that have enabled the Coast Guard to reach students who are qualified to attend the Academy and eager to serve our great Nation, but who have likely been unaware that the Coast Guard Academy even existed. These efforts are helping to ensure that the Coast Guard Academy is no longer our ''best kept secret in higher education.''

□ 1140

The Coast Guard Academy's diligent recruitment efforts have yielded great results, and this success reflects the commitment of the entire service to extend diversity at all levels. I commend Admiral Allen, the former commandant, as well as Admiral Papp, who was recently appointed as the commandant, as well as the Academy's leadership, including Superintendent Burhoe, for this achievement.

That said, the next step must be putting in place the measures that will sustain this level of diversity and expand it in coming years so that the Academy and the Coast Guard's officers corps fully reflect the diversity of America.

With that, I commend Congressman COURTNEY and I certainly thank my ranking member, Mr. LOBIONDO. I urge all Members to vote for this wonderful resolution.

With that, I reserve the balance of my time.

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

Mr. Speaker, I rise in support of House Concurrent Resolution 258, which congratulates the superintendent and staff of the United States Coast Guard Academy, as well as the commandant of the Coast Guard, on the 100 years of operation of the United States Coast Guard Academy.

Established in 1910 as the instructional school to the U.S. Revenue Cutter Academy and since being renamed and relocated to its present location on the banks of the Thames River in New London, Connecticut, the United States Coast Guard Academy has, for the last 100 years, upheld the highest reputation in molding young men and women into officers that form the backbone of leadership in the United States Coast Guard.

Many years ago, in fact, shortly after graduating from the University of Tennessee, I took a tour with a friend of mine up to new England and one of the things we did was tour the United States Coast Guard Academy. In more recent years, I have gone many times to various Coast Guard installations around the United States and have seen the work of the Coast Guard and seen demonstrations that they have performed, and I have great admiration and respect for all of the men and women in the United States Coast Guard.

Often sort of an ignored or forgotten branch of our military service, I think in more recent years the Coast Guard has come into its own and more and more people recognize the great importance of the mission being performed by these outstanding men and women. The quality of character and leadership traits displayed by graduates of the United States Coast Guard Academy reflect on the exemplary job that the staff and faculty have been doing for the last 100 years and this resolution is at least small, a small way of recognizing all persons affiliated with the Coast Guard Academy for a job well done.

I encourage all Members to support this resolution, and I thank my colleagues on the other side of the aisle and especially the gentleman from Connecticut (Mr. COURTNEY) for introducing it.

I reserve the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield 4 minutes to the distinguished gentleman from Connecticut (Mr. COURTNEY), the sponsor of this legislation.

Mr. COURTNEY. I want to, first of all, thank Chairman CUMMINGS and the ranking member for their help in moving this resolution forward.

I particularly want to say thank you to Mr. CUMMINGS, who is clearly someone who doesn't come from Connecticut but someone who, because of the mission and the duties of his chairmanship, has taken an extraordinary interest in the Coast Guard Academy. He has been up to the academy and addressed the student body in an event that was widely covered by the media, and I know Superintendent Burhoe and others really appreciate the strong interest that he has in the academy, and I want to thank Mr. DUNCAN for his kind words as well.

We are very proud of the Coast Guard Academy in Connecticut. All you have to do is turn on the TV these days and you can see Admiral Thad Allen, the national incident commander at the Gulf of Mexico, showing extraordinary leadership skills, talent, both in terms of science and organization to get the best efforts to clean up the gulf.

The new commandant of the Coast Guard service, Admiral Papp, is a graduate of the Coast Guard Academy, as is Admiral Allen; and it is clear that the academy has done just an outstanding job in terms of giving the graduates there the skills that they need in terms of science, math, maritime sciences, but as well just the leadership skills to make sure that this critical military branch gets the finest folks carrying out its mission every single day, whether it's interceding drug runners coming into the U.S. or, again, leading the efforts down in the Gulf of Mexico to clean up the spill.

Chairman CUMMINGS described very eloquently the history of the Coast Guard Academy, the merger which took place in the 1930s, and its present home in New London on the Thames River. I was driving by a couple of days ago and saw the first-year cadets out there sweating in 100-degree heat doing calisthenics. They are also out there on the Thames River learning sailing skills.

The Eagle, which is the tall ship our country is proud to display both at coastal cities up and down the east and west coast but also in other parts of the world, is a training facility for Coast Guard cadets. Again, every single graduate over the last several decades has had the experience of working on the Eagle which, again, is a proud symbol of our country and its great maritime mission and also it's great maritime future.

What I would just say is lastly, again, partly because of Chairman CUMMINGS' interest, you have seen, I think, recently an effort by the Coast Guard Academy to get much more involved in the community of the city of New London. It is a distressed city and has many challenges, but we now have Coast Guard cadets who are out there helping in terms of the school system, out there helping in terms of cleanups and environmental efforts in the city, providing entertainment with the great Coast Guard band at different local events throughout the city. Again, we are very proud of the fact that they are a very involved neighbor in the city of New London in southeastern Connecticut.

Lastly, I would just say that the U.S. News and World Report, with its annual college survey, demonstrated the success of the Coast Guard Academy with its ranking of the Coast Guard Academy in the top 10 as far as small 4-year colleges. Any effort to widen the circle of young people—some may be listening here in the Chamber today, to learn about the Coast Guard Academy—it's free, but it's also the highest of quality in terms of the educational program that it provides. And, as I said earlier, it provides great leadership in terms of a great homeland security function that we need at so many different levels.

So I want to thank again Chairman CUMMINGS and Mr. DUNCAN for their support for this academy. I think it's an academy that deserves a bit of a spotlight today in terms of the great work that it's doing.

I urge all Members to support this measure.

Mr. DUNCAN. Madam Speaker, I yield such time as he may consume to the ranking member of the full committee, the gentleman from Florida (Mr. MICA).

Mr. MICA. I thank our distinguished ranking member, Mr. DUNCAN, the gentleman from Tennessee, for yielding. I am pleased to join with the chairman of the Coast Guard Subcommittee, whom I have had the opportunity to work with in a number of capacities.

In support of this resolution, I am pleased to be a cosponsor.

The Coast Guard Academy, not a lot of folks know a lot about it. Everyone has heard of West Point, the Air Force Academy out in Colorado Springs. Everyone has heard of Annapolis and the U.S. Naval Academy close by here.

I highly recommend to Members who have not had the opportunity to visit, to visit the Coast Guard Academy, one of our finest military service academies, unsung heroes. It has over 50,000 men and women in service and many of the leaders come from the Coast Guard Academy.

One of the neat things I have to do as a ranking member of the full committee, Mr. OBERSTAR, the chairman, and myself get to serve on the Board of Visitors, as do some other Members from Congress; and you get to see firsthand the operations of the United States Coast Guard Academy.

I have been there and had the opportunity to meet with their leaders. They are very fortunate to have Admiral Scott Burhoe, who is doing an outstanding job of providing leadership and direction and commitment that the Coast Guard has always had to the young men and women who attend and graduate there.

The motto of the Coast Guard is Semper Paratus, and that's ''Always Ready,'' and that's the mission of the Coast Guard Academy, to make those young leaders always ready. They are our first line of defense nationally, the United States Coast Guard.

We call on them, whether it's for safety or national security.

□ 1150

These are some of the most fantastic graduates, young men and women of this academy, and everyone who wears the label of being part of the Coast Guard. They don't whine. They don't whimper. They never come here asking for more compensation, more rights, more employee benefits. They get their mission assigned and they do their job. They are incredible. They are underpaid and overworked, but they are always ready when the Nation needs them.

I am pleased again to join others in recognizing the leadership of Thad Allen. We saw, when we had the spill in the gulf, who was responsible as the first responder from the Federal level—the United States Coast Guard.

I was dismayed when the Obama administration proposed its budget earlier this year before this spill and recommended cutting 1,100 Coast Guard positions, cutting back ships, helicopters, airplanes, and other assets that are so essential for the Coast Guard to carry out its mission. We give our men and women in the military, whether it's Coast Guard or any other service, the resources to do the job, and then we commit them to complete that job and they get it done.

So I am also pleased that both sides of the aisle stepped up when those cuts were proposed and they did not accept that recommendation, and those cuts are not going to take place because of bipartisan support on both sides of the aisle.

So, again, we are here to recognize the accomplishments not only of Thad Allen, but our new Admiral, the head of the Coast Guard, Bob Papp, an incredible gentleman.

How blessed we've been to have people like Thad Allen who, I think way back when I became a ranking member, was dealt probably every difficult situation, starting off with unrest in Cuba and problems with Guantanamo, preparing for any possible mass migration, through the Deepwater controversy, things he had nothing to do with but inherited those challenges and stepped up to the plate every single time. And then as he's about to retire, as he's about to exit his command and Bob Papp take over, he was dealt the cards of the oil spill and stepped right into that, and he has provided leadership. We haven't provided all the direction, resources, or assets that we should to deal with that, nor the administration, but Thad Allen and others have been there.

And Scott Burhoe continues to lead a great academy we can all be proud of.

So I join my colleagues in recognizing 100 years of service to our Nation, the United States Coast Guard Academy.

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

I want to thank the ranking member of our full committee, Mr. MICA, and Mr. DUNCAN. Both of them made some very good points that I would just like to elaborate on a little bit.

I call our Coast Guard our thin blue line at sea, and I think when we saw the oil spill situation, we realized that they are indeed our coast guard, they are guarding our coast.

And Mr. MICA was absolutely right. I think that sometimes those that are performing some of the most important tasks are occasionally unseen, unnoticed, unappreciated and unapplauded, in the words of a Greek theologian, but they do the most important things. And this is a wake-up call, I think, to our Nation, when we see something like our oil spill, of how important the Coast Guard Academy is in training young folks to go out there and be leaders. But it is also a lesson to our Nation to give the United States Coast Guard the priority status that it gives the other armed service entities. It is very, very important.

I know that as I travel around the country, every time I go into a port where the Coast Guard is stationed, I try to spend some time with them to let them know what a grateful Nation we are for what they do every day. But one of the things, Madam Speaker, that has always impressed me in a lot of the ceremonies that I've gone to where they were giving medals is how these men and women put their lives on the line and put their lives before others to save lives. I've heard stories of 20-foot seawalls where they were able to save people, and again, putting their life on the line, and then all the other things they do.

I've often said that, since 9/11, their responsibilities have increased tremendously. And Mr. MICA is absolutely right, it is important that this Congress support the Coast Guard to the

Nth degree. It must be and has been a bipartisan effort to make sure they get the funding that they need, and we will continue to do that.

So I, too, congratulate Thad Allen—Admiral Allen—and now Admiral Papp for all that they have done. When we look at Katrina, the agency that performed, without a doubt, the best was the United States Coast Guard, saving over 35,000 people, many of whom would have been dead today.

And so I take this moment not only to salute 100 years of the academy, but like my colleagues, to salute a great organization, one that is very small but has a big heart.

Madam Speaker, I reserve the balance of my time.

Mr. DUNCAN. Madam Speaker, I will join with Ranking Member MICA and Chairman CUMMINGS in their commendations, particularly of Admiral Allen, for whom all of us have such great respect, and say once again congratulations on this 100th anniversary to the United States Coast Guard Academy.

Mr. OBERSTAR. Madam Speaker, I rise today in strong support of H. Con. Res. 258. I thank the gentleman from Connecticut (Mr. COURTNEY) for his work on this legislation.

H. Con. Res. 258 congratulates the Commandant of the Coast Guard, the Superintendent of the United States Coast Guard Academy, and the Academy's staff on the Academy's 100th year of operation in New London, Connecticut.

In 1910, the School of Instruction to the Revenue Cutter Service relocated from Curtis Bay, Maryland to New London at Fort Trumbull. The school became known as the Coast Guard Academy when the Life Saving Service and the Revenue Cutter Service were consolidated in 1915. In 1932, the Academy moved to its present location in New London, Connecticut, on the West Bank of the Thames River.

The Coast Guard Academy is the single accession point for all Coast Guard officers and home to the Coast Guard's Leadership Development Center, which touches virtually every aspect of the service through a host of training programs, including Officer Candidate School. Furthermore, the Coast Guard Academy is a highly competitive educational institution that provides a holistic education that includes academics, physical fitness, and leadership training as the Academy prepares its cadets for the Coast Guard's many diverse missions.

In addition to congratulating the Commandant of the Coast Guard and the Superintendent of the Coast Guard Academy and its staff for 100 years of operation of the Coast Guard Academy in New London, H. Con. Res. 258 honors the many men and women who have graduated from the Academy and encourages all Americans to learn more about the Academy, its missions, and its long history.

As we celebrate this important anniversary, I also note that on June 28, 2010, the Coast Guard Academy inducted the Class of 2014, which is one of the most diverse in school history. Of the 290 students who started this summer, 68 students—or 23 percent—are minorities. This is the second-highest percentage in the school's history and higher than the Class of 2013, which consists of 15 percent minority students.

I urge my colleagues to join me in agreeing to H. Con. Res. 258.

Mr. THOMPSON of Mississippi. Madam Speaker, it is with great pleasure that I rise today to congratulate the U.S. Coast Guard Academy for its 100 years of operation in New London, Connecticut.

The Academy is one of our Nation's premier institutions of higher learning that attracts the best and brightest students who go on to serve our country with honor and distinction.

The Academy's excellent curriculum and small class sizes provide cadets with the training and character development skills that are necessary for our Nation's leaders of tomorrow. Academy graduates are members of an elite group who have pursued diverse civilian career paths in engineering, government, education and even space exploration. With over 85 percent of graduates choosing to serve beyond their five-year commitment, the Academy's graduates play an important part in fulfilling the Coast Guard's mission responsibilities related to homeland security. In the current threat environment, it is essential that the Academy continues to offer a rigorous academic program that produces diverse leaders who are highly trained to keep America safe and secure. One way to achieve greater diversity—especially geographical diversity—in the next hundred years is by adopting the congressional nomination processes that have served other U.S. military academies so well over the years.

Again, I congratulate the leadership within the Coast Guard and the Academy for all of their accomplishments as they celebrate this important milestone.

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

Mr. CUMMINGS. Madam Speaker, again I urge the Members to support this legislation. I think it's very important that we pause to recognize these wonderful, strong, courageous, and patriotic citizens of our Nation who, again, are our thin blue line at sea.

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

The SPEAKER pro tempore (Ms. MARKEY of Colorado). The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 258.

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

A motion to reconsider was laid on the table.

COMMENDING AIR TRAFFIC CONTROLLERS

Mr. COSTELLO. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1401) expressing gratitude for the contributions that the air traffic controllers of the United States make to keep the traveling public safe and the airspace of the United States running efficiently, and for other purposes, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1401

Whereas air traffic controllers dedicate themselves to the protection of the flying public;

Whereas air traffic controllers react to dangerous and complex situations on a daily basis, doing so in a calm and professional manner;

Whereas air traffic controllers work all day long and all year long, including holidays, to provide services to aircraft in their assigned airspaces;

Whereas, due to the highly stressful and demanding nature of the job and the total concentration required, air traffic controllers are required to take regular 30-minute breaks, work in shifts, and retire by the age of 56;

Whereas air traffic controllers perform courageous acts every day;

Whereas, on January 1, 2009, air traffic controller Kristin Danninger at the Madison, Wisconsin, Tower and Terminal Radar Approach Control (''TRACON'') facility directed a new pilot back on course and above minimum altitude who had been stuck in the clouds in a small aircraft with zero visibility, successfully using her knowledge of local geography to point out a highway that led the pilot to the appropriate runway;

Whereas, on March 29, 2009, air traffic controller Troy Decker at the Salt Lake Center facility guided a Piper Aztec aircraft with an engine fire to a safe landing in Butte, Montana, providing detailed weather reports for several possible landing options;

Whereas, on April 12, 2009, air traffic controllers Jessica Anaya, Lisa Grimm, Nathan Henkels, Dan Favio, Brian Norton, and Carey Meadows at the Miami Center facility and the Fort Myers Tower and TRACON facility guided to safety a twin-engine King Air aircraft after the pilot died in-flight, assisting Doug White, an individual with limited private pilot experience in smaller aircraft, to locate the positions of controls and switches on the aircraft and to navigate the high-traffic area of southern Florida;

Whereas, on June 28, 2009, air traffic controller Ron Chappell at the Southern California TRACON facility issued a traffic advisory to a jet aircraft landing at Los Angeles after viewing another target on his radar screen that was at an unknown altitude and approaching the jet, circumstances that bore a similarity to a 1986 mid-air collision over Cerritos, California;

Whereas, on July 5, 2009, air traffic controller Louis Ridley at the Potomac TRACON facility assisted a Velocity aircraft stuck above a cloud layer to navigate through perilous mountain terrain with limited fuel remaining and, while doing so, reassured the pilot, gave detailed flight and weather information, determined the best airport for a safe approach and landing, and even had his wife, Carolyn, greet the pilot after the pilot landed in Culpepper, Virginia;

Whereas, on October 9, 2009, air traffic controllers Kevin Plante and Christopher Presley in Portland, Maine, helped guide an aircraft that had become stuck in rapidly deteriorating weather conditions by employing, with daylight waning and the aircraft near mountainous terrain, a road map to direct the pilot to Portland using several highways, lakes, and towns as guides;

Whereas, on November 14, 2009, air traffic controller Jessica Hermsdorfer at the Kansas City Tower and TRACON facility calmly helped guide back to the airport an Airbus 319 aircraft that had hit multiple birds and experienced engine trouble, directing other aircraft out of the way and assisting the stricken flight to land safely;

Whereas, on December 7, 2009, air traffic controllers Natasha Hodge and Douglas Wynkoop at the Dallas TRACON facility worked as a

team to assist a confused and disoriented pilot of an experimental aircraft, redirecting other aircraft in the area and suggesting an approach into Navy Fort Worth for the pilot, which resulted in a successful landing;

Whereas, on December 20, 2009, air traffic controllers Todd Lamb at the Anchorage Center facility and Michael Evans at the Fairbanks Flight Service Station ensured a safe landing for a Cessna aircraft that was experiencing smoke in the cockpit, as Mr. Evans was able to assist the pilot in locating a narrow dirt trail which was the only safe landing spot in the area and Mr. Lamb helped a second aircraft locate the downed plane's position;

Whereas approximately 15,600 Federal air traffic controllers, in airport traffic control towers, terminal radar approach control facilities, and air route traffic control centers, guide planes through the airspace of the United States;

Whereas approximately an additional 1,250 civilian contract controllers and more than 9,000 military controllers also provide air traffic services;

Whereas, from fiscal year 2001 to fiscal year 2009, according to the Federal Aviation Administration (''FAA'') there have been 94,600,000 successful flights of United States commercial aircraft safely carrying more than 6,340,000,000 passengers;

Whereas air traffic controllers provide separation services over the entire airspace of the United States and 24,600,000 square miles of international oceanic airspace;

Whereas, as of May 22, 2010, the FAA operated 315 air traffic control facilities and the Air Traffic Control System Command Center in the United States;

Whereas, in the past 5 years, the FAA has hired more than 7,500 air traffic controllers in order to meet continuously changing traffic volumes and workload; and

Whereas air traffic controllers are facing staffing challenges, with an aging workforce and a wave of retirements: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses gratitude for the contributions that the air traffic controllers of the United States make to keep the traveling public safe and the airspace of the United States running efficiently;

(2) commends air traffic controllers for the calm and professional manner in which they handle air traffic, day and night, throughout the year;

(3) acknowledges the heroic actions, dedication, and quick and skilled decisionmaking that air traffic controllers employ to help avert many accidents and tragedies; and

(4) encourages greater investment in the modernization of the air traffic control system of the United States so that air traffic controllers have the resources and technology needed to better carry out their mission, both in the air and on the ground, as air travel continues to grow.

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

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. COSTELLO. Madam 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 H. Res. 1401.

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

There was no objection.

□ 1200

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

Madam Speaker, as a cosponsor of the resolution, I commend the gentlewoman from New York, Congresswoman CAROLYN MCCARTHY, for introducing the resolution and for her leadership on this issue.

The Nation's air traffic controllers ensure the safety of approximately 2 million aviation passengers per day, or almost 1 billion people per year, and safely guide more than 60 million aircraft annually to their destinations. The current air traffic controller workforce consists of approximately 15,600 dedicated and well-trained men and women across the country and at the Air Traffic System Command Center.

As chairman of the House Subcommittee on Aviation, I have visited many of the air traffic control facilities, and have witnessed firsthand the skills controllers utilize to safely separate aircraft moving through the Nation's airspace system. These individuals display exceptional skills, and are able to multitask and to work well under pressure. In fact, the resolution describes nine separate incidents where controllers have saved many lives by providing excellent service.

Madam Speaker, I urge my colleagues to join me in supporting H. Res. 1401, to express our gratitude for the contributions that the air traffic controllers make to keep the traveling public safe and the airspace of the United States running efficiently.

I reserve the balance of my time.

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

Mr. Speaker, I would like to express my strong support for the resolution before us, and I am pleased to be a cosponsor. While I am pleased we are considering House Resolution 1401, I am disappointed that none of the suspensions we are considering today are Republican bills. However, I understand that the chairman of the full committee has scheduled three Republican bills for markup this coming Thursday.

House Resolution 1401 congratulates our Nation's air traffic controllers for their service and their dedication to protecting the flying public. Aviation safety is the product of many professionals in all sectors of the industry who are performing their best at all times. With nearly 87,000 flights operating over the United States daily, keeping the system safe is no small feat. The hard work and commitment of air traffic controllers play a key role in our exceptional record of aviation safety.

Over the past decade, nearly 1 billion passengers have successfully traveled aboard 93 million commercial flights. Thanks in part to the commitment of air traffic controllers, our Nation's air transportation system is the safest in the world. As air traffic demand is forecasted to rebound and grow, it is important to sustain investments to modernize air transportation technologies and procedures.

According to the FAA, NextGen infrastructure and procedures will change the role of air traffic controllers, equipping them with the tools they need to manage the anticipated growth in air traffic demand. Air traffic controllers are an important part of improving air traffic control efficiency through NextGen, and I welcome their input in advancing these efforts.

I honor the hard work and dedication of our 25,000-plus air traffic controllers, and I join in commending their service to the Nation's air travelers. I fully support the adoption of the resolution.

I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. MCCARTHY), who is the sponsor of this resolution.

Mrs. MCCARTHY of New York. I want to thank Chairman OBERSTAR, Chairman COSTELLO, Ranking Member MICA, and certainly Congressman PETRI for bringing this resolution that I introduced to the floor. I want to also thank Representative PETER KING for his support as well.

Most of all, I want to thank our Nation's air traffic controllers for keeping us all safe.

Air traffic controllers work 24 hours a day, 7 days a week, all year long to keep the traveling public safe and to keep our Nation's airspace running efficiently. The more than 15,600 controllers are responsible for almost 1 billion passengers each year.

They handle dangerous and complex situations in a calm and professional manner, oftentimes working long shifts in dark rooms and monitoring many planes at one time. Their heroic efforts on September 11, during the miracle on the Hudson River landing of U.S. Airways Flight 1549, and during other incidents are all well-known.

Though, what we don't hear about are the dangerous situations they help to avert on a regular basis. I was pleased to include nine separate success stories in this resolution, but it is not a complete list. These types of stories happen every single day—averting accidents and disasters in the sky and on the ground.

The controllers help to make sure that air travel runs efficiently so that the planes avoid dangerous weather and so that families and businessmen and -women who are traveling reach their destinations as quickly as possible. We also must make sure that our air traffic controllers have the resources they need to do their jobs as well as they can.

We need to have greater investment in the modernization of the Nation's air traffic control system, which will create jobs and have an environmental, performance and safety benefit for all of us. As air traffic continues to grow, air traffic controllers must have the resources and technology needed to better carry out their mission.

I look forward to the completion of the FAA reauthorization bill, and I want to thank the committee for all of their hard work in conference.

Finally, we need to make sure our air traffic facilities are well staffed. In my State of New York, our controllers handle thousands of flights every single day that are departing, arriving, and traveling through the tightly packed New York airspace. I have enjoyed visiting facilities like the New York TRAYCON, located in Westbury, New York, which is in my district. Our air traffic facilities should be fully staffed with experienced controllers, and the facilities should be properly run in order to ensure the safety and welfare of the flying public. I look forward to continuing to work with the committee and with the FAA to make sure that this happens.

Once again, please join me in expressing gratitude to the Nation's air traffic controllers. I urge my colleagues to support this resolution.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to the ranking Republican on the full committee, my colleague, the gentleman from Florida, Mr. JOHN MICA.

Mr. MICA. I thank the gentleman for yielding.

Mr. PETRI and Mr. COSTELLO do a great job in leading the Aviation Subcommittee. They have both had the opportunity to serve in leadership positions. As a former chair of that Aviation Subcommittee, I do thank them for their work day in and day out to make certain that the United States continues to have the safest skies and continues to fly the safest flights of anywhere in the world.

Mr. Speaker, still, about two-thirds of all of the passenger flights in the world occur in the United States of America. Some 94 million commercial flights were handled last year by our air traffic controllers. Again, the safety record is just unprecedented. When you stop and think of all of the potential for human error, for something to go wrong, and of the record we have achieved, it is remarkable.

I am sad that we don't have an FAA reauthorization bill here. I am pleased that my legislation, which I crafted back in 2003 or 2004 and which expired in 2007, I believe—some 3 years ago—may be on its 15th extension this week. I knew I wrote a good bill. I didn't know, though, it was that good to last this long, but I look forward to passing that legislation which is so important that it sets forth the policy, the projects, and the funding for keeping our aviation system safe and sound.

This resolution does honor the men and women who serve as air traffic controllers. As you know, there are 50,600 air traffic controllers—those are Federal air traffic controllers—who operate in the towers, in the TRAYCONS, and in other facilities that we have. In addition, we have 1,250 civilian contract air traffic controllers. Now, that doesn't sound like many—it's a little less than 10 percent—but we also honor those private contract tower air traffic controllers. They serve at 250 airports. The contract towers represent 45 percent of all control towers in the United States because they are smaller facilities, but they are scattered in 250 locations across the country, and they handle about 25 percent of all of the traffic.

So, on 9/11, when our air traffic controllers were doing such a great job, the Federal air traffic controllers, we also had contract air traffic controllers. Unfortunately, they earn less pay, but all of the reports we have are that their safety record is equal to, if not superior to, in performance, and there have been several studies that have confirmed that.

□ 1210

They don't get as much compensation, but they do a great job, and we recognize them too.

The final thing that I want to do in recognition today of air traffic controllers, the unsung heroes of our military, men and women. We have more than 9,000 military air traffic controllers.

Now, an FAA air traffic controller, the average pay is $109,000, the base pay, I think about $160,000 with benefits. The average military air traffic controller, their base pay is $36,964. Here are dedicated men and women who serve, and there's 9,000 of them, who also have an incredible safety record.

It's not just at a commercial airport. These folks are all around the world. You saw them in Baghdad. You see them at foreign assignments, where they've had to land and attend to aircraft in hostile conditions and at very low wages. Each day, day in and day out, they do a great job in representing the United States of America and serving our military airlift needs.

So we commend all of our air traffic controllers today. We're going to need more of them, folks. They're retiring in record numbers. I'm told there may be 60 percent of the air traffic controllers, you know, many came on with Ronald Reagan when he replaced all of them, and they're aging now. They have a mandatory retirement age, and we need to replace them.

So we salute them for their work; we welcome the new hires on board. We've got to redouble our efforts to get the best trained, the most qualified on the job as soon as possible, because you just don't come on and take over New York airspace air traffic control or any of the other congested corridors and do it overnight. It takes years of experience. And those are the people we want to replace, these people that have dedicated their life to safety and service.

So we salute them. And I join Members in asking for passage of this resolution in their honor.

Mr. COSTELLO. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. BISHOP), a member of the subcommittee.

Mr. BISHOP of New York. Mr. Speaker, I thank Chairman COSTELLO for yielding time. And I want to thank Congresswoman MCCARTHY for her leadership on this issue.

I rise in support and as a cosponsor of H. Res. 1401, expressing our gratitude for the excellent work performed by our Nation's air traffic controllers who keep the traveling public safe.

I am proud to represent many of the Nation's nearly 16,000 air traffic controllers. They are often the unseen heroes of our Nation's airways. Their unique skills and training keep our travel in the United States and around the world safe and on time.

In the New York metropolitan area, among the world's busiest regions for air transportation, air traffic controllers work tirelessly 365 days a year to ensure that parents will see their children for holidays, that businesses depending on air travel will continue to thrive, and that your packages arrive on time.

Mr. Speaker, we should not overlook these men and women who are a critical link in our domestic and international transportation network. Indeed, they deserve our thanks. I commend them for their hard work, and I ask my colleagues to support this important resolution.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor the dedicated men and women who keep the flying public safe and our airspace running efficiently, our Nation's air traffic controllers. Approximately 15,770 Federal air traffic controllers in airport traffic control towers, terminal radar approach control, TRACON, facilities, and air route traffic control centers across the country monitor the airspace of the United States and 24,600,000 square miles of international oceanic airspace. Together with 1,250 civilian contract controllers and more than 9,000 military controllers, they work 24 hours a day, 365 days a year to ensure that passengers and goods reach their destinations as safely and quickly as possible.

It is a well-established fact that air traffic controllers operate in one of the most stressful of work environments. With thousands of flights departing, arriving, and en route at any given moment, managing the flow of air traffic safely and efficiently is no simple task. It is a continuous process that requires great situational awareness, total concentration, and making split-second decisions.

While an air traffic controller's job is stressful and demanding by nature, it is also unpredictable because of nature. Without notice, weather conditions can change quickly. From turbulence to large storm systems, air traffic controllers adapt to all inclement conditions in a calm and professional manner to reroute aircraft safely.

The extraordinary service that air traffic controllers provide becomes even more apparent when they are faced with greater adversities. When emergency situations develop in-flight, it is up to air traffic controllers to provide leadership and guidance. These amazing stories have been well-documented by the media, with reports of air traffic controllers providing life-saving navigation to pilots and, in some cases passengers, to land their aircraft given extreme weather conditions or mechanical failure. Thanks to the heroic actions, dedication, and quick and skilled decision-making of air traffic controllers, many accidents and tragedies have been averted.

I have had the pleasure of getting to know many air traffic controllers in and around my

district in South Florida, and I can personally attest to the remarkable job they do. Air traffic controllers are motivated, decisive, committed, and self-confident individuals who often work many thankless hours. They are the reason that we have the safest air traffic control system in the world, and that is why we must continue to support them.

As we modernize our nation's air traffic control system, we must ensure that air traffic controllers are best equipped to continue delivering the highest levels of service to those flying within our airspace.

Mr. Speaker, I truly appreciate the hard work that our nation's air traffic controllers do each and every single day to keep us safe when we fly and to guide us home. Their reputation for expertly handling complex situations and responding to dangerous developments on a daily basis is well-deserved.

Mr. OBERSTAR. Mr. Speaker, I rise in support of this resolution, H. Res. 1401, as amended, introduced by the gentlewoman from New York (Mrs. MCCARTHY), which expresses gratitude for the contributions that the air traffic controllers of the United States make to keep the traveling public safe and the airspace of the United States running efficiently.

Our air traffic control system currently handles commercial aircraft with more than 700 million enplanements, and the Federal Aviation Administration, FAA, predicts that this figure will reach 1 billion by 2023. In 2010, air traffic controllers will handle 39 million terminal radar approach control, TRACON, operations, which are forecast to grow at an average annual rate of 1.7 percent, and to reach 54.4 million in 2030. It is also expected that 39.4 million aircraft operating under instrument flight rules will be handled at FAA air route traffic control centers in 2010, increasing 2.5 percent per year, and reaching 64.1 million in 2030.

Air traffic controllers provide essential services to ensure separation between aircraft in the national airspace system. They work in difficult and stressful situations to assist pilots with navigation during arrival and departure from airports and while in flight, and provide critical information and advisories during flight. Because of the stressful environment in which they work, they must take regular breaks and they must retire by age 56. Air traffic controllers help to ensure the safety of approximately two million aviation passengers each day.

H. Res. 1401 recognizes the critical work performed by air traffic controllers seven days a week, 24 hours a day. The resolution describes nine recent incidents in which air traffic controllers were instrumental in ensuring the safety of flight crewmembers and passengers. These examples demonstrate air traffic controllers' heroic actions, dedication, and quick and skillful decision-making.

H. Res. 1401 commends air traffic controllers for the calm and professional manner in which they perform their duties. The resolution also encourages greater investment in modernizing the air traffic control system to ensure that controllers have the necessary resources and technology to better carry out their duties as air travel grows.

As we honor the nation's air traffic controllers in this resolution, there also several provisions in the House-passed FAA reauthorization bill—H.R. 1586, the ''Aviation Safety and Investment Act of 2010''—that that support air traffic controllers.

H.R. 1586 creates certainty and stability for the FAA and its unionized employee groups, including air traffic controllers, by establishing mediation and arbitration processes for resolution of collective bargaining impasses. The new dispute resolution process makes it clear that labor-management disputes between FAA and its organized employees will be resolved through a fair and equitable process.

Under the bill, if the use of a Federal mediator in a collective-bargaining dispute does not produce an agreement, then the issues in controversy would be submitted to the Federal Service Impasses Panel, which would assert jurisdiction and order binding arbitration using a private three-member board. The bill requires the arbitration board to make its decision within 90 days; the decision would be binding and conclusive.

In addition, H.R. 1586 as passed by the House includes the following provisions that will benefit air traffic controllers in the important work they perform:

Stakeholder Involvement: Requires the FAA to establish a process for including and collaborating with qualified employees selected by each affected exclusive collective bargaining representative in the planning, development, and deployment of air traffic control modernization projects, including the Next Generation Air Transportation System, NextGen.

Staffing Studies: Facilitates the implementation of NextGen by requiring several studies related to the FAA's staffing needs and assumptions with respect to air traffic controllers and other safety-critical employees. Also requires the FAA to study training programs for air traffic controllers.

FAA Facility Conditions: Directs the Administrator of the FAA to convene a task force to study workplace conditions in FAA facilities.

Consolidation of FAA Facilities: Facilitates NextGen implementation and the protection of employee groups by requiring the Administrator of the FAA to convene a working group to develop criteria and make recommendations for potential consolidation and realignment of FAA facilities. The working group will contain members from airlines and affected labor groups, among other interested stakeholders.

We are currently negotiating with the Senate to reach a swift compromise on H.R. 1586. I will work to ensure that these provisions are included in the final FAA reauthorization legislation.

Thank you, Mr. Speaker. I urge my colleagues to join me in supporting H. Res. 1401.

Mr. GRAVES of Missouri. Mr. Speaker, I rise today in support and as a cosponsor of H. Res. 1401, a resolution recognizing the important contributions of air traffic controllers in maintaining a safe and efficient aviation and airspace system.

Today we are honoring men and women who dedicate their professional lives to improve aviation safety and protect the traveling public. Air traffic controllers must perform their mission with perfection because mistakes put lives at risk. I think they do an outstanding job.

In particular, I would like to recognize Ms. Jessica Hermsdorfer at the Kansas City International Airport (MCI) and Terminal Radar Approach Control facility. On November 14, 2009, Ms. Hermsdorfer calmly helped guide back to the airport an aircraft that had hit multiple birds and experienced engine trouble, directing other aircraft out of the way and assisting the stricken flight to land safely. Her quick actions helped save the lives of the more than one-hundred passengers on board the aircraft.

As a Member of Congress and as a pilot, I am proud to honor and recognize the outstanding work of Ms. Hermsdorfer and all of our air traffic controllers across the nation. They truly provide a valuable public safety service.

Again, I rise in support of H. Res. 1401 and urge all of my colleagues to do the same.

Ms. WATERS. Mr. Speaker, I rise in strong support of H. Res. 1401, expressing gratitude for the contributions that the air traffic controllers of the United States make to keep the traveling public safe and the airspace of the United States running efficiently. I thank my colleague from New York, Mrs. MCCARTHY, for offering this resolution.

Air traffic controllers dedicate themselves to the protection of the flying public. Their job is important, and it is stressful and demanding. Air traffic controllers must make split second decisions at times when the lives of hundreds of passengers are in danger. They perform this work professionally and in doing so provide a great service.

My district in Southern California is home to Los Angeles International Airport (LAX), one of the busiest airports in the world. LAX is an economic hub for my district and for the region—it brings people and business to Los Angeles and Southern California from all over the country and the world. LAX is also a job creator for many of my constituents, and this includes the men and women who serve as air traffic controllers, working to keep passengers, aircraft, and area residents safe.

A little more than a year ago, on June 28, 2009, an air traffic controller at the Southern California TRACON facility—Ron Chappell—issued a traffic advisory to a jet aircraft landing at LAX after he saw another target on his radar screen at an unknown altitude and approaching the jet. This response by Mr. Chappell likely averted a deadly crash. I salute him and his fellow air traffic controllers who work in Southern California and throughout the United States to keep us safe.

I offered an amendment to prohibit consolidation of the Federal Aviation Administration's regional offices and air traffic control facilities without congressional oversight and public comment which was included when the House reauthorized the FAA earlier this year.

I am concerned that consolidation of air traffic control offices and facilities could have an effect on the safety of flying. In addition, consolidation would result in the loss of many jobs, including jobs of some of my constituents as the Western-Pacific Regional Office which serves all of Southern California is located in Hawthorne—a city in my district.

The National Air Traffic Controllers Association recently presented me the Champion for Aviation Safety Award for my work to protect local jobs in Southern California and to keep passengers and the communities surrounding LAX safe. I truly appreciate this honor and will continue to be a strong advocate for air traffic controllers and passenger safety.

Members of Congress are perhaps some of the most frequent flyers, especially those of us who represent constituencies far away from Washington. We owe air traffic controllers—as well as flight attendants, pilots, ground crew, ticket agents, and others—a debt of gratitude for keeping us and our fellow passengers safe, and for keeping us moving safely and

quickly so that we can get back to our constituents and our families in a timely manner.

So I am proud to rise in support of this resolution, Mr. Speaker, I thank the gentlelady from New York for offering it.

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

Mr. COSTELLO. Mr. Speaker, I urge passage of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BLUMENAUER). The question is on the motion offered by the gentleman from Illinois (Mr. COSTELLO) that the House suspend the rules and agree to the resolution, H. Res. 1401, as amended.

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

A motion to reconsider was laid on the table.

RECOGNIZING THE FREIGHT RAILROAD INDUSTRY

Mr. COSTELLO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1366) recognizing and honoring the freight rail industry, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1366

Whereas the United States utilizes the most efficient and productive freight railroad system in the world;

Whereas freight rail has played a critical role in the economic development of the United States and has helped to build cities and strengthen infrastructure throughout this great Nation;

Whereas the first common carrier railroad in North America, the Baltimore & Ohio Railroad, was chartered by the State of Maryland in 1827;

Whereas freight rail has been instrumental in bringing American goods to market nationally and internationally since 1830;

Whereas the United States freight rail network has over 560 railroad companies, includes 140,000 miles of track and carries more than 2,200,000,000 tons of freight annually;

Whereas 43 percent of all intercity freight volume is moved by freight rail, including the clothes we wear, the food we eat, the coal we use for domestic energy, and the automobiles we drive;

Whereas freight railroads have nearly doubled the amount of cargo they have shipped over the past 3 decades with virtually no increase in fuel consumption;

Whereas freight rail is one of the most fuel-efficient modes of transportation, able to move one ton of freight 480 miles on 1 gallon of diesel fuel;

Whereas freight railroads have increased fuel economy by an average of 45 percent since 1990;

Whereas, from 1980 to 2009, United States freight railroads consumed 55,000,000,000 fewer gallons of fuel and emitted 617,000,000 fewer tons of carbon dioxide than they would have if their fuel efficiency had not improved;

Whereas the freight railroad sector complies with the Environmental Protection Agency's new locomotive emissions standards which will cut particulate emissions by up to 90 percent and nitrogen oxide emissions by up to 80 percent;

Whereas the freight rail industry has created good-paying jobs and provided its workers with good benefits, and as of 2008, there were 183,743 employees working for the freight railroads;

Whereas freight rail continues to play a vital role in the United States growth, job creation, and economic recovery;

Whereas freight rail companies have reinvested $460,000,000,000 in revenues toward equipment, maintenance, and rail expansion since 1980, which has supported employment and economic activity throughout the United States;

Whereas such investments have continued even during the economic downturn, with major railroads spending more than $10,000,000,000 in 2008 on capital improvements and similar amounts in 2009;

Whereas for every $1 invested in freight rail capacity, the national economy sees $3 in economic output;

Whereas freight rail growth will continue to generate jobs and produce a reliable means of transporting goods;

Whereas the seven Class I freight railroads have joined the Environmental Protection Agency's "SmartWay Transport", which works to improve fuel efficiency and reduce harmful greenhouse gases;

Whereas both the public and private sector and organized labor have contributed significantly toward the creation of the freight rail infrastructure we use today;

Whereas the freight rail industry has built one of the world's most envied infrastructure networks; and

Whereas a strong freight rail system is critical to the economic and environmental well-being of the United States of America: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the contributions the freight rail industry and its employees have made to the national transportation system; and

(2) supports the efforts of the freight rail industry and its employees to continue improving safety as our Nation moves forward with developing its infrastructure.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. COSTELLO) and the gentleman from Pennsylvania (Mr. SHUSTER) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. COSTELLO. 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 H. Res. 1366.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H. Res. 1366, as amended, introduced by the gentleman from Illinois (Mr. HARE), which honors the freight railroad industry and its employees and the important contributions they have made to our Nation and the national transportation system.

Freight railroads have a long important history in the United States. Beginning in the early 1800s, during the Industrial Revolution, freight railroads played a critical role in the expansion and economic development of the Nation. Since May 24, 1830, when the Baltimore Ohio Railroad, now part of the CSX, the Nation's first common-carrier railroad, opened for business from Baltimore West to Ellicott City, freight rail has helped bring American goods to markets domestically and internationally. On May 10, 1869, the industry literally transformed America when the golden spike was driven into the final tie that joined 1,776 miles of the Central Pacific and Union Pacific railways, creating the Nation's first transcontinental railroad.

Today the freight rail industry employs more than 183,000 hardworking, dedicated Americans who help keep our country and its trains moving 24 hours a day, 7 days a week. Our freight rail industry boasts a vast network across the country. There are more than 560 freight rail companies in the United States that operate 140,000 miles of track and carry more than 2.2 billion tons of freight annually.

Freight rail is also one of the most energy-efficient modes of transportation. It is able to move one ton of freight 480 miles on one gallon of diesel fuel, and helps reduce congestion. One train can take 280 trucks off the road, the equivalent of 1,100 automobiles.

Freight and intercity passenger rails are also important components of our Nation's economic strength and mobility. Freight railroads account for 43 percent of intercity freight volume, more than any other mode of transportation.

Mr. Speaker, I urge my colleagues to join me in supporting H. Res. 1366.

I reserve the balance of my time.

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

Mr. Speaker, I rise today to speak in support of H. Res. 1366, recognizing and honoring the United States freight rail industry. Before I do, I must note, once again, as other of my colleagues have, that every single transportation bill on today's suspension calendar is a Democratic bill. The majority has not been living up to the common practice of a 70/30 split on those suspension calendars. Currently, it's running at about 95–5 percent, although I am pleased to say that they've added three Republican suspension bills to the calendar later this week. So I hope the majority will continue to try to honor that common practice we've had in the House for a number of years.

We are honoring the freight rails today because our freight rail network is the undisputed envy of the world. Every year freight trains move 40 tons of material for every man, woman and child in this country. Railroads provide a remarkable public benefit, reducing traffic on the highways, lowering pollution, and providing a less expensive mode of transit for freight. And this public benefit is provided at no expense to taxpayers.

Perhaps the greatest thing about the railroad industry is that it utilizes private money rather than public funds to build and maintain its infrastructure. Investors risk billions of capital annually to support the Nation's railroads because these private companies

produce a reliable, although modest return to investors. We must not jeopardize this critical industry by over-regulating or re-regulating and creating an environment where railroads cannot access the capital to maintain and expand their operations.

□ 1220

Without this access to investment capital, the industry will decline, as it has in the past. And we don't want to be here 10 or 15 years from now discussing taxpayer subsidies for the freight rail industry.

Over the course of the 20th century, Congress enacted policies that nearly ruined the railroads in the name of reducing shipping rates. These policies discouraged investors, and led to decay in the railroad industry. ''Standing derailments'' became common in this dark era, a term that was used for an idle freight car that simply collapses on its side because of rotten tracks. Over one-fifth of the Nation's railroads were owned by bankrupt firms by the end of the 1970s.

But the Staggers Reform Act in 1980 created an environment that has led to the revitalized freight network we all benefit from today. Railroads are prosperous again, productivity has soared, and rail continues to gain market share thanks to improvements in service and competitive pricing. This reconnaissance culminated earlier this year when Warren Buffett made his $34 billion investment in the BNSF railroad.

Despite the fact that shipping rates are much lower today than they were in the 1980s, and freight rates in the U.S. are half of what they are in Europe and Japan, the same forces are at play that nearly destroyed the railroads in the 20th century. Already the urge to regulate has led to a policy that will force the railroads to spend more than $12 billion on positive train control, a price tag that continues to grow at an alarming rate. Positive train control has a cost-benefit ratio of 20 to 1, and will prevent less than 3 percent of rail accidents. It is my belief that railroads themselves are the best judge of where to invest capital dollars for safety improvements, not Congress.

We should work together with the railroads to identify areas of safety improvement that can be accomplished at a reasonable cost. And I believe we should reexamine the scope of the positive train control mandate.

I note that this is the first time that Congress has considered a resolution recognizing and honoring the freight railroads alone. I think it's very appropriate, because the National Train Day resolution we passed earlier this year was changed from previous years' versions to focus solely on Amtrak and passenger rail. Amtrak operates primarily on private freight tracks. Without the continued economic vitality of the freight railroads and their constant investment in maintaining 140,000 miles of track in the U.S., Amtrak would not have a national passenger rail system.

In closing, I urge my colleagues to support H. Res. 1366, and believe that Congress should honor the freight rail industry by working to create an environment that will allow it to have continued success.

I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield myself 1 minute to respond to my friend, Mr. SHUSTER.

Mr. Speaker, let me say for the record Mr. SHUSTER made a point that we have Democratic bills from the committee before the House today and no Republican bills. The gentleman may or may not know that this Thursday Chairman OBERSTAR has agreed to markup five Republican bills in the Transportation and Infrastructure Committee.

For the record, I would point out that in the 110th and 111th Congress both, the committee passed well over 40, in fact I think 42 bills out of the committee, and moved them through the House. So I would just for the record say that to my friend from Pennsylvania.

Mr. SHUSTER. Will the gentleman yield?

Mr. COSTELLO. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. I would say thank you. I did make note we are getting three more bills, and we appreciate the effort.

Mr. COSTELLO. Mr. Speaker, at this time I yield 5 minutes to the gentleman from Illinois (Mr. HARE), my friend and the sponsor of this resolution.

Mr. HARE. Mr. Speaker, I would like to begin by thanking Chairman OBERSTAR, Ranking Member MICA, my friend Chairman COSTELLO, and the staff of the House Transportation and Infrastructure Committee for their strong support of this important resolution.

House Resolution 1366 formally recognizes the contributions and accomplishment of the freight rail industry and its employees throughout our great Nation. Like many of my colleagues on both sides of the aisle, freight rail is incredibly important to my district and my home State of Illinois.

I have had the opportunity to see firsthand the hard work freight rail employees put forth each and every day. In cities like Galesburg, Rock Island, and Decatur, I am constantly reminded of the positive impact that this industry has had on the economies of the localities and the improvements of our Nation's transportation infrastructure.

Throughout its rich American history, freight rail has proven time and again to be among the most efficient, environmentally friendly ways of transporting our Nation's goods. Freight rail generates hundreds of billions of dollars in annual economic activity, and supports over 1.2 million jobs throughout the United States. As our economy continues to recover, the freight rail industry will be an essential component in fulfilling the great demand to move goods again and put more Americans back to work.

I am proud to say that I have received letters of support for this resolution from both the business and the labor sector, including the Association of American Railroads, Growth Options for the 21st Century, and the Transportation Trades Department of the AFL–CIO.

I have no doubt that the industry will continue to contribute in indispensable ways to the health and growth of the United States economy and our infrastructure, and will continue to reduce its impact on the environment.

Again, I thank the chairman and my colleagues on the Transportation and Infrastructure Committee for supporting this resolution. I believe that Congress is long overdue in formally recognizing the industry and the vital role it continues to play in our country's growth, job creation, and economic recovery. I urge my friends on both sides of the aisle to support this noncontroversial resolution.

ASSOCIATION OF
AMERICAN RAILROADS,
MAY 19, 2010.

Hon. PHIL HARE,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN HARE: I am writing in support of your resolution recognizing and honoring America's freight rail industry. H. Res. 1366 correctly notes that our nation's freight railroads operate the safest, cleanest, most efficient and most environmentally sound rail system in the world. We've worked hard to earn these credentials and look to set the standards even higher moving forward.

Freight rail is a highly efficient industry that is essential to the U.S. economy and economic recovery. Not only does our industry employ nearly 190,000 well-paid workers, the overwhelming majority which are union employees, but freight rail also supports millions of jobs for workers in American businesses that rely on our industry to ship their goods.

We are committed to continuing to provide the affordable, efficient transportation our customers depend on. And we will do so in the most environmentally sensitive and energy efficient manner possible. As you so eloquently stated, freight railroads meet our nation's transportation needs today and will have an even more positive impact in the future. We like to say that our nation's recovery is running on our steel spine.

Thank you again for taking the time to recognize our industry and the important benefits we deliver for America.

Sincerely,

EDWARD R. HAMBERGER,
President and
Chief Executive Officer.

GROWTH OPTIONS
FOR THE 21ST CENTURY,
Alexandria, VA, May 20, 2010.

Hon. PHIL HARE,
Member of Congress, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN HARE: As President of Growth Options for the 21st Century (Go21), I would like to thank you for introducing H. Res. 1366 to help focus well deserved attention on the important contributions of

freight rail to improving quality of life in the United States. As a nonprofit grassroots organization devoted to advancing policies that maximize usage of our rail system, we fully support H. Res. 1366.

Since we founded Go21 in 2004, we have worked hard to spread the word about the public benefits of rail. I am pleased to say that to date, more than 3,500 community leaders from all across the nation and every part of the political spectrum have joined us in this effort. As your resolution notes, a strong freight rail system is a key component in rebuilding our nation's economy and creating jobs. Able to move a ton of freight 480 miles on a single gallon of fuel, rail is also helping to reduce our dependence on foreign oil while also decreasing emissions of pollutants.

In addition to the more than 190,000 Americans who make their livings working directly for the railroads, thousands more American jobs are dependent on the safe, efficient and cost effective transportation that rail provides. As many Go21 supporters can attest, rail is a vital link that is helping to drive the economic recovery and create new jobs in their own communities.

Go21 strongly supports your efforts and H. Res. 1366 and encourages Congress to pass this resolution with bi-partisan support.

Sincerely,

WILLIAM C. GIBB,
President.

TRANSPORTATION TRADES DEPARTMENT,
Washington, DC, July 20, 2010.

DEAR REPRESENTATIVE: On behalf of the Transportation Trades Department, AFL–CIO (TTD), including our affiliated rail unions, I would like to express support for H. Res. 1366, introduced by Representative Phil Hare, which recognizes and honors the freight rail industry and its employees. For decades, the rail industry and its dedicated workers have contributed to our national transportation system and played a significant role in the growth and development of America's economy and infrastructure.

Today freight rail generates nearly $265 billion in annual economic activity, making it a critical component of our national economy. The industry employs nearly two hundred thousand rail workers; the vast majority of which earn good pay and benefits through collective bargaining agreements. These rail workers operate and oversee the system, working to deliver tons of goods annually to destinations across the country. In addition to the workers freight rail directly employs, it also supports more than one million jobs in other industries throughout our economy and is an important part of our national transportation system.

According to the Department of Transportation, by 2035 total freight transportation will rise 92 percent from 2002 levels; this includes an 88 percent increase for railroads. Expanding freight rail infrastructure and capacity to meet this demand is critical and will create thousands of additional jobs across the country. During a time of historic unemployment levels, the freight rail industry is well-positioned to put thousands of Americans back to work.

To recognize the achievements of freight rail workers and the entire industry, we ask that you support H. Res. 1366 and advance polices that promote a rail system that creates and sustains good jobs, protects workers, and continues to enhance the safety and efficiency of the system.

Sincerely,

EDWARD WYTKIND,
President.

Mr. OBERSTAR. Mr. Speaker, I rise today in support of H. Res. 1366, as amended, which honors the freight railroad industry and its employees and the important contributions they have made to our nation and the national transportation system.

Freight railroads have played an essential role in the growth of our country since 1825, when Colonel John Stevens, considered the father of railroads, demonstrated the feasibility of steam locomotion on a circular experimental track constructed on his estate in Hoboken, New Jersey. By 1830, railroads were still in their infancy and there was less than 40 miles of track in operation.

However, Peter Cooper's Tom Thumb locomotive would change the face of railroad locomotion forever on August 28, 1830, when his American-built locomotive was challenged by horse-drawn equipment in a head-to-head race. The Tom Thumb easily pulled away from the horse until a belt on the locomotive slipped and failed. Though Peter Cooper and his locomotive lost the race, it was apparent that the locomotive offered superior performance. Steam locomotives would reign over American railroads for the next 100 years.

From these very humble beginnings, railroads brought economic and social changes never dreamed of by early Americans. Just 10 years later, in 1840, railroad mileage increased to slightly over 2,800 miles, tripling to over 9,000 miles by 1850. In 1860, mileage tripled again to more than 30,000 miles and brought prosperity to all the communities that railroads touched. Railroads moved manufactured goods, farm implements, and building materials to the west, while bringing meat, produce and other crops to the east. Steam locomotives raced along averaging 25 miles per hour, reducing trips that used to take days to hours. For example, a trip from Cincinnati, Ohio, to St. Louis, Missouri, was reduced from three days to just 16 hours.

On July 1, 1862, the Pacific Railway Act of 1862, as enacted by Congress, was approved and signed into law by President Abraham Lincoln. This led to the creation of the first transcontinental railroad, when the Central Pacific Railroad and the Union Pacific Railroad linked at Promontory Summit, Utah, on May 10, 1869, connecting over 1700 miles of western railroads to the eastern railroads at the Missouri River. This established the first mechanized transcontinental transportation network that revolutionized the population and economy of the American west.

While the railroads moved goods across the country and helped build cities and towns across the west, the railroad was also the hi-tech industry of its day, responsible for innovations such as "standard time" and pioneering the use of the telegraph as a nationwide dispatching communication system.

The railroad industry was also a leader in bringing about worker protections. The Railway Labor Act of 1926 established basic principles of fair bargaining and mediation. Our Nation's social security system, enacted in 1935, was based partly on provisions of the Railroad Retirement Act of 1934. Today, more than 183,000 hardworking, dedicated Americans help keep our country and its trains moving around the clock.

Our freight rail industry is composed of an efficient and well-maintained network, moving 2.2 billion tons of freight over 140,000 miles of railroad annually. Freight rail is also one of the most energy-efficient modes of transportation, moving one ton of freight 480 miles on one gallon of diesel fuel. One train can take 280 trucks off the road—the equivalent of 1,100 automobiles.

Freight and intercity passenger rail are important components of our nation's economic strength and mobility. Freight railroads account for 43 percent of intercity freight volume—more than any other mode of transportation.

I urge my colleagues to join me in supporting H. Res. 1366.

Mr. QUIGLEY. Mr. Speaker, I rise today in strong support of H. Res. 1366 and to recognize the vital role that the freight rail industry plays in this country.

When a massive volcano recently erupted in Iceland, ash spewed into the atmosphere cancelling thousands of flights and grounding travelers and goods across Europe.

In the midst of this chaos and confusion, Europe's rail industry answered the call for everyone and everything that simply needed to get from point A to point B.

Here in the United States, we must remember this.

Our railroads are less susceptible to the unpredictable conditions caused by natural disasters, inclement weather, terrorist threats, and more.

Since the 19th Century, American citizens and industry have placed their trust in rail. Its dependability is proven and unparalleled.

I call on my colleagues to join me in recognizing the freight industry as one of our greatest assets and remember we must continue to advance, utilize, and invest in America's railways.

Mr. BLUMENAUER. Mr. Speaker, I am proud today to support House Resolution 1366, Recognizing and Honoring the Freight Rail Industry. Freight rail is an important part of our transportation system because of the unique role that it plays as both an economical and environmentally-friendly freight mode. Freight rail moves goods from place to place efficiently, reliably, and without increasing congestion on our highways. It is an efficient mode of transport, averaging 457 freight ton miles per gallon of gasoline. If 10 percent of goods currently shipped by truck were instead shipped by freight rail, we would decrease our annual greenhouse gas emissions by more than 12 million tons. Furthermore, freight rail creates local, green jobs. Estimates suggest that each $1 billion invested in freight rail creates 20,000 jobs. Freight rail plays an important role in making our communities safer, healthier, and more economically secure.

I appreciate the opportunity today to honor the men and women who make up our freight industry. I encourage my colleagues to consider freight rail as we look for ways to make our transportation system more efficient, more environmentally-friendly, and more effective. Many of my colleagues have cosponsored H.R. 5478, the Green Railcar Enhancement Act, legislation I introduced offering a tax credit for replacing or rebuilding old, inefficient railcars. I appreciate their support and I look forward to continuing to promote freight rail as a critical part of a 21st century transportation system.

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

Mr. COSTELLO. Mr. Speaker, I urge our colleagues to support the resolution. I have no further requests for

time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. COSTELLO) that the House suspend the rules and agree to the resolution, H. Res. 1366, 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. COSTELLO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

MULTI-STATE DISASTER RELIEF ACT

Mr. COSTELLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5825) to review, update, and revise the factors to measure the severity, magnitude, and impact of a disaster and to evaluate the need for assistance to individuals and households.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5825

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 ''Multi-State Disaster Relief Act''.

SEC. 2. INDIVIDUAL ASSISTANCE FACTORS.

(a) IN GENERAL.—In order to provide more objective criteria for evaluating the need for assistance to individuals and households and to speed a declaration of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), not later than one year after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency (referred to in this Act as the ''Administrator''), in cooperation with representatives of State and local emergency management agencies, shall review, update, and revise through rulemaking the factors considered under section 206.48(b) of title 44, Code of Federal Regulations, to measure the severity, magnitude, and impact of a disaster.

(b) CONSIDERATION OF A CONTIGUOUS COUNTY.—In reviewing, updating, and revising the factors referenced in subsection (a) the Administrator shall include as a factor whether a contiguous county in an adjacent state has been designated in a major disaster or emergency as a result of the same incident.

(c) REPORT.—Not later than 3 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the Federal Emergency Management Agency's current regulations, policies, procedures, and practices on—

(1) recommending major disaster or emergency declarations in order to provide assistance to individuals and households; and

(2) making post-declaration designations of the need for assistance to individuals and households in a county that is contiguous to a State that has received a major disaster or emergency declaration for the same incident.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. COSTELLO) and the gentleman from Pennsylvania (Mr. SHUSTER) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. COSTELLO. 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 H.R. 5825.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 5825, a bill to require the Federal Emergency Management Agency to review, update, and revise the factors to measure the severity, magnitude, and impact of a disaster and to evaluate the need for assistance to individuals and households, sponsored by my friend and colleague from Indiana, Congressman BARON HILL.

Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the President has the sole discretion to determine when a disaster is beyond the capability of State and local governments, and therefore, when FEMA and Federal assistance is needed. In doing so, the President looks to the administrator of FEMA for a recommendation.

FEMA published regulations more than 10 years ago to explain the factors it looks to when making a recommendation to the President on whether to declare a major disaster or emergency to provide assistance to individuals and households. These regulations are important, as they provide guidance to the States on when and how to seek Federal assistance under the Stafford Act, including specific criteria FEMA considers. Knowing this helps States put together the best information they can as quickly as possible, and hopefully expedite the process to get assistance where it is needed.

FEMA has recognized that these regulations need to be improved, and have been working with the States to do so. However, the process has been occurring for some time. This legislation would merely put a reasonable deadline of 1 year on that process. This legislation also requires that FEMA add to the list of criteria it considers whether an adjacent community across a State line has received a major disaster or emergency declaration for the same incident.

□ 1230

This logical approach recognizes that the impact of disasters do not stop at the State line. This is something that FEMA should be doing and, if they are not already doing so, will do so under this legislation.

I thank my friend, Mr. HILL, for bringing this issue to the attention of the House and for sponsoring this legislation.

I urge my colleagues to support H.R. 5825.

I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Florida (Mr. MARIO DIAZ-BALART) will control the time.

There was no objection.

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

Obviously, we've heard it before. I'm disappointed that, frankly, none of the bills that we are considering today are from any Republicans, and I know that's something we need to continue to work on, but I want to refer to this specific legislation.

It would direct the administrator of FEMA to review and revise the current the regulations, as we just heard, related to eligibility under its Individuals and Households Program. Again, specifically, it would require FEMA to consider whether a county in one State is adjacent to a State that has been designated in a major disaster or emergency. In other words, there may be a county in a different State that may be affected, and that's got to be considered as well because, again, the impact of disasters are obviously not contained or limited to just manmade geographic boundaries.

In many cases, the destruction is significant enough that all States involved are designated in a major disaster emergency, but in some cases that's not the case. So there could be a State right next door that has one county that's been significantly hit but the rest of the State has not, and this would hopefully remedy that, and this would allow FEMA to look at that and remedy that.

I think this is a commonsense bill. It's also taking place now while we're already in the hurricane season, so I think it's important that we're doing this now. For those of us who are living in States that are too often—more often than we would like, because obviously once is too often—affected by storms and the like, this could not come soon enough.

So I want to thank the chairman and thank all of you for bringing this forward. It's a commonsense piece of legislation.

With that, I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield such time as he may consume to the sponsor of this legislation, the gentleman from Indiana (Mr. HILL).

Mr. HILL. First, let me thank Chairman OBERSTAR and Subcommittee Chairwoman NORTON for working with me on this particular piece of legislation and for the continuous work on bills aimed at improving our country's emergency response and preparedness.

Let me also take the opportunity to thank Congressman COSTELLO for managing this bill today.

Mr. Speaker, I appreciate the opportunity to present information about this bill being considered here today, House Resolution 5825, the Multi-State Disaster Relief Act. Southern Indiana has been devastated by seven major natural disasters over the last few years. Yet the one that stands out and the one that brought the most pain and frustration to the residents of southern Indiana was the incident that occurred almost exactly 1 year ago today.

In early August of 2009, a series of severe storms rocked Indiana and Kentucky and damaged or destroyed hundreds of homes. The State of Kentucky received a major disaster declaration but Indiana did not from the same storm. As a result, hundreds of Hoosiers living just a few miles from their friends and neighbors across the border in neighboring Kentucky were not eligible to receive Federal grants to repair their homes even though they were devastated by the same natural disaster.

We can try to be prepared for natural disasters, but these events are largely beyond our control. However, we do have full control over how our Federal Government responds and aids individuals following a disaster. And, in this instance, I believe our government missed the mark.

This incident exposed a major flaw with the current FEMA disaster assistance process—the inability to fairly and accurately provide assistance for natural disasters that strike more than one State. Currently, FEMA provides disaster assistance on a State-by-State basis. So when a disaster strikes, if a Governor believes a disaster is beyond the capability of the State, he or she will make a request to the President to receive a major disaster declaration, and FEMA will make a recommendation to the President about whether a State should receive a declaration and whether individuals in certain counties should be eligible for individual assistance to repair their homes.

When a disaster hits in the middle of a State and the damage is concentrated, the process is straightforward and the victims in the States most significantly affected will usually receive the necessary assistance. Yet, when a disaster crosses over State lines, FEMA treats the instance as two separate cases and requires each State to meet a specific Statewide damage threshold to receive a major disaster declaration. If that threshold is not met and a State is denied a disaster declaration, individuals who were as severely affected as those just across the State line have limited options for recourse and rebuilding.

FEMA considers certain factors when determining whether to recommend that the President declare a major disaster for a State and provide individual assistance. House Resolution 5825 would update and improve the factors FEMA uses to determine whether a State should receive a major disaster declaration.

Specifically, House Resolution 5825 would require FEMA to take into account whether contiguous counties in a neighboring State were designated in a major disaster from the same incident. This means that FEMA would have to look at the damage from a neighboring State and factor this into their decision about whether to provide aid to individuals and issue a major disaster declaration; whereas, now they are not required to take this into account.

The bill would also require FEMA to review, update, and revise the regulation used to measure the severity and impact of a disaster when determining that the individuals should receive assistance within 1 year of the enactment.

Lastly, this bill would require FEMA to issue a report to Congress within 3 months of enactment on their current policies concerning major disaster declarations for individual assistance and their policy on providing aid to individuals in counties contiguous to a State that has received a major disaster declaration.

While this bill, unfortunately, is not retroactive, I believe if this law were in place last year, the result for my constituents in Indiana would have been very much different. This bill is the first step to right a wrong that befell Hoosiers last year when trying to pick up the pieces after a natural disaster while left wondering why their Federal Government was picking favorites.

Storms and natural disasters do not care about State lines when they destroy someone's home or business, and under this bill, when disaster strikes more than one State, FEMA officials would have to look at the impact of the overall storm and not just the impact on that individual State when deciding whether to provide disaster assistance to individuals. I believe this bill will help all Americans receive fair treatment the next time disaster strikes no matter which State they come from.

To the people of southern Indiana, I want to say that the lessons have been learned from last year's tragedy, and we're not going to let those same mistakes be repeated.

Let me also give my thanks to my Republican friends for their bipartisan support of this bill.

Mr. MARIO DIAZ-BALART. Mr. Speaker, as I said before, this is a commonsense bill. As the ranking member of the subcommittee that deals with emergency management and other issues, it would have been nice to have this go through the committee process through regular order. It didn't. It came straight to the floor. But it is a good bill. It's a very good bill. It's a commonsense bill and obviously I do support it.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 5825, the "Multi-State Disaster Relief Act". The gentleman from Indiana (Mr. HILL) identified this issue after floods struck last August in his district in Indiana, and neighboring counties in Kentucky. I thank Representative HILL for bringing this issue to the attention of the Committee on Transportation and Infrastructure, and working with the Committee on a practical solution.

The Stafford Act and our Nation's emergency management system are based on a multi-level system of response at the local, State, and Federal level, as necessary. Local citizens and communities have the primary responsibility for responding to incidents and disasters that strike their communities. When they need additional assistance, they seek that assistance from their State. When the disaster is beyond the capability of the State, the State seeks help from the Federal Government. As a result, the President must look at the impacts on the State in which the disaster took place in determining whether Federal assistance is warranted.

However, disasters don't always stay neatly within the lines we have drawn, and the impact of a particular event often crosses State lines. When disaster strikes, first responders, emergency managers, volunteers, and others respond, regardless of county or State lines. In my home State of Minnesota, there are neighboring jurisdictions separated by a river. In many places, that river is the State boundary, but in reality, it is one community that encompasses both sides of the river. In 1997, in the western part of Minnesota along the Red River, devastating floods struck both Grand Forks, North Dakota, and East Grand Forks, Minnesota.

In my own district, we have seen this happen as well. In 1992, a gas leak from a derailed railroad tank resulted in the evacuation of more than 50,000 people from the Twin Ports of Duluth, Minnesota, and Superior, Wisconsin—communities separated by the St. Louis River. Hundreds of first responders provided assistance, including members of the National Guard and Army Reserve. While at least two dozen people from both States were hospitalized, we were fortunate that the cloud quickly dissipated and Federal assistance was not necessary.

It is only logical that the Federal Emergency Management Agency (FEMA) and the President, in making a determination whether to declare a disaster and provide assistance to individuals and households, consider both immediate local impacts and the impacts in neighboring communities, even if they are in another State. When a disaster also affects a neighboring county across a State line, this legislation directs FEMA to consider this fact when the agency recommends to the President whether or not to declare a disaster.

The Committee understands that FEMA is currently working with State and local emergency managers on revamping the criteria the agency uses regarding whether to recommend that the President declare a major disaster or emergency in order to provide assistance to individuals and households. FEMA has been working on these changes for some time. This legislation is not intended to impede that process. This legislation merely puts a reasonable deadline on the process and requires that one common-sense criteria be incorporated.

This legislation is supported by the International Association of Emergency Managers (IAEM), which represents our Nation's county, local, and tribal emergency managers, who serve in the communities that would benefit most from this legislation.

I urge my colleagues to join me in supporting H.R. 5825.

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

Mr. COSTELLO. Mr. Speaker, I urge passage of this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. COSTELLO) that the House suspend the rules and pass the bill, H.R. 5825.

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

A motion to reconsider was laid on the table.

□ 1240

SUPPORTING OBSERVER STATUS FOR TAIWAN IN INTERNATIONAL CIVIL AVIATION ORGANIZATION

Ms. BERKLEY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 266) expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 266

Whereas the Convention on International Civil Aviation, signed in Chicago, Illinois, on December 7, 1944, and entered into force April 4, 1947, approved the establishment of the International Civil Aviation Organization (ICAO), stating ''The aims and objectives of the Organization are to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to . . . meet the needs of the peoples of the world for safe, regular, efficient and economical air transport'';

Whereas following the terrorist attacks of September 11, 2001, the ICAO convened a High-level Ministerial Conference on Aviation Security that endorsed a global strategy for strengthening aviation security worldwide and issued a public declaration that ''a uniform approach in a global system is essential to ensure aviation security throughout the world and that deficiencies in any part of the system constitute a threat to the entire global system'', and that there should be a commitment to ''foster international cooperation in the field of aviation security and harmonize the implementation of security measures'';

Whereas, on January 22, 2010, the Secretary General of the ICAO stated, ''The attempted sabotage of Northwest Airlines Flight 253 on 25 December [2009] is a vivid reminder that security threats transcend national boundaries and can only be properly addressed through a global strategy based on effective international cooperation.'';

Whereas the Taipei Flight Information Region, under the jurisdiction of the Republic of China (Taiwan), covers an airspace of 176,000 square nautical miles and provides air traffic control services to over 1,350,000 flights annually along 12 international and 4 domestic air routes;

Whereas over 174,000 international flights carrying more than 35,000,000 passengers travel to and from Taiwan annually, reflecting its importance as an air transport hub linking Northeast and Southeast Asia;

Whereas a total of 30 airlines, 23 of which are foreign-owned, provide scheduled flights to Taiwan;

Whereas airports in Taiwan handle more than 1,580,000 metric tons of air cargo annually;

Whereas Taiwan Taoyuan International Airport was ranked in 2009 by the Airports Council International as the world's 8th and 18th largest airport by international cargo volume and number of International passengers respectively;

Whereas exclusion from the ICAO since 1971 has impeded the efforts of the Government of Taiwan to maintain civil aviation practices that comport with evolving international standards, due to its inability to contact the ICAO for up-to-date information on aviation standards and norms, secure amendments to the Organization's regulations in a timely manner, obtain sufficient and timely information needed to prepare for the implementation of new systems and procedures set forth by the ICAO, receive technical assistance in implementing new regulations, and participate in technical and academic seminars hosted by the ICAO;

Whereas, despite these impediments and irrespective of its inability to participate in the ICAO, the Government of Taiwan has made every effort to comply with the operating procedures and guidelines set forth by the organization;

Whereas, despite this effort, the exclusion of Taiwan from the ICAO has prevented the organization from developing a truly global strategy to address security threats based on effective international cooperation, thereby hindering the fulfillment of its overarching mission to ''meet the needs of the peoples of the world for safe, regular, efficient and economical air transport'';

Whereas the United States, in the 1994 Taiwan Policy Review, clearly declared its support for the participation of Taiwan in appropriate international organizations, in particular, on September 27, 1994, with the announcement by the Assistant Secretary of State for East Asian and Pacific Affairs that, pursuant to the Review and recognizing Taiwan's important role in transnational issues, the United States ''will support its membership in organizations where statehood is not a prerequisite, and [the United States] will support opportunities for Taiwan's voice to be heard in organizations where its membership is not possible'';

Whereas section 4(d) of the Taiwan Relations Act (22 U.S.C. 3303(d)) declares, ''Nothing in this Act may be construed as a basis for supporting the exclusion or expulsion of Taiwan from continued membership in any international financial institution or any other international organization.''; and

Whereas ICAO rules and existing practices have allowed for the meaningful participation of noncontracting countries as well as other bodies in its meetings and activities through granting of observer status: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) meaningful participation by the Government of Taiwan as an observer in the meetings and activities of the International Civil Aviation Organization (ICAO) will contribute both to the fulfillment of the ICAO's overarching mission and to the success of a global strategy to address aviation security threats based on effective international cooperation;

(2) the United States Government should take a leading role in gaining international support for the granting of observer status to Taiwan in the ICAO for the purpose of such participation; and

(3) the United States Department of State should provide briefings to or consult with Congress on any efforts conducted by the United States Government in support of Taiwan's progress toward observer status in the ICAO.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Nevada (Ms. BERKLEY) and gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Nevada.

GENERAL LEAVE

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

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

There was no objection.

Ms. BERKLEY. I yield myself such time as I may consume. Mr. Speaker, I rise today in support of H. Con. Res. 266, expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization, the ICAO.

As cochairman of the Congressional Taiwan Caucus, I have seen firsthand the amazing progress that Taiwan has made in its economic and political development. Throughout the 1970s and 1980s, Taiwan's economy grew by more than an amazing 10 percent per year and is now the United States' ninth-largest overall trading partner, with two-way trade in 2008 valued at $61.6 billion. Taiwan also is the sixth-largest destination for U.S. agricultural exports, about $2.5 billion annually.

Meanwhile, Taiwan has developed one of the strongest democracies in the region, having had several peaceful, democratic transfers of power. I have met their current President, President Ma Ying-jeou, who is a well-spoken, Western-educated leader who has worked very hard to reduce tensions between Taiwan and China and concluded an Economic Cooperation Framework Agreement with the PRC Government recently.

All the while, however, Taiwan has been shut out of participating in international organizations like the International Civil Aviation Organization. Founded in 1947, ICAO's goal is to ''meet the needs of the peoples of the world for safe, regular, efficient, and economical air transport.'' These goals can only be reached through a cooperative approach that brings together the world's leading economies to share best practices and information. We need look no further than this past Christmas for a reminder of how our aviation security transcends national boundaries and can only be addressed through a cooperative, international strategy.

Mr. Speaker, Taiwan deserves to be brought into the ICAO as on observer.

Over 174,000 international flights travel to and from Taiwan each year, carrying more than 35 million passengers. Their air traffic controllers now provide service to over 1.3 million flights each year. By cargo volume, Taiwan has the eighth-largest airport in the world.

Yet Taiwan has been excluded from ICAO since 1971, which has impeded Taiwan's efforts to maintain civil aviation practices that keep up with rapidly evolving international standards. It is unable to even contact ICAO for up-to-date information on aviation standards and norms, nor can it receive ICAO's technical assistance in implementing new regulations or participate in ICAO technical and academic seminars.

Despite these impediments, Taiwan has made every effort to comply with ICAO's standards, but their continued exclusion from such an important organization is nothing short of absurd. It not only hurts Taiwan, it puts us and the entire world at risk. With such a heavy volume of flights, Taiwan's exclusion has prevented ICAO from developing a truly global strategy to address security threats based on effective international cooperation. And regardless of one's position on the One-China Policy, ICAO's own rules allow for ''noncontracting countries'' to participate through observer status.

With this resolution today, we call upon the world community to grant Taiwan observer status at the ICAO, not only to help Taiwan but to ensure ICAO can fulfill its own stated mission and address threats to aviation security. We call on the U.S. government to take a leading role at ICAO to assist Taiwan in gaining this status and look forward to working with our administration officials to track the development of these efforts.

Mr. Speaker, enough is truly enough. It is time for the international community to recognize Taiwan as one of the world's leading economies, democracies, and responsible actors. It is a beacon of hope and liberty in a very difficult region, and we should be embracing, not excluding, these peace-loving people at every opportunity.

I hope ICAO will be only the beginning of Taiwan's reentry into the world community, to ICAO, to the World Health Organization, and other international organizations as appropriate.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I rise as a proud cosponsor of this important resolution, which calls upon the International Civil Aviation Organization, ICAO, to accord observer status to Taiwan.

Can there be any doubt that Taiwan, which provides air traffic control services for well over 1.3 million flights per year, needs to be a part of the international organization responsible for air safety and security? Is this especially not true in a post-September 11 world where security in the skies is of paramount importance to not only the American people but to all across the globe?

The provincial and shortsighted manipulations of Beijing's leaders who seek to deny Taiwan's international space cannot stand in the way of airport safety and security. It is time to bring to an end Beijing's petty parlor games of one-upmanship and humiliating slights in the running of international organizations.

If the alleged thaw in cross-Strait relations is to have any true significance, it must and should begin in the meeting rooms of ICAO and other international organizations. Those passengers, including our American citizens, who travel on any one of the almost 200,000 international flights headed to and from Taiwan every year expect and deserve every protection they can be afforded.

The time to let Taiwan begin to have constructive and meaningful participation in ICAO is long overdue. The United States State Department, as this resolution suggests, must assume a leading role to ensure that this happens as quickly as possible. The security in the skies of the people of Taiwan, of the people of the United States, and the citizens of the world demand no less.

So I strongly, Mr. Speaker, and enthusiastically urge my colleagues to support this important resolution.

With that, I reserve the balance of my time.

Ms. BERKLEY. I yield such time as he may consume to the gentleman from the great State of Oregon, Congressman WU.

Mr. WU. Mr. Speaker, I rise today in very strong support of House Concurrent Resolution 266, to support Taiwan in its bid to participate meaningfully in the International Civil Aviation Organization, known as ICAO.

I would like to thank my good friend and colleague, Congresswoman SHELLEY BERKLEY, and the other cochairs of the Taiwan Caucus for introducing this important resolution.

I have long believed that the greatest existential threat to Taiwan and, indeed, to any Nation is isolation, physical and psychological. I applauded Taiwan's participation in the 62nd World Health Assembly last year, which marked the first time since withdrawing from the United Nations 39 years ago that Taiwan rejoined a United Nations-related body as an observer. Taiwan's participation in the WHA was long overdue. Its renewed participation was an occasion to celebrate and to mark the beginning of what I hope is Taiwan's legitimate, growing involvement in other international organizations which do not require statehood.

□ 1250

Just as the United States supports Taiwan's meaningful participation in the World Health Organization, so too should we take the lead in supporting observer status for Taiwan in the International Civil Aviation Organization.

ICAO was formally established in 1947 as a means to secure international cooperation and the highest possible degree of uniformity and regulations, standards, procedures, and organization regarding civil aviation matters. The 1944 convention on ICAO stated, ''The aims and objectives of the organization are to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to meet the needs of the peoples of the world for safe, regular, efficient, and economical air transport.''

Taiwan, one of United States' closest allies in the Asia-Pacific region, is also a key transport hub that links Northeast and Southeast Asia with approximately 2,600 weekly flights to and from neighboring nations. In 2008, 174,000 international flights carrying more than 35 million passengers arrived in and departed from Taiwan. Moreover, in 2009, Taiwan's Taoyuan International Airport was ranked by the Airports Council International as the world's eighth largest airport by international air cargo volume and 18th largest airport by international passengers.

Failure to include Taiwan as an observer in ICAO needlessly and recklessly endangers millions of passengers traveling through Taiwan, traveling through connecting airports and throughout the world because the threat of international terrorism finds any opportunity to enter our worldwide air transport system to threaten every passenger.

Given Taiwan's prominent role in regional and international air control and transport services, I support, and I believe the United States Government should support, Taiwan's meaningful participation in ICAO's meetings, mechanisms, and activities in order to ensure that Taiwan civil aviation regulations fully comply with ICAO standards and recommended practices. ICAO should find appropriate ways to incorporate Taiwan into its global civil aviation network.

I urge my colleagues to vote in favor of H. Con. Res. 266 to bolster the integration of our friend Taiwan into the international air transport system.

Ms. ROS-LEHTINEN. Mr. Speaker, at this time I am so pleased to yield 2 minutes to the gentleman from Georgia, Dr. GINGREY, an esteemed member of the Committee on Energy and Commerce.

Mr. GINGREY of Georgia. Mr. Speaker, as one of the cochairs of the bipartisan Congressional Taiwan Caucus, I rise in strong support of House Concurrent Resolution 266, and I particularly want to commend one of my fellow cochairs, Ms. SHELLEY BERKLEY of Nevada, for her leadership on this issue. Additionally, Mr. Speaker, I would like

to applaud the leadership of other cochairs, Mr. LINCOLN DIAZ-BALART of Florida and Mr. GERRY CONNOLLY of Virginia, for their work in bringing this resolution to the floor, and I thank the gentlewoman from Florida for yielding me time.

Since its inception in 1947, the International Civil Aviation Organization, ICAO, has been a great resource for the international community to develop and to foster the most efficient and the safest means of airline travel across the world. In the aftermath of the horrific terrorist attacks on September 11, 2001, it was the ICAO that convened a conference to endorse a uniform, international strategy to ensure aviation safety throughout the entire world.

Mr. Speaker, unfortunately, our friends in Taiwan have been excluded from participation in the ICAO since 1971. Not only has that diminished Taiwan's ability to stay at the cutting edge of aviation, it has also presented obstacles to the international community as a whole, because ICAO cannot completely fulfill its mission to meet the needs of all people in efficient and safe air travel.

Taiwan has a very large footprint within commercial aviation that warrants its inclusion within ICAO. The Taipei Flight Information Region, as has been mentioned by my colleagues, covers an airspace of 176,000 square nautical miles. It provides air traffic control services to over 1.3 million flights annually. Additionally, there are over 174,000 international flights carrying more than 35 million passengers that fly in and out of Taiwan each and every year.

With this high volume of air traffic, Taiwan certainly deserves to have a seat at the table of ICAO at least, Mr. Speaker, as an observer.

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

Ms. ROS-LEHTINEN. I yield such time as he may consume to the gentleman.

Mr. GINGREY of Georgia. This is precisely what this concurrent resolution seeks to accomplish. Providing Taiwan with meaningful participation at ICAO benefits both the Taiwanese and the international community as a whole.

Due to our longstanding relationship and our respect for our friends in Taiwan, I want to urge all of my colleagues to support House Concurrent Resolution 266.

Ms. BERKLEY. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Ms. ROS-LEHTINEN. I yield 3 minutes to the gentleman from Indiana (Mr. BURTON), the ranking member on the Foreign Affairs Subcommittee on the Middle East and South Asia.

(Mr. BURTON of Indiana asked and was given permission to revise and extend his remarks.)

Mr. BURTON of Indiana. You know, I don't want to be redundant; I just want to point out a couple of things that have been said because I think everybody who is interested in air safety needs to understand what the ramifications of this legislation are, and I hope my colleagues will pay attention, those who aren't here on floor.

Taiwan's regional information center covers airspace of 176,000 square nautical miles and it provides air traffic control services to over 1.35 million flights a year. Now, when you are talking about air safety, and you are talking about that region—and many of us in this body have gone to that part of the world—you have to realize how important Taiwan's inclusion is because we are flying through that airspace and they should have observer status.

In addition to that, as has been stated, it's the eighth largest airport of international cargo volume in the entire world—so there are a lot of flights regarding cargo that are flying out of there on a regular basis—and it's the 18th largest airport as far as the number of passengers are concerned.

The safety of millions and millions of people that fly in and out of that entire region are at stake. In fact, they estimate as many as 10 million people's lives are at stake when they go through that area. So it seems to me logical and reasonable that Taiwan have observer status. It's important that everybody is coordinating, and Taiwan is an extremely important asset to that region.

I urge my colleagues to support this legislation. I want to thank the sponsors, Mr. DIAZ-BALART and Ms. BERKLEY, for sponsoring this bill. I think it's extremely important.

Ms. BERKLEY. I continue to reserve the balance of my time.

Ms. ROS-LEHTINEN. I am very honored, Mr. Speaker, to yield 3 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), my colleague, the ranking member on the Rules Subcommittee on Legislative and Budget Process and cochair of the Taiwan Caucus.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my dear friend, the great leader from south Florida, ILEANA ROS-LEHTINEN.

Today, a resolution, the resolution that we are debating, discussing, has been brought to the floor. It has been authored by another great leader, Congresswoman BERKLEY of Nevada, who I have the honor of serving with on the Taiwan Caucus, both of us as cochairs. She is an extraordinary leader, and I thank her for doing this.

Taiwan is such a special friend. As a matter of fact, Mr. Speaker, I often think about the undignified and treacherous betrayal of that exemplary friend and ally, the Republic of China, when the United States broke diplomatic relations—and again, I say, in a treacherous and undignified manner—in 1978.

So everything and anything that we can do to help our friends in that miracle of freedom and economic development, through their hard work and talent, achieved through their hard work and talent, that miracle of freedom and economic development that is Taiwan, anything that we can do and everything that we can do to help them, is appropriate and is dignified.

□ 1300

So I thank my colleague, Ms. BERKLEY, for bringing this resolution to the floor. I wholeheartedly support it and urge all of our colleagues to do so as well.

Mr. ROYCE. Mr. Speaker, I rise in support of H. Con. Res. 266.

For too long, Taiwan has been left out of international organizations at the demand of China. Taiwan was denied access to the World Health Organization, unable to participate as even an observer for over forty years. Thankfully, that changed last year as a Taiwanese delegation was able to observe meetings in Geneva. Infectious disease knows no borders.

Congress had long pressed for this action through bills and resolutions, so it is fitting that we once again take to the floor to press for Taiwan's inclusion in the International Civil Aviation Organization. Despite being home to the world's 18th busiest airport, Taiwan has been kept out of an organization that aims to keep passengers safe.

Indeed, as this resolution finds, Taiwan's exclusion from the ICAO has impeded Taiwan's government from keeping up to date with aviation standards, and prevented the implementation of new systems and procedures. The 35 million passengers that travel to and from Taiwan each year are done a great disservice by Taiwan's exclusion.

Mr. Speaker, in merely decades, Taiwan has gone from poverty to prosperity and autocracy to democracy. We have a strong relationship that stretches back over half a century. Today, our relations remain strong. Passage of this resolution will only serve to strengthen this relationship, and I urge my colleagues to support it.

Ms. ROS-LEHTINEN. I thank all the speakers who spoke on this important resolution.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Nevada (Ms. BERKLEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 266.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

CONDEMNING TERRORIST ATTACKS IN KAMPALA, UGANDA

Ms. BERKLEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1538) condemning the July 11, 2010, terrorist attacks in Kampala, Uganda, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1538

Whereas, on July 11, 2010, terrorists allegedly associated with the Somalia-based al Shabaab terrorist organization carried out multiple suicide attacks against civilian targets in the city of Kampala, Uganda;

Whereas Nate ''Oteka'' Henn, a United States citizen and committed volunteer of Invisible Children Inc., a nonprofit organization based in San Diego, California, and at least 70 other civilians were killed in the attack;

Whereas al Shabaab was designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act and as a specially designated global terrorist under section 1(b) of Executive Order 13224 on February 26, 2008;

Whereas the attacks for which al Shabaab has claimed responsibility, were allegedly in retaliation for the presence of Ugandan peacekeeping forces contributing to the African Union Mission in Somalia (AMISOM);

Whereas Uganda currently has 3,400 peacekeeping troops deployed to Somalia in support of AMISOM and reportedly has committed to deploying an additional 2,000 troops; and

Whereas it is in the interest of the United States and the international community to support efforts in Somalia to achieve lasting peace, democracy, rule of law, respect for human rights, and to eradicate extremism and terrorism from Somalia and the region: Now, therefore, be it

Resolved, That the House of Representatives—

(1) strongly condemns the terrorist attacks in Kampala, Uganda, on July 11, 2010;

(2) encourages the Administration to help Ugandan and Somali authorities bring those responsible for these attacks to justice;

(3) expresses its condolences to the families of Nate ''Oteka'' Henn and all the victims of these attacks;

(4) strongly condemns al Shabaab's destabilizing role in Somalia and the region;

(5) recognizes the contributions of Uganda's peacekeeping efforts in Somalia; and

(6) calls on the Administration to work with the international community to address the security threat emanating from Somalia.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Nevada (Ms. BERKLEY) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Nevada.

GENERAL LEAVE

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

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

There was no objection.

Ms. BERKLEY. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

On July 11, 2010, bombs ripped through a crowd gathered in Kampala, Uganda to watch the World Cup finals. The Somali terrorist group al-Shabaab claimed responsibility for these cowardly attacks which killed at least 70 innocent civilians. Among those was one American, Nate ''Oteka'' Henn, a committed volunteer with the San Diego-based NGO Invisible Children. Dozens of others were injured in the blast, including several members of a Pennsylvania church group. The perpetrators of the attacks claim they were in retaliation for Uganda sending peacekeeping troops to participate in the African Union Mission in Somalia, or AMISOM.

Uganda currently has 3,400 troops deployed to Somalia in support of AMISOM and has pledged to deploy an additional 2,000 troops.

Mr. Speaker, the United States and our allies must support efforts by the Somali people and the African Union to achieve lasting peace, rule of law, democracy, and respect for human rights in Somalia. We must work together to eradicate extremism and terrorism from Somalia and the entire region and to counter the destabilizing influence of radical groups like al-Shabaab.

I would also like to thank my good friend from California (Mrs. DAVIS) for introducing this important resolution. I urge all of my colleagues to support it.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution, House Resolution 1538, which condemns the deadly suicide attacks that took place in Kampala, Uganda on July 11, 2010.

In the past, some Members have questioned the accuracy of reported links between al Qaeda and al-Shabaab insurgents. Some claim that it is operationally focused solely upon Somalia and, thus, poses no tangible threat to Americans, our allies, or our interests. Unfortunately, the attacks that rocked Uganda on July 11, 2010 provided indisputable evidence that those assumptions were dangerously wrong. Scores were killed, including an American who worked with the advocacy group Invisible Children.

This senseless act of violence should serve as a wake-up call to U.S. officials on the need to vigorously address the threat of Islamist extremism wherever it lurks, which extends far beyond the Middle East. Many more lives are at stake.

The 1998 East Africa Embassy attacks exposed, and the July 11 Kampala attacks affirmed, that the United States cannot afford to ignore the activities of extremist groups in Africa as they attempt to expand their influence to bolster their ranks and spread their dangerous ideology. We must work vigilantly and cooperatively with other responsible nations to disrupt the operations of extremist groups and hold accountable their regional sponsors.

Over 18 months ago, Mr. Speaker, I introduced a resolution, H. Con. Res. 16, which brings sorely needed attention to the threat of Islamist extremism in Africa. It is alarming that even after these tragic attacks I have not been able to get the majority to bring this resolution to the floor.

I understand that Attorney General Holder is currently in Uganda attending the African Union Summit, attempting to impress upon the AU heads of state the imperative of confronting violent extremists on the continent. He is highlighting many of the issues that I have been attempting to address for 1½ years. Isn't it time for this body to take this threat seriously?

So, Mr. Speaker, I ask my colleagues to consider H. Con. Res. 16 while supporting this important resolution before us, House Resolution 1538.

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

Ms. BERKLEY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California, an esteemed Member of Congress, Mrs. SUSAN DAVIS.

Mrs. DAVIS of California. Mr. Speaker, I rise in strong support of House Resolution 1538, and I want to thank Chairman BERMAN for bringing my resolution to the floor.

As the world watched the World Cup finals on July 11, terrorists launched suicide attacks against innocent men and women in the city of Kampala, Uganda. At least 70 people tragically died in those blasts, one of whom was a 25-year-old American, Nate ''Oteka'' Henn.

This resolution condemns the terrorist attacks in Kampala, recognizes the important role Uganda plays in the African Union Mission in Somalia, and sends a message to our allies that the United States stands by our strategic partners. It also highlights the urgent need for the United States to work with the international community to address the root causes of extremism and terrorism in East Africa. And finally, this resolution honors Nate ''Oteka'' Henn and all of the victims of this tragedy.

Mr. Speaker, Nate was a committed volunteer for Invisible Children, Inc., a nonprofit organization headquartered in San Diego. That organization works to shed light on the grim reality that is faced by many Ugandans, particularly the children who are abducted and forced to become child soldiers there. Nate was a beloved and hardworking part of this cause, whether at the helm of an Invisible Children van as a member of the team of ''roadies'' or as an effective and heartfelt fundraiser who helped send Ugandan students to school. From what I now know of Nate's innate warmth, humor, and determination, it's no surprise that he was given the name ''Oteka,'' which

means ''the strong one,'' by his Ugandan friends, a name he proudly tattooed on his right arm.

Responsibility for the attack that killed Nate and the dozens of other innocent men and women in Uganda has been claimed by the Somalia-based al-Shabaab terrorist organization. Al-Shabaab has justified the deadly violence on Uganda's 3,400-troop contribution to the African Union Mission in Somalia. But al-Shabaab, which means ''the youth,'' also chose its targets to send a message to Somalis around the world, a message designed to help tighten its control in Somalia and recruit young men into its ranks, including young men from many of the districts we represent.

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Nate Henn's life, on quite the other hand, and the work of groups like Invisible Children send a far different message to the youth of Africa, a message that is one of promise and hope rather than of war.

Today, Congress can help reinforce that message by showing that the American people stand side by side with those who strive to make the future brighter for Africa's youth while at the same time telling groups like al-Shabaab that we will not ignore atrocities committed against civilians or our allies.

I hope, Mr. Speaker, that all of my colleagues will support this important resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Nevada (Ms. BERKLEY) that the House suspend the rules and agree to the resolution, H. Res. 1538, as amended.

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

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 304. Concurrent resolution directing the Clerk of the House of Representatives to correct the enrollment of H.R. 725.

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

H.R. 5610. An act to provide a technical adjustment with respect to funding for independent living centers under the Rehabilitation Act of 1973 in order to ensure stability for such centers.

INTERNATIONAL MEGAN'S LAW OF 2010

Ms. BERKLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5138) to protect children from sexual exploitation by mandating reporting requirements for convicted sex traffickers and other registered sex offenders against minors intending to engage in international travel, providing advance notice of intended travel by high interest registered sex offenders outside the United States to the government of the country of destination, requesting foreign governments to notify the United States when a known child sex offender is seeking to enter the United States, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5138

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''International Megan's Law of 2010''.

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

Sec. 1. Short title and table of contents.
Sec. 2. Findings and declaration of purposes.
Sec. 3. Definitions.
Sec. 4. Sex offender travel reporting requirement.
Sec. 5. Foreign registration requirement for sex offenders.
Sec. 6. International Sex Offender Travel Center.
Sec. 7. Center sex offender travel guidelines.
Sec. 8. Authority to restrict passports.
Sec. 9. Immunity for good faith conduct.
Sec. 10. Sense of Congress provisions.
Sec. 11. Enhancing the minimum standards for the elimination of trafficking.
Sec. 12. Special report on international mechanisms related to traveling child sex offenders.
Sec. 13. Assistance to foreign countries to meet minimum standards for the elimination of trafficking.
Sec. 14. Congressional reports.
Sec. 15. Authorization of appropriations.
Sec. 16. Budget compliance.

SEC. 2. FINDINGS AND DECLARATION OF PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Megan Nicole Kanka, who was 7 years old, was abducted, sexually assaulted, and murdered in 1994, in the State of New Jersey by a violent predator living across the street from her home. Unbeknownst to Megan Kanka and her family, he had been convicted previously of a sex offense against a child.

(2) In 1996, Congress adopted Megan's Law (Public Law 104–145) as a means to encourage States to protect children by identifying the whereabouts of sex offenders and providing the means to monitor their activities.

(3) The sexual exploitation of minors is a global phenomenon. The International Labour Organization estimates that 1.8 million children worldwide are exploited each year through prostitution and pornography.

(4) According to End Child Prostitution, Child Pornography and Trafficking in Children for Sexual Purposes (ECPAT International), all children are adversely affected by being commercially sexually exploited. Commercial sexual exploitation can result in serious, lifelong, even life-threatening consequences for the physical, psychological, spiritual, emotional and social development and well-being of a child.

(5) ECPAT International reports that children who are commercially sexually exploited are at great risk of contracting HIV or AIDS and are unlikely to receive adequate medical care. These children are also at great risk of further physical violence—those who make an attempt to escape or counter their abuse may be severely injured or killed. The psychological effects of child sexual exploitation and threats usually plague the victims for the rest of their lives.

(6) ECPAT International further reports that children who have been exploited typically report feelings of shame, guilt, and low self-esteem. Some children do not believe they are worthy of rescue; some suffer from stigmatization or the knowledge that they were betrayed by someone whom they had trusted; others suffer from nightmares, sleeplessness, hopelessness, and depression—reactions similar to those exhibited in victims of torture. To cope, some children attempt suicide or turn to substance abuse. Many find it difficult to reintegrate successfully into society once they become adults.

(7) According to ECPAT International, child sex tourism is a specific form of child prostitution and is a developing phenomenon. Child sex tourism is defined as the commercial sexual exploitation of children by people who travel from one place to another and there engage in sexual acts with minors. This type of exploitation can occur anywhere in the world and no country or tourism destination is immune.

(8) According to research conducted by The Protection Project of The Johns Hopkins University Paul H. Nitze School of Advanced International Studies, sex tourists from the United States who target children form a significant percentage of child sex tourists in some of the most significant destination countries for child sex tourism.

(9) According to the National Center for Missing and Exploited Children (NCMEC), most victims of sex offenders are minors.

(10) Media reports indicate that known sex offenders who have committed crimes against children are traveling internationally, and that the criminal background of such individuals may not be known to local law enforcement prior to their arrival. For example, in April 2008, a United States registered sex offender received a prison sentence for engaging in illicit sexual activity with a 15-year-old United States citizen girl in Ciudad Juarez, Chihuahua, Mexico in exchange for money and crack cocaine.

(11) United States Immigration and Customs Enforcement (ICE) has taken a leading role in the fight against the sexual exploitation of minors abroad, in cooperation with other United States agencies, law enforcement from other countries, INTERPOL, and nongovernmental organizations. In addition to discovering evidence of and investigating child sex crimes, ICE has provided training to foreign law enforcement and NGOs, as appropriate, for the prevention, detection, and investigation of cases of child sexual exploitation.

(12) Between 2003 and 2009, ICE obtained 73 convictions of individuals from the United States charged with committing sexual crimes against minors in other countries.

(13) While necessary to protect children and rescue victims, the detection and investigation of child sex predators overseas is costly. Such an undercover operation can cost approximately $250,000. A system that would aid in the prevention of such crimes is needed to safeguard vulnerable populations and to reduce the cost burden of addressing crimes after they are committed.

(14) Sex offenders are also attempting to enter the United States. In April 2008, a lifetime registered sex offender from the United Kingdom attempted to enter the United States with the intention of living with a woman who he had met on the Internet and her young daughters. Interpol London notified Interpol United States National Central Bureau (USNCB) about the sex offender's status. Interpol USNCB notified the United States Customs and Border Protection officers, who refused to allow the sex offender to enter the country.

(15) Foreign governments need to be encouraged to notify the United States as well as other countries when a known sex offender is entering our borders. For example, Canada has a national sex offender registry, but Canadian officials do not notify United States law enforcement when a known sex offender is entering the United States unless the sex offender is under investigation.

(16) Child sex tourists may travel overseas to commit sexual offenses against minors for the following reasons: perceived anonymity; law enforcement in certain countries is perceived as scarce, corrupt, or unsophisticated; perceived immunity from retaliation because the child sex tourist is a United States citizen; the child sex tourist has the financial ability to impress and influence the local population; the child sex tourist can ''disappear'' after a brief stay; the child sex tourist can target children meeting their desired preference; and, there is no need to expend time and effort ''grooming'' the victim.

(17) Individuals who have been arrested in and deported from a foreign country for sexually exploiting children have used long-term passports to evade return to their country of citizenship where they faced possible charges and instead have moved to a third country where they have continued to exploit and abuse children.

(18) In order to protect children, it is essential that United States law enforcement be able to identify high risk child sex offenders in the United States who are traveling abroad and child sex offenders from other countries entering the United States. Such identification requires cooperative efforts between the United States and foreign governments. In exchange for providing notice of sex offenders traveling to the United States, foreign authorities will expect United States authorities to provide reciprocal notice of sex offenders traveling to their countries.

(19) ICE and other Federal law enforcement agencies currently are sharing information about sex offenders traveling internationally with law enforcement entities in some other countries on an ad hoc basis through INTERPOL and other means. The technology to detect and notify foreign governments about travel by child sex offenders is available, but a legal structure and additional resources are needed to systematize and coordinate these detection and notice efforts.

(20) Officials from the United Kingdom, Australia, Spain, and other countries have expressed interest in working with the United States Government for increased international cooperation to protect children from sexual exploitation, and are calling for formal arrangements to ensure that the risk posed by traveling sex offenders is combated most effectively.

(21) The United States, with its international law enforcement relations, technological and communications capability, and established sex offender registry system, should now take the opportunity to lead the global community in the effort to save thousands of potential child victims by notifying other countries of travel by sex offenders who pose a high risk of exploiting children, maintaining information about sex offenders from the United States who reside overseas, and strongly encouraging other countries to undertake the same measures to protect children around the world.

(b) DECLARATION OF PURPOSES.—The purpose of this Act and the amendments made by this Act is to protect children from sexual exploitation by preventing or monitoring the international travel of sex traffickers and other sex offenders who pose a risk of committing a sex offense against a minor while traveling by—

(1) establishing a system in the United States to notify the appropriate officials of other countries when a sex offender who is identified as a high interest registered sex offender intends to travel to their country;

(2) strongly encouraging and assisting foreign governments to establish a sex offender travel notification system and to inform United States authorities when a sex offender intends to travel or has departed on travel to the United States;

(3) establishing and maintaining non-public sex offender registries in United States diplomatic and consular missions in order to maintain critical data on United States citizen and lawful permanent resident sex offenders who are residing abroad;

(4) providing the Secretary of State with the discretion to revoke the passport or passport card of an individual who has been convicted overseas for a sex offense against a minor, or limit the period of validity of a passport issued to an individual designated as a high interest registered sex offender;

(5) including whether a country is investigating and prosecuting its nationals suspected of engaging in severe forms of trafficking in persons abroad in the minimum standards for the elimination of human trafficking under section 108 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.);

(6) mandating a report from the Secretary of State, in consultation with the Attorney General, about the status of international notifications between governments about child sex offender travel; and

(7) providing assistance to foreign countries under section 134 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152d) to establish systems to identify sex offenders and provide and receive notification of child sex offender international travel.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Except as otherwise provided, the term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on the Judiciary of the Senate.

(2) CENTER.—The term ''Center'' means the International Sex Offender Travel Center established pursuant to section 6(a).

(3) CONVICTED AS EXCLUDING CERTAIN JUVENILE ADJUDICATIONS.—The term ''convicted'' or a variant thereof, used with respect to a sex offense of a minor, does not include—

(A) adjudicated delinquent as a juvenile for that offense; or

(B) convicted as an adult for that offense, unless the offense took place after the offender had attained the age of 14 years and the conduct upon which the conviction took place was comparable to or more severe than aggravated sexual abuse (as described in section 2241 of title 18, United States Code), or was an attempt or conspiracy to commit such an offense.

(4) HIGH INTEREST REGISTERED SEX OFFENDER.—The term ''high interest registered sex offender'' means a sex offender as defined under paragraph (8) who the Center, pursuant to section 7 and based on the totality of the circumstances, has a reasonable belief presents a high risk of committing a sex offense against a minor in a country to which the sex offender intends to travel.

(5) JURISDICTION.—The term ''jurisdiction'' means any of the following:

(A) A State.

(B) The District of Columbia.

(C) The Commonwealth of Puerto Rico.

(D) Guam.

(E) American Samoa.

(F) The Northern Mariana Islands.

(G) The United States Virgin Islands.

(H) A federally recognized Indian tribe that maintains a sex offender registry, or another jurisdiction to which an Indian tribe has delegated the function of maintaining a sex offender registry on its behalf.

(I) A United States diplomatic or consular mission that maintains a sex offender registry pursuant to section 5 of this Act.

(6) MINOR.—The term ''minor'' means an individual who has not attained the age of 18 years.

(7) PASSPORT CARD.—The term ''passport card'' means a document issued by the Department of State pursuant to section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note).

(8) SEX OFFENDER.—Except as provided in sections 12 and 13, the term ''sex offender'' means a United States citizen or lawful permanent resident who is convicted of a sex offense as defined in this Act, including a conviction by a foreign court, and who, independently of this Act, is legally required to register in the United States with a jurisdiction, or who is legally required to register outside the United States with a jurisdiction in accordance with section 5.

(9) SEX OFFENSE.—

(A) IN GENERAL.—The term ''sex offense'' means a criminal offense against a minor, including any Federal offense, that is punishable by statute by more than one year of imprisonment and involves any of the following:

(i) Solicitation to engage in sexual conduct.

(ii) Use in a sexual performance.

(iii) Solicitation to practice prostitution (whether for financial or other forms of remuneration).

(iv) Video voyeurism as described in section 1801 of title 18, United States Code.

(v) Possession, production, or distribution of child pornography.

(vi) Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct.

(vii) Conduct that would violate section 1591 (relating to sex trafficking of children or by force, fraud, or coercion) of title 18, United States Code, if the conduct had involved interstate or foreign commerce and where the person recruited, enticed, harbored, transported, provided, or obtained had not attained the age of 18 years at the time of the conduct.

(viii) Any other conduct that by its nature is a sex offense against a minor.

(B) EXCEPTIONS.—The term ''sex offense'' does not include—

(i) a foreign conviction, unless the conviction was obtained with sufficient safeguards for fundamental fairness and due process for the accused; or

(ii) an offense involving consensual sexual conduct if the victim was at least 13 years old and the offender was not more than 4 years older than the victim.

(C) SPECIAL RULE FOR DETERMINING WHETHER SUFFICIENT SAFEGUARDS EXIST.—For the purposes of subparagraph (B)(i), compliance

with the guidelines or regulations established under section 112 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911) creates a rebuttable presumption that the conviction was obtained with sufficient safeguards for fundamental fairness and due process for the accused.

SEC. 4. SEX OFFENDER TRAVEL REPORTING REQUIREMENT.

(a) DUTY TO REPORT.—

(1) IN GENERAL.—A sex offender who is a United States citizen or alien lawfully admitted to the United States for permanent residence shall notify a jurisdiction where he or she is registered as a sex offender of his or her intention to travel either from the United States to another country or from another country to the United States, subject to subsection (f) and in accordance with the rules issued under subsection (b). The sex offender shall provide notice—

(A) not later than 30 days before departure from or arrival in the United States; or

(B) in individual cases in which the Center determines that a personal or humanitarian emergency, business exigency, or other situation renders the deadline in subparagraph (A) to be impracticable or inappropriate, as early as possible.

(2) TRANSMISSION OF NOTICE FROM THE JURISDICTION TO THE CENTER.—A jurisdiction so notified pursuant to paragraph (1) shall transmit such notice to the Center within 24 hours or the next business day, whichever is later, of receiving such notice.

(3) PERIOD OF REPORTING REQUIREMENT.—The duty of the sex offender to report required under paragraph (1) shall take effect on the date that is 425 days after the date of the enactment of this Act or after a sex offender has been duly notified of the duty to report pursuant to subsection (d), whichever is later, and terminate at such time as the sex offender is no longer required to register in any jurisdiction for a sex offense.

(4) NOTICE TO JURISDICTIONS.—Not later than 395 days after the date of the enactment of this Act, the Center shall provide notice to all jurisdictions of the requirement to receive notifications regarding travel from sex offenders and the means for informing the Center about such travel notifications pursuant to paragraph (1).

(b) RULES FOR REPORTING.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security, in coordination with the Attorney General and the Secretary of State, shall issue rules to carry out subsection (a) in accordance with the purposes of this Act. Such rules—

(1) shall establish procedures for reporting by the sex offender under subsection (a), including the method of payment and transmission of any fee to United States Immigration and Customs Enforcement (ICE) pursuant to subsection (c);

(2) shall set forth the information required to be reported by the sex offender, including—

(A) complete name(s);

(B) address of residence and home and cellular numbers;

(C) all e-mail addresses;

(D) date of birth;

(E) social security number;

(F) citizenship;

(G) passport or passport card number, date and place of issuance, and date of expiration;

(H) alien registration number, where applicable;

(I) information as to the nature of the sex offense conviction;

(J) jurisdiction of conviction;

(K) travel itinerary, including the anticipated length of stay at each destination, and purpose of the trip;

(L) if a plane ticket or other means of transportation has been purchased, prior to the submission of this information, the date of such purchase;

(M) whether the sex offender is traveling alone or as part of a group; and

(N) contact information prior to departure and during travel; and

(3) in consultation with the jurisdictions, shall provide appropriate transitional provisions in order to make the phase-in of the requirements of this Act practicable.

(c) FEE CHARGE.—ICE is authorized to charge a sex offender a fee for the processing of a notice of intent to travel submitted pursuant to subsection (a)(1). Such fee—

(1) shall initially not exceed the amount of $25;

(2) may be increased thereafter not earlier than 30 days after consultation with the appropriate congressional committees;

(3) shall be collected by the jurisdiction at the time that the sex offender provides the notice of intent to travel;

(4) shall be waived if the sex offender demonstrates to the satisfaction of ICE, pursuant to a fee waiver process established by ICE, that the payment of such fee would impose an undue financial hardship on the sex offender;

(5) shall be used only for the activities specified in sections 4, 6, and 7; and

(6) shall be shared equitably with the jurisdiction that processes the notice of intent to travel.

(d) CRIMINAL PENALTY FOR FAILURE TO REGISTER OR REPORT.—

(1) NEW OFFENSE.—Section 2250 of title 18, United States Code, is amended by adding at the end the following:

''(d) Whoever knowingly fails to register with United States officials in a foreign country or to report his or her travel to or from a foreign country, as required by the International Megan's Law of 2010, after being duly notified of the requirements shall be fined under this title or imprisoned not more than 10 years, or both.''.

(2) AMENDMENT TO HEADING OF SECTION.—The heading for section 2250 of title 18, United States Code, is amended by inserting ''**or report international travel**'' after ''**register**''.

(3) CONFORMING AMENDMENT TO AFFIRMATIVE DEFENSE.—Section 2250(b) of title 18, United States Code, is amended by inserting ''or (d)'' after ''(a)''.

(4) CONFORMING AMENDMENT TO FEDERAL PENALTIES FOR VIOLENT CRIMES.—Section 2250(c) of title 18, United States Code, is amended by inserting ''or (d)'' after ''(a)'' each place it appears.

(5) CLERICAL AMENDMENT.—The item relating to section 2250 in the table of sections at the beginning of chapter 109B of title 18, United States Code, is amended by inserting ''or report international travel'' after ''register''.

(e) DUTY TO NOTIFY SEX OFFENDERS OF REPORTING AND INTERNATIONAL REGISTRATION REQUIREMENT.—

(1) IN GENERAL.—When an official is required under the law of a jurisdiction or under the rules established pursuant to subsection (b) to notify a sex offender (as defined in section 3(8)) of a duty to register as a sex offender under the law of such jurisdiction, the official shall also, at the same time—

(A) notify the offender of such offender's duties to report international travel under this section and to register as a sex offender under section 5, and the procedure for fulfilling such duties; and

(B) require such offender to read and sign a form stating that such duties to report and register, and the procedure for fulfilling such duties, have been explained and that such offender understands such duties and such procedure.

(2) SEX OFFENDERS CONVICTED IN FOREIGN COUNTRIES.—When a United States citizen or lawful permanent resident is convicted in a foreign country of a sex offense and the United States diplomatic or consular mission in such country is informed of such conviction and is informed of, or is otherwise aware of, the location of the sex offender, such diplomatic or consular mission shall—

(A) notify such sex offender of such offender's duties to report travel to the United States and to register as a sex offender under this Act and the procedure for fulfilling such duties; and

(B) obtain from such offender a signed form stating that such duties to report and register, and the procedure for fulfilling such duties, have been explained and that such offender understands such duties and such procedure.

(3) REQUIREMENTS RELATING TO FORM.—The form required by paragraphs (1)(B) and (2)(B) shall be maintained by the entity that maintains the sex offender registry in the jurisdiction in which the sex offender was convicted.

(f) PROCEDURES WITH RESPECT TO SEX OFFENDERS WHO REGULARLY TRANSIT ACROSS THE UNITED STATES BORDERS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall establish a system for identifying and monitoring, as appropriate and in accordance with the purposes of this Act, sex offenders who, for legitimate business, personal, or other reasons regularly transit across the border between the United States and Mexico or the border between the United States and Canada.

(2) REPORT.—Not later than the date of the establishment of the border system pursuant to paragraph (1), the Secretary of Homeland Security shall transmit to the appropriate congressional committees a report on the implementation of such system.

SEC. 5. FOREIGN REGISTRATION REQUIREMENT FOR SEX OFFENDERS.

(a) FOREIGN REGISTRATION REQUIREMENT.—

(1) IN GENERAL.—Not later than 395 days after the date of the enactment of this Act, a designated United States diplomatic or consular mission in each foreign country shall establish and maintain a countrywide nonpublic sex offender registry for sex offenders (as defined in section 3(8)) who are United States citizens or aliens lawfully admitted to the United States for permanent residence who remain in such country for the time period specified in subsection (b). Such registry shall include the information specified in subsection (d).

(2) REGIONAL REGISTRIES.—If there are fewer than ten sex offenders residing in a country, the Secretary of State, in the Secretary's sole discretion, may designate a United States diplomatic or consular mission in the same region as such country to maintain the sex offender registry for sex offenders in such country.

(b) INTERNATIONAL REGISTRY REQUIREMENT FOR SEX OFFENDERS.—

(1) IN GENERAL.—A sex offender who is a United States citizen or alien lawfully admitted to the United States for permanent residence—

(A) who remains in a foreign country for more than 30 consecutive days; or

(B) who remains in a foreign country for more than 30 days within a six-month period, shall register, and keep such registration current, at the designated United States diplomatic or consular mission for such country.

(2) PERIOD OF REGISTRATION REQUIREMENT.—The registration requirement specified in paragraph (1) shall—

(A) begin when the sex offender registry has been established at the designated diplomatic or consular mission in the country in which a sex offender is staying and such sex offender has received notice of the requirement to register pursuant to this section; and

(B) end on the sooner of—

(i) such time as the sex offender departs such country and has provided notice of all changes of information in the sex offender registry as required under paragraph (3);

(ii) in the case of a conviction in the United States, such time has elapsed as the sex offender would have otherwise been required to register in the jurisdiction of conviction for the applicable sex offense; or

(iii) in the case of a foreign conviction, such time as the sex offender would have otherwise been required to register under section 115 of the Sex Offender Registration and Notification Act (42 U.S.C. 16915) for the applicable sex offense.

(3) KEEPING THE REGISTRATION CURRENT.—Subject to the period of registration requirement under paragraph (2), not later than five business days after each change of name, residence, or employment or student status, or any change in any of the other information specified in subsection (d)(1), a sex offender residing in a foreign country shall notify a United States diplomatic or consular mission in such country for the purpose of providing information relating to such change for inclusion in the sex offender registry maintained by the designated diplomatic or consular mission in such country under subsection (a). If the diplomatic or consular mission is not the mission that maintains the registry for that country, the mission shall forward the changed information to the appropriate diplomatic or consular mission.

(4) REGISTRATION AND NOTIFICATION PROCEDURE.—Not later than one year after the date of the enactment of this Act, the Secretary of State, in consultation with the Attorney General and the Secretary of Homeland Security, shall issue regulations for the establishment and maintenance of the registries described in subsection (a), including—

(A) the manner in which sex offenders who are convicted in a foreign country of a sex offense, whose conviction and location in the foreign country are known by the United States Government, and who are required to register pursuant to United States law, including this Act, will be notified of such requirement;

(B) the manner for registering and changing information as specified in paragraphs (1) and (3);

(C) the manner for disclosing information to eligible entities as specified in subsection (h)(2); and

(D) a mechanism by which individuals listed on the sex offender registry can notify the diplomatic or consular mission of any errors with respect to such listing and by which the Department of State shall correct such errors.

(c) CROSS REFERENCE FOR CRIMINAL PENALTIES FOR NONREGISTRATION.—Criminal penalties for nonregistration are provided in section 2250(d) of title 18, United States Code, which was added by section 4(d)(1) of this Act.

(d) INFORMATION REQUIRED IN REGISTRATION.—

(1) PROVIDED BY THE SEX OFFENDER.—A sex offender described in subsection (b) shall provide the following information:

(A) Complete name (including any alias), date of birth, and current photograph.

(B) Passport or passport card number, date and place of issuance, date of expiration, and visa type and number, if applicable.

(C) Alien registration number, where applicable.

(D) Social Security number of the sex offender.

(E) Address of each residence at which the sex offender resides or will reside in that country, the address of any residence maintained in the United States, and home and cellular phone numbers.

(F) Purpose for the sex offender's residence in the country.

(G) Name and address of any place where the sex offender is an employee or will be or has applied to be an employee and will have regular contact with minors.

(H) Name and address of any place where the sex offender is a student or will be or has applied to be a student and will have regular contact with minors.

(I) All e-mail addresses.

(J) Most recent address in the United States and State of legal residence.

(K) The jurisdiction in which the sex offender was convicted and the jurisdiction or jurisdictions in which the sex offender was most recently legally required to register.

(L) The license plate number and a description of any vehicle owned or operated by the sex offender in the country in which the sex offender is staying.

(M) The date or approximate date when the sex offender plans to leave the country.

(N) Any other information required by the Secretary of State.

(2) PROVIDED BY THE ATTORNEY GENERAL AND THE JURISDICTION OF CONVICTION.—

(A) IN GENERAL.—The United States diplomatic or consular mission shall notify the Attorney General that a sex offender is registering with such mission pursuant to subsection (b). Upon receipt of such notice, the Attorney General shall obtain the information specified in subparagraph (C) and transmit it to the mission within 15 business days.

(B) INFORMATION PROVIDED BY THE JURISDICTION OF CONVICTION.—If the only available source for any of the information specified in subparagraph (C) is the jurisdiction in which the conviction of the sex offender occurred, the Attorney General shall request such information from the jurisdiction of conviction. The jurisdiction shall provide the information to the Attorney General within 15 business days of receipt of the request.

(C) INFORMATION.—The information specified in this subparagraph is the following:

(i) The sex offense history of the sex offender, including—

(I) the text of the provision of law defining the sex offense;

(II) the dates of all arrests and convictions related to sex offenses; and

(III) the status of parole, probation, or supervised release.

(ii) The most recent available photograph of the sex offender.

(iii) The time period for which the sex offender is required to register pursuant to the law of the jurisdiction of conviction.

(3) PROVIDED BY THE DIPLOMATIC OR CONSULAR MISSION.—The United States diplomatic or consular mission at which a sex offender registers shall collect and include the following information in the registry maintained by such mission:

(A) Information provided by the sex offender and Attorney General pursuant to paragraphs (1) and (2).

(B) A physical description of the sex offender.

(C) Any other information required by the Secretary of State.

(e) PERIODIC IN PERSON VERIFICATION.—Not less often than every six months, a sex offender who is registered under subsection (b) shall appear in person at a United States diplomatic or consular mission in the country where the sex offender is staying to verify the information in the sex offender registry maintained by the designated diplomatic or consular mission for such country under subsection (a) to allow such mission to take a current photograph of the sex offender if the photograph on file no longer accurately depicts the sex offender. If such diplomatic or consular mission is not the mission that maintains the registry for such country, such mission shall forward to the appropriate mission any new or changed information and any new photograph.

(f) TRANSMISSION OF REGISTRY INFORMATION TO THE ATTORNEY GENERAL.—For the purposes of updating the National Sex Offender Registry and keeping domestic law enforcement informed as to the status of a sex offender required to register under this section, when a United States diplomatic or consular mission receives new or changed information about a sex offender pursuant to paragraphs (1) and (3) of subsection (b) for the sex offender registry maintained by such mission under subsection (a), such mission shall, not later than 24 hours or the next business day, whichever is later, after receipt of such new or changed information, transmit to the Attorney General such new or changed information. Not later than 24 hours or the next business day, whichever is later, after the receipt of such new or changed information, the Attorney General shall transmit such new or changed information to the State of legal residence or the State of last known address, as appropriate, of such sex offender.

(g) ACCESS TO REGISTRY INFORMATION BY UNITED STATES LAW ENFORCEMENT.—Federal, State, local, tribal, and territorial law enforcement shall be afforded access for official purposes to all information on a sex offender registry maintained by a United States diplomatic or consular mission pursuant to subsection (a).

(h) OTHER ACCESS TO REGISTRY INFORMATION.—

(1) IN GENERAL.—Information on a registry established pursuant to subsection (a) shall not be made available to the general public except as provided in paragraph (2).

(2) EXCEPTION FOR ELIGIBLE ENTITIES.—

(A) IN GENERAL.—An eligible entity described in subparagraph (B) may request certain information on the sex offender registry maintained by the United States diplomatic or consular mission for the country where the eligible entity is located, in accordance with this paragraph.

(B) ELIGIBLE ENTITIES DESCRIBED.—An eligible entity referred to in subparagraph (A) is—

(i) an entity that provides direct services to minors;

(ii) an official law enforcement entity; or

(iii) an investigative entity that is affiliated with an official law enforcement entity for the purpose of investigating a possible sex offense.

(C) INFORMATION REQUEST PROCESS.—An eligible entity may request information on the sex offender registry from the United States Government official designated for this purpose by the head of the diplomatic or consular mission in which the sex offender registry is maintained. The official, in consultation with the head of such diplomatic or consular mission, shall have the sole discretion whether and to what extent to provide information about a particular registered sex offender on the sex offender registry as designated in subparagraph (D). Before providing an eligible entity with such information, the official shall first obtain from the eligible entity a written certification that—

(i) the eligible entity shall provide access to the information only to the persons as designated in the certificate who require access to such information for the purpose for which the information is provided;

(ii) the information shall be maintained and used by the eligible entity in a confidential manner for employment or volunteer screening or law enforcement purposes only, as applicable;

(iii) the information may not otherwise be disclosed to the public either by the eligible entity or by the employees of the eligible entity who are provided access; and

(iv) the eligible entity shall destroy the information or extract it from any documentation in which it is contained as soon as the information is no longer needed for the use for which it was obtained.

(D) INFORMATION TO BE DISCLOSED.—

(i) TO SERVICE PROVIDERS.—An eligible entity described in paragraph (2)(B) may request necessary and appropriate information on the registry with respect to an individual who is listed on the registry and is applying for or holds a position within the entity that involves contact with children.

(ii) TO LAW ENFORCEMENT AND INVESTIGATIVE ENTITIES.—An eligible entity described in paragraph (2)(B) may request necessary and appropriate information on the registry that may assist in the investigation of an alleged sex offense against a minor.

(E) FEE CHARGE.—The diplomatic or consular mission that maintains a sex offender registry from which an eligible entity seeks information may charge such eligible entity a reasonable fee for providing information pursuant to this subsection.

(F) NOTIFICATION OF POSSIBLE ACCESS TO INFORMATION.—The diplomatic or consular mission that maintains a sex offender registry should make a reasonable effort to notify law enforcement entities and other entities that provide services to children, particularly schools that hire foreign teachers, within the country in which the mission is located, or within the countries where sex offenders on the mission's registry are staying, as applicable, of the possibility of limited access to registry information and the process for requesting such information as provided in this subsection.

(G) DENIAL OF ACCESS TO INFORMATION.—An eligible entity that fails to comply with the certificate provisions specified in subparagraph (C) may be denied all future access to information on a sex offender registry at the discretion of the designated official.

(i) ACTIONS TO BE TAKEN IF A SEX OFFENDER FAILS TO COMPLY.—When a United States diplomatic or consular mission determines that a sex offender has failed to comply with the requirements of this section, such mission shall notify the Attorney General and revise the sex offender registry maintained by such mission under subsection (a) to reflect the nature of such failure.

(j) FEDERAL ASSISTANCE REGARDING VIOLATIONS OF REGISTRATION REQUIREMENTS.—The first sentence of subsection (a) of section 142 of the Sex Offender Registration and Notification Act (Public Law 109–248; 42 U.S.C. 16941) is amended by inserting before the period at the end the following: ", including under the International Megan's Law of 2010".

SEC. 6. INTERNATIONAL SEX OFFENDER TRAVEL CENTER.

(a) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, the President shall establish the International Sex Offender Travel Center to carry out the activities specified in subsection (d).

(b) PARTICIPANTS.—The Center shall include representatives from the following departments and agencies:

(1) The Department of Homeland Security, including United States Immigration and Customs Enforcement, United States Customs and Border Protection, and the Coast Guard.

(2) The Department of State, including the Office to Monitor and Combat Trafficking in Persons, the Bureau of Consular Affairs, the Bureau of International Narcotics and Law Enforcement Affairs, and the Bureau of Diplomatic Security.

(3) The Department of Justice, including the Interpol-United States National Central Bureau, the Federal Bureau of Investigation, the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking, the Criminal Division Child Exploitation and Obscenity Section, and the United States Marshals Service's National Sex Offender Targeting Center.

(4) Such other officials as may be determined by the President.

(c) LEADERSHIP.—The Center shall be headed by the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement.

(d) ACTIVITIES.—The Center shall carry out the following activities:

(1) Prior to the implementation of the sex offender travel reporting requirement under section 4, cooperate with each jurisdiction to implement the means for transmitting travel reports from that jurisdiction to the Center.

(2) Prior to the implementation of the sex offender travel reporting system under section 4, offer to provide training to officials within each jurisdiction who will be responsible for implementing any aspect of such system.

(3) Establish a means to receive, assess, and respond to an inquiry from a sex offender as to whether he or she is required to report international travel pursuant to this Act.

(4) Conduct assessments of sex offender travel pursuant to section 7.

(5) Establish a panel to review and respond within seven days to appeals from sex offenders who are determined to be high interest registered sex offenders. The panel shall consist of individuals who are not involved in the initial assessment of high interest registered sex offenders, and shall be from the following agencies:

(A) The Department of Justice.

(B) The Department of State.

(C) The Office for Civil Rights and Civil Liberties of the Department of Homeland Security.

(6) Transmit notice of impending or current international travel of high interest registered sex offenders to the Secretary of State, together with an advisory regarding whether or not the period of validity of the passport of the high interest registered sex offender should be limited to one year or such period of time as the Secretary of State shall determine appropriate.

(7) Establish a system to maintain and archive all relevant information related to the assessments conducted pursuant to paragraph (4) and the review of appeals conducted by the panel established pursuant to paragraph (5).

(8) Establish an annual review process to ensure that the Center Sex Offender Travel Guidelines issued pursuant to section 7(a) are being consistently and appropriately implemented.

(9) Establish a means to identify sex offenders who have not reported travel as required under section 4 and who are initiating travel, currently traveling, or have traveled outside the United States.

(e) ADDITIONAL ACTIVITY RELATED TO TRANSMISSION OF NOTICE.—The Center may, in its sole discretion, transmit notice of impending or current international travel of high interest registered sex offenders to the country or countries of destination of such sex offenders as follows:

(1) If a high interest registered sex offender submits an appeal to the panel established pursuant to subsection (d)(5), no notice may be transmitted to the destination country prior to the completion of the appeal review process, including transmission of the panel's decision to the sex offender.

(2) The notice may be transmitted through such means as determined appropriate by the Center, including through an ICE attaché, INTERPOL, or such other appropriate means as determined by the Center.

(3) If the Center has reason to believe that transmission of the notice poses a risk to the life or well-being of the high interest registered sex offender, the Center shall make every reasonable effort to issue a warning to the high interest registered sex offender of such risk in the travel report receipt confirmation provided to the high interest registered sex offender pursuant to section 7(c)(2) prior to the transmission of such notice to the country or countries.

(f) ATTORNEY GENERAL COMPLAINT REVIEW.—The Attorney General, in coordination with the Center, shall establish a mechanism to receive complaints from sex offenders negatively affected by the high interest registered sex offender assessment process pursuant to subsection (d)(4), the high interest registered sex offender determination review process pursuant to subsection (d)(5), or the travel report confirmation process pursuant to section 7(c). A summary of these complaints shall be included in the annual report to Congress required under section 14(c)(4).

(g) CONSULTATIONS.—The Center shall engage in ongoing consultations with—

(1) NCMEC, ECPAT–USA, Inc., World Vision, and other nongovernmental organizations that have experience and expertise in identifying and preventing child sex tourism and rescuing and rehabilitating minor victims of international sexual exploitation;

(2) the governments of countries interested in cooperating in the creation of an international sex offender travel notification system or that are primary destination or source countries for international sex tourism; and

(3) Internet service and software providers regarding available and potential technology to facilitate the implementation of an international sex offender travel notification system, both in the United States and in other countries.

(h) TECHNICAL ASSISTANCE.—The Secretary of Homeland Security and the Secretary of State may provide technical assistance to foreign authorities in order to enable such authorities to participate more effectively in the notification program system established under this section.

SEC. 7. CENTER SEX OFFENDER TRAVEL GUIDELINES.

(a) ISSUANCE OF CENTER SEX OFFENDER TRAVEL GUIDELINES.—Not later than 180 days after the date of the enactment of this Act, the Center shall issue the Center Sex Offender Travel Guidelines for the assessment of sex offenders—

(1) who report international travel from the United States to another country pursuant to section 4(a), or

(2) whose travel is reported pursuant to subsection (b),

for purposes of determining whether such sex offenders are considered high interest registered sex offenders by United States law enforcement.

(b) LAW ENFORCEMENT NOTIFICATION.—

(1) IN GENERAL.—Federal, State, local, tribal, or territorial law enforcement entities or officials from within the United States who

have reasonable grounds to believe that a sex offender is traveling outside the United States and may engage in a sex offense against a minor may notify the Center and provide as much information as practicable in accordance with section 4(b)(2).

(2) NOTICE TO LAW ENFORCEMENT ENTITIES.—Not later than 425 days after the date of the enactment of this Act, the Center shall provide notice to all known, official law enforcement entities within the United States of they possibility of notifying the Center of anticipated international travel by a sex offender pursuant to paragraph (1).

(c) TRAVEL REPORT RECEIPT CONFIRMATION.—

(1) IN GENERAL.—Not later than seven days before the date of departure indicated in the sex offender travel report, the Center shall provide the sex offender with written confirmation of receipt of the travel report. The written communication shall include the following information:

(A) The sex offender should have the written communication in his or her possession at the time of departure from or return to the United States.

(B) The written communication is sufficient proof of satisfactory compliance with the travel reporting requirement under this Act if travel is commenced and completed within seven days before or after the dates of travel indicated in the travel report.

(C) The procedure that the sex offender may follow to request a change, at the sole discretion of the Center, of the time period covered by the written confirmation in the event of an emergency or other unforeseen circumstances that prevent the sex offender from traveling within seven days of the dates specified in the sex offender's travel report.

(D) The requirement to register with a United States diplomatic or consular mission if the sex offender remains in a foreign country for more than 30 consecutive days or for more than 30 days within a 6-month period pursuant to section 5.

(E) Any additional information that the Center, in its sole discretion, determines necessary or appropriate.

(2) DEPARTURE FROM THE UNITED STATES.—

(A) IN GENERAL.—If the sex offender is traveling from the United States, the written communication shall indicate, in addition to the information specified in paragraph (1), either—

(i) that the destination country or countries indicated in the travel report are not being notified of the sex offender's travel; or

(ii)(I) that such country or countries are being notified that the sex offender is a high interest registered sex offender and intends to travel to such countries; and

(II) that a review of such notification is available by the panel established pursuant to section 6(d)(5), together with an explanation of the process for requesting such a review, including the means for submitting additional information that may refute the Center's determination that the sex offender is a high interest registered sex offender.

(B) CERTAIN RISK.—If the high interest registered sex offender is traveling from the United States and the Center has reason to believe that the transmission of the notice poses a risk to the life or well-being of the high interest registered sex offender, the Center shall warn, in the written communication provided to the high interest registered sex offender, of such risk if the high interest registered sex offender travels as intended.

(d) REPORT TO CONGRESS.—Upon the issuance of the Center Sex Offender Travel Guidelines under subsection (a), the Center shall submit to the appropriate congressional committees a report containing the guidelines in a manner consistent with the protection of law enforcement-sensitive information.

SEC. 8. AUTHORITY TO RESTRICT PASSPORTS.

(a) IN GENERAL.—The Secretary of State is authorized to—

(1) revoke the passport or passport card of an individual who has been convicted by a court of competent jurisdiction in a foreign country of a sex offense; and

(2) limit to one year or such period of time as the Secretary of State shall determine appropriate the period of validity of a passport issued to an individual designated as a high interest registered sex offender.

(b) LIMITATION FOR RETURN TO UNITED STATES.—Notwithstanding subsection (a), in no case shall a United States citizen convicted by a court of competent jurisdiction in a foreign country of a sex offense be precluded from entering the United States due to a passport revocation under such subsection.

(c) REAPPLICATION.—An individual whose passport or passport card was revoked pursuant to subsection (a)(1) may reapply for a passport or passport card at any time after such individual has returned to the United States.

SEC. 9. IMMUNITY FOR GOOD FAITH CONDUCT.

The Federal Government, jurisdictions, political subdivisions of jurisdictions, and their agencies, officers, employees, and agents shall be immune from liability for good faith conduct under this Act.

SEC. 10. SENSE OF CONGRESS PROVISIONS.

(a) BILATERAL AGREEMENTS.—It is the sense of Congress that the President should negotiate memoranda of understanding or other bilateral agreements with foreign governments to further the purposes of this Act and the amendments made by this Act, including by—

(1) establishing systems to receive and transmit notices as required by section 4;

(2) requiring Internet service providers and other private companies located in foreign countries to report evidence of child exploitation; and

(3) establishing mechanisms for private companies and nongovernmental organizations to report on a voluntary basis suspected child pornography or exploitation to foreign governments, the nearest United States embassy in cases in which a possible United States citizen may be involved, or other appropriate entities.

(b) MINIMUM AGE OF CONSENT.—In order to better protect children and young adolescents from domestic and international sexual exploitation, it is the sense of Congress that the President should strongly encourage those foreign countries that have an age of consent to sexual activity below the age of 16 to raise the age of consent to sexual activity to at least the age of 16 and those countries that do not criminalize the appearance of persons below the age of 18 in pornography or the engagement of persons below the age of 18 in commercial sex transactions to prohibit such activity.

(c) NOTIFICATION TO THE UNITED STATES OF SEX OFFENSES COMMITTED ABROAD.—It is the sense of Congress that the President should formally request foreign governments to notify the United States when a United State citizen has been arrested, convicted, sentenced, or completed a prison sentence for a sex offense against a minor in the foreign country.

SEC. 11. ENHANCING THE MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.

Section 108(b)(4) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7106(b)(4)) is amended by adding at the end before the period the following: ", including cases involving nationals of that country who are suspected of engaging in severe forms of trafficking of persons in another country".

SEC. 12. SPECIAL REPORT ON INTERNATIONAL MECHANISMS RELATED TO TRAVELING CHILD SEX OFFENDERS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of State, in consultation with the Attorney General, shall submit to the appropriate congressional committees a report containing the following information (to the extent such information is available from the government concerned or from other reliable sources):

(1) A list of those countries that have or could easily acquire the technological capacity to identify sex offenders who reside within the country.

(2) A list of those countries identified in paragraph (1) that utilize electronic means to identify and track the current status of sex offenders who reside within the country, and a summary of any additional information maintained by the government with respect to such sex offenders.

(3)(A) A list of those countries identified in paragraph (2) that currently provide, or may be willing to provide, information about a sex offender who is traveling internationally to the destination country.

(B) With respect to those countries identified in subparagraph (A) that currently notify destination countries that a sex offender is traveling to that country:

(i) The manner in which such notice is transmitted.

(ii) How many notices are transmitted on average each year, and to which countries.

(iii) Whether the sex offenders whose travel was so noticed were denied entry to the destination country on the basis of such notice.

(iv) Details as to how frequently and on what basis notice is provided, such as routinely pursuant to a legal mandate, or by individual law enforcement personnel on a case-by-case basis.

(v) How sex offenders are defined for purpose of providing notice of travel by such individuals.

(vi) What international cooperation or mechanisms currently are unavailable and would make the transmission of such notifications more efficacious in terms of protecting children.

(C) With respect to those countries identified in subparagraph (A) that are willing but currently do not provide such information, the reason why destination countries are not notified.

(4)(A) A list of those countries that have an established mechanism to receive reports of sex offenders intending to travel from other countries to that country.

(B) A description of the mechanism identified in subparagraph (A).

(C) The number of reports of arriving sex offenders received in each of the past 5 years.

(D) What international cooperation or mechanisms currently are unavailable and would make the receipt of such notifications more efficacious in terms of protecting children.

(5) A list of those countries identified in paragraph (4) that do not provide information about a sex offender who is traveling internationally to the destination country, and the reason or reasons for such failure. If the failure is due to a legal prohibition within the country, an explanation of the nature of the legal prohibition and the reason for such prohibition.

(b) DEFINITION.—In this section, the term "sex offender" means an individual who has been convicted of a criminal offense against a minor that involves any of the acts described in clauses (i) through (viii) of section 3(9)(A).

SEC. 13. ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.

(a) IN GENERAL.—The President is strongly encouraged to exercise the authorities of section 134 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152d) to provide assistance to foreign countries directly, or through nongovernmental and multilateral organizations, for programs, projects, and activities, including training of law enforcement entities and officials, designed to establish systems to identify sex offenders and provide and receive notification of child sex offender international travel.

(b) DEFINITION.—In this section, the term ''sex offender'' means an individual who has been convicted of a criminal offense against a minor that involves any of the acts described in clauses (i) through (viii) of section 3(9)(A).

SEC. 14. CONGRESSIONAL REPORTS.

(a) INITIAL CONSULTATIONS.—Not less than 30 days before the completion of the activities required pursuant to sections 4(b), 5(b)(4), 6(a), and 7(a), the entities responsible for the implementation of such sections shall consult with the appropriate congressional committees concerning such implementation.

(b) INITIAL REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report on the implementation of this Act, including—

(A) how the International Sex Offender Travel Center has been established under section 6(a), including the role and responsibilities of the respective departments and agencies that are participating in the Center, and how those roles are being coordinated to accomplish the purposes of this Act and the amendments made by this Act;

(B) the procedures established for implementing section 7 regarding the Center Sex Offender Travel Guidelines;

(C) the rules regarding sex offender travel reports issued pursuant to section 4(b);

(D) the establishment of registries at United States diplomatic missions pursuant to section 5, including the number and location of such registries and any difficulties encountered in their establishment or operation;

(E) the consultations that are being conducted pursuant to section 6(g), and a summary of the discussions that have taken place in the course of those consultations; and

(F) what, if any, assistance has been provided pursuant to section 6(h) and section 13.

(2) FORM.—The report required under paragraph (1) may be transmitted in whole or in part in classified form if such classification would further the purposes of this Act or the amendments made by this Act.

(c) ANNUAL REPORT.—Not later than one year after the date of the enactment of this Act, and every year for 4 years thereafter, the President shall transmit to the appropriate congressional committees a report on the implementation of this Act and the amendments made by this Act, including—

(1)(A) the number of United States sex offenders who have reported travel to or from a foreign country pursuant to section 4(a);

(B) the number of sex offenders who were identified as having failed to report international travel as required by section 4(a); and

(C) the number of those identified in each of subparagraphs (A) and (B) who reported travel or who traveled from the United States without previously reporting and whose travel was noticed to a destination country;

(2) the number of United States sex offenders charged, prosecuted, and convicted for failing to report travel to or from a foreign country pursuant to section 4(a);

(3) the number of sex offenders who were determined to be high interest registered sex offenders by the Center, the number of appeals of such determinations received by the panel established pursuant to section 6(d)(5), the length of time between the receipt of each such appeal and transmission of the response, the extent and nature of any information provided to the sex offender in response to the appeal, the reason for withholding any information requested by the sex offender, and the number of high interest registered sex offender determinations by the Center that were reversed by the review panel;

(4) with respect to the complaints received by the Attorney General pursuant to section 6(f)—

(A) the number of such complaints received; and

(B) a summary of the nature of such complaints;

(5) if ICE charges a fee pursuant to section 4(c)—

(A) the amount of the fee;

(B) a description of the process to collect the fee and to transfer a percentage of the fee to the jurisdiction that processed the report;

(C) the percentage of the fee that is being shared with the jurisdictions, the basis for the percentage determination, and which jurisdictions received a percentage of the fees;

(D) how the revenues from the fee have been expended by ICE; and

(E) the fee waiver process established pursuant to section 4(c)(4), how many fee waiver requests were received, and how many of those received were granted;

(6) the results of the annual review process of the use of the Center Sex Offender Guidelines conducted pursuant to section 6(d)(6);

(7) what immediate actions have been taken, if any, by foreign countries and territories of destination following notification pursuant to section 6(d)(3), to the extent such information is available;

(8)(A) the number of United States citizens or lawful permanent residents arrested overseas and convicted in the United States for sex offenses, and in each instance—

(i) the age of the suspect and the number and age of suspected victims;

(ii) the country of arrest;

(iii) any prior criminal conviction or reported criminal behavior in the United States;

(iv) whether the individual was required to and did report pursuant to section 4; and

(v) if the individual reported travel pursuant to section 4 prior to the commission of the crime, whether the individual was deemed not to be a high interest registered sex offender by the Center; and

(B) for purposes of this paragraph, the term ''sex offense'' means a criminal offense involving sexual conduct against a minor or an adult, including the activities listed in clauses (i) through (viii) in section 3(9)(A);

(9) which countries have been requested to notify the United States when a United States citizen has been arrested, convicted, sentenced, or completed a prison sentence for a sex offense in that country, and of those countries so requested, which countries have agreed to do so, through either formal or informal agreement;

(10) any memoranda of understanding or other bilateral agreements that the United States has negotiated with a foreign government to further the purposes of this Act pursuant to section 10(a); and

(11) recommendations as to how the United States can more fully participate in international law enforcement cooperative efforts to combat child sex exploitation.

(d) INSPECTOR GENERAL AUDIT AND REPORT.—

(1) IN GENERAL.—Not later than three years after the date of the enactment of this Act, the Inspectors General of the Department of Justice and the Department of State shall perform a comprehensive audit of and submit to the appropriate congressional committees a report on the implementation of sections 4, 5, 6, and 7.

(2) CONTENTS.—The report required under paragraph (1) shall include the following:

(A) An assessment of all the complaints received by the Department of Justice pursuant to section 6(f), and a description as to what, if any, action was taken to resolve each complaint.

(B) A description of any instances in which a United States citizen or lawful permanent resident was mistakenly identified as a sex offender who failed to comply with the requirements of this Act and was confronted with such failure.

(C) A description of any instances in which a United States citizen or lawful permanent resident was prevented from travelling to or from the United States as a consequence of the implementation of this Act.

(D) A description of any instances in which a sex offender was charged with violating the travel reporting requirement under section 4 or the registration requirement under section 5 prior to such sex offender being duly noticed of the relevant requirement.

(E) A description of any physical or substantial emotional harm suffered by a high interest registered sex offender in a destination country as a result of notice being given to such destination country pursuant to section 6(e).

(F) A description of any instances in which information about a sex offender on a registry at a United States diplomatic or consular mission was disclosed in a manner not authorized by this Act.

(G) A description and assessment of high interest registered sex offender determination reviews conducted pursuant to section 6(d), including the number of such determinations that were overturned.

(H) A description and assessment of any other substantive or administrative challenges identified in implementing and administering sections 4, 5, 6, and 7.

SEC. 15. AUTHORIZATION OF APPROPRIATIONS.

To carry out this Act and the amendments made by this Act, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2011 through 2015.

SEC. 16. BUDGET COMPLIANCE.

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.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Nevada (Ms. BERKLEY) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Nevada.

GENERAL LEAVE

Ms. BERKLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise

and extend their remarks and to include extraneous material on the bill under consideration.

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

There was no objection.

Ms. BERKLEY. I yield myself such time as I may consume.

I rise in very strong support of this bill.

I would like to first commend the gentleman from New Jersey (Mr. SMITH) and the ranking member from Florida (Ms. ROS-LEHTINEN) for their hard work and dedication to this bill, International Megan's Law of 2010.

Mr. Speaker, this is a product of a 2-year investigation into international child sex tourism and exploitation. Staffs on both sides of the aisle, including staff from the Judiciary Committee, have worked very hard to craft a bill that would serve as an important tool in protecting children abroad from child sex predators.

Some child sex offenders, who are really perverts, travel from the United States to other countries solely for the purpose of committing sexual acts with children. Others decide to stay abroad, taking advantage of their anonymity where laws against these sex acts are weak or are rarely enforced.

International Megan's Law would establish a system for providing advance notice to foreign countries when a convicted child sex offender travels to that country. It also mandates a registration requirement for child sex offenders from the United States who reside or stay abroad.

Worldwide, over 2 million children are sexually exploited each year through trafficking, prostitution, and child sex tourism. The damage inflicted on these children by sexual crimes can be incredibly severe and beyond comprehension to most of us. Not only are exploited children at risk of physical trauma and diseases, such as HIV/AIDS, but they suffer very serious psychological, emotional, and spiritual damage that can last for the remainder of their lives.

Between 2003 and 2009, U.S. Immigration and Customs Enforcement cooperated with INTERPOL and foreign law enforcement agencies to investigate cases of the sexual exploitation of children abroad, obtaining 73 convictions for such crimes committed in other countries.

This bill will strengthen that enforcement capability and will discourage child sex tourism by requiring these offenders to notify relevant authorities of their intentions to travel abroad. It will also establish a nonpublic registry at U.S. consular and diplomatic missions where U.S. citizens and residents who live abroad and who have been convicted of sex offenses against minors will be required to register.

To know that an individual poses a danger to children and to do nothing simply because that person leaves our territory is unconscionable. We have the capability to help other governments protect their citizens, and we need to do all we can to prevent these predators from circumventing our laws to prey on children of foreign countries.

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

I reserve the balance of my time.

Ms. ROS-LEHTINEN. I yield myself such time as I may consume.

Mr. Speaker, I rise as a strong and proud original cosponsor of H.R. 5138, the International Megan's Law of 2010.

The innocence of childhood is a sacred trust that deserves to be protected always and everywhere. Sexual crimes against children are especially deplorable because they violate that trust, rob children of their childhoods and, in some cases, begin a cycle of abuse that ruins multiple lives by turning victims into future abusers.

In recent decades, Mr. Speaker, we have grown in our understanding of these crimes and of the compulsions of their perpetrators, so our laws have also evolved to better protect the young. In most cases, convicted offenders who pose risks to children are required to register in the localities in which they reside.

Just 2 months ago, my home State of Florida enacted additional safeguards, barring predators from loitering near schools and other places where children congregate. But right now, such protections do not effectively extend beyond national borders, and so an alarming number of child predators use the anonymity that comes with international travel to help them find new victims.

Far away from the jurisdictions in which their crimes are known, these offenders enter unsuspecting communities to groom and exploit young boys and girls. This heartbreaking pattern occurs all around the world. It can involve something as simple as illicit travel to a known sex tourism destination, such as Cuba, where that brutal regime remains classified by our State Department as a tier 3 entity that fails to meet even the minimum standards for combating human trafficking. Or it can entail a ruse as sophisticated as establishing a front charity or an orphanage in economically depressed areas, such as southeast Asia, to secure ready access to vulnerable children.

These criminals are ruthless in their hunt for new victims, but as things stand today, no country, including the United States, receives adequate warning when dangerous child predators are coming to visit. Thus, many crimes remain undeterred and undetected, and many young lives are permanently scarred as a result. The International Megan's Law will help protect the children of the world from these dangers in two major ways:

First, it will establish a system for providing advance notice to officials when a sex offender who poses a high risk to children is traveling to their country.

Second, it will require U.S. child sex offenders who live overseas to register and periodically reverify their presence with local U.S. diplomatic or consular missions.

This bill also grants the State Department clear authority to restrict the passports of convicted child sex offenders so that they cannot jump from country to country indefinitely to avoid returning to the U.S.

While the bill is simple in its basic concept, it provides a carefully constructed mechanism to ensure that the full range of operational, legal, and constitutional interests are protected.

□ 1320

I want to thank my colleague from New Jersey (Mr. SMITH) for his leadership on this bill, which is the culmination of years of research, field visits and consultations with U.S. and foreign law enforcement officials.

Child predators do not become less dangerous when they cross international borders. They must not be allowed to use their passports as a disguise.

I urge my colleagues to support this basic protection of our children.

Mr. Speaker, I yield the balance of my time to the gentleman from New Jersey (Mr. SMITH), the author of this bill, and I ask unanimous consent that he control the time.

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

There was no objection.

Mr. SMITH of New Jersey. I yield myself such time as I may consume.

Mr. Speaker, the International Megan's Law is the culmination of over 3 years of extensive negotiations and research by multiple parties. Mr. PAYNE and I are deeply grateful to all who have helped craft this legislation.

I want to thank the majority leader, STENY HOYER, for scheduling this legislation today and for his commitment to mitigating the crime, the heinous crime, of human trafficking. He and I have worked on that for years. And the International Megan's Law, which is a corollary to the trafficking work, has as its singular goal the protection of children from sex predators.

Special thanks to Chairman BERMAN and ILEANA ROS-LEHTINEN for their strong support for International Megan's Law, for helping to shepherd it through the committee, and for their staffs for being so helpful in terms of words and phrases, as well as important concepts in the bill.

I would also like to thank Chairman PAYNE and Ranking Member LAMAR SMITH and BOBBY SCOTT for their support and their recommendations that are included in the bill as well.

I would especially like to thank the gentleman from California (Mr. DANIEL E. LUNGREN), former Attorney General, now Congressman, an expert on Megan's Law, for his enormous contribution because he was at the forefront in his State in implementing the

Megan's Law; and TED POE, who is the co-chairman of the Victims' Rights Caucus, for his work and for his compassion for those who are victimized by any number of crimes, including the crimes that we are talking about today.

I also would like to thank Sheri Rickert, Kristin Wells, and Janice Kaguyutan, staffers who have really done yeoman's work on this legislation. I am very, very grateful for that. And the NGOs that have also collaborated with us, the National Center for Missing and Exploited Children, who have endorsed the bill, the Covenant House, which has done a petition drive, and World Vision, and my distinguished friend from Nevada (Ms. BERKLEY), I thank her for her leadership as well.

This is a bipartisan bill and, hopefully, it will become law for one reason: to protect children.

Mr. Speaker, our national and various State versions of Megan's Law have revolutionized how we deal with child predators. Maureen and Richard Kanka of my hometown wrote the book on neighborhood notification and protection of children and families through information. We all owe an enormous debt to Maureen and Richard for taking a horrific tragedy, the sexual abuse and murder of their 7-year-old daughter, Megan, back in 1994, and turning it into the noble cause of protecting children throughout the United States.

But now it's imperative that we take the lessons learned on how to protect our children from known child sex predators within our borders and expand those protections globally.

Child predators, Mr. Speaker, thrive on secrecy and lack of any meaningful accountability. The secrecy they thrive on allows them to commit heinous crimes, crimes against children, and to do so with impunity. Megan's Law, with its emphasis on notification and knowing who is doing what and where, not only protects American children, but it also will protect children worldwide.

Just last month, Mr. Speaker, the GAO issued a deeply disturbing report entitled ''Current Situation Results in Thousands of Passports Issued to Registered Sex Offenders.'' The GAO found that at least 4,500 U.S. passports were issued to known registered sex offenders in fiscal year 2008 alone. The GAO emphasized that this number is probably understated due to the limitations of the data that it was able to analyze and to access.

Let me also remind—we all know it—passports last for 10 years, so, again, this number would grow every year.

What is even more disturbing are the details about 30 of those sex offenders, passport recipients the GAO selected for further investigation. One registered sex offender solicited trips to Mexico to find and prey on young boys. The FBI found cameras in a medical bag with a Spanish language flyer advertising lice removal for children, a procedure that requires children to undress. This offender, who is currently serving a prison sentence for possession of child pornography, applied for a passport because he plans to live in Mexico after he serves his sentence to avoid registering as a sex offender.

Another sex offender in the GAO report has multiple convictions for sexual contact with 11-year-olds. The offender had traveled to the Philippines, a known child sex tourism destination, as well as to Germany and France, since receiving his passport. He was recently indicted for possession of child pornography and for attempting to have sex with a two-year-old little girl.

Several of the registered sex offenders used their passports to travel to known child sex tourism destinations, including Mexico, the Philippines and the Caribbean islands. The victims of several of these offenders range from the ages of 7 to 11 years old.

Mr. Speaker, the ILO estimates that there are about 1.8 million children who are victims of commercial sexual exploitation around the world each year. The GAO's report confirms that American sex offenders are a significant part of this outrage.

According to the Immigration and Customs Enforcement, ICE, each year about 10,000 sex offenders covered by the bill before us travel internationally. We have information and the technology at our disposal to determine what constitutes a high-risk registered sex offender and to ensure that appropriate government officials are noticed in a timely fashion. And, frankly, if the country wants to say, ''you don't get a visa, you don't come,'' or ''if you do come, our law enforcement will keep an eye on you,'' that's what we hope will happen if this becomes law.

Mr. Speaker, H.R. 5138 would establish the legal framework that is required to accomplish this very achievable goal of noticing. Pursuant to the bill, registered sex offenders would notify our law enforcement 30 days before they travel, allowing experts in the newly created international sex offender travel center, led by ICE, to ascertain whether the individual poses a high risk of sexually exploiting children in the destination country. If the answer is in the affirmative, our law enforcement would be able to notify officials in that country who could either monitor the activities when he enters or prevent him from entering all together.

The legislation would also establish sex offender registries at U.S. diplomatic missions for U.S. child sex offenders who reside in other countries. This foreign registration system would allow U.S. law enforcement to track the location of sex offenders and to better ascertain if and when they re-enter the United States.

Clearly, the goals of this legislation do not stop at protecting children overseas from U.S. predators. Sex offenders from around the world are now able to cross borders and oceans to carry out their nefarious activity under the cloak of anonymity and disappear before a child is willing or able to reveal the terrible crime.

The International Megan's Law would establish the model needed for the Administration to pressure other countries to take action to stop child sex tourism originating within their borders and threatening children in the United States and everywhere else.

I have finally, Mr. Speaker, had so many conversations with people from other countries, foreign dignitaries who have asked me when the United States Congress is going to do something about American sex offenders traveling to their countries to rape their children. The International Megan's Law is the answer to that question, and I hope my colleagues will support it.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. POE), an esteemed member of both the Foreign Affairs Committee and the Judiciary Committee, and founder and co-chair of the Congressional Victims Rights Caucus.

Mr. POE of Texas. Mr. Speaker, I appreciate the work the gentleman, Mr. SMITH, has done on human trafficking throughout his career here in Congress to make the Congress and the American people aware of this horrible tragedy that's taking place throughout the world. And I especially appreciate his work on this legislation, International Megan's Law.

Mr. Speaker, slavery is alive and, unfortunately, doing very well in this world today. We see it in the form of human trafficking, sex trafficking, slavery of children who are taken from different parts of the world by these slave traders and, for money, they exploit these children, and they make money because there are consumers that want to abuse children.

□ 1330

Unfortunately, 25 percent of the consumers who use sex trade victims are from the United States. They leave this country. They go to foreign countries. They find some child, and they abuse that child, and they pay some slave trader for that service. A million people a year are involved as victims of human trafficking. Fifty percent of them are children. Most of them are under the age of 18. It is the scourge that is taking place in our world today. And it's about time we let the world know about it. And it's about time we do something about it.

I am founder and cochair, along with my friend Mr. COSTA from California, of the Victims Rights Caucus. Children that are exploited, that are taken and they are used for sex trafficking, first of all are not criminals. They are victims of criminal conduct. The criminals are the slave traders and the criminals are those who pay to exploit those children.

It's important that we first take care and find out who those victims are. We should treat them as victims, those children that have been exploited. The second thing we do, we find out who those slave traders are and we put them in jails throughout the world. Lock them up. That's where they belong, no matter where they do their dirty deeds. And the third thing is those consumers, those who pay to exploit children, some of those 25 percent from the United States, we not only lock them up, we let people know who they are. We publish their names, we put their photographs on the Internet, we let people know who these individuals are.

This legislation goes a long way in helping the children. So when some predator gets out of our penitentiary for molesting a kid and wants to leave the country to continue their evil ways, they've got to tell us about it so we can tell that other country, Watch out, this this guy's coming to your country. And so that country can be on notice, so we can be on notice, so we can keep up with these people.

Based on my experience as a judge in Texas for over 20 years, unfortunately most of these child molesters, when they leave the penitentiary, they do it again, and they continue those devilish ways. And it's important we know who they are. This legislation is excellent. I support it.

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

Mr. SMITH of New Jersey. I thank Judge POE for his extraordinary statement and his observation that they recommit. That is what this is all about.

I yield 2 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), ranking member on the House Committee on Administration, an original cosponsor of this bill, and former Attorney General of California.

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

Mr. Speaker, in the mid-1990s, when I was privileged to serve the State of California as its Attorney General, we looked to New Jersey for inspiration to change our laws. At that time, if you were a sex offender convicted of a sex offense and you had served your time, even though that was public information, it was almost impossible for the public at large to know who you were and where you were living. So we decided to follow the New Jersey law in California and adopt Megan's Law, which gave information more readily accessible to the public about where these predators live. It has worked enormously well.

The claims of those who thought we would somehow deprive those who had served their time of their privacy rights, or that we would somehow instill the seeds of vigilantism, have been proven wrong. It has worked very, very effectively.

Since that time we have adopted laws such as Jessica's Laws, which says that those who are registered sex offenders cannot live near children, they cannot live near schools where children go, they cannot live close to the parks where they may play. And that has worked well.

So some of these sex offenders have decided that they will ply their vicious trade, so to speak, beyond our shores. And those are the ones that this International Megan's Law directs its attention to. No longer will they have the mask of anonymity when they go looking for children to exploit in foreign countries.

This is a simple law. It is a law based on information. It is a law based on the knowledge of those who have already committed and are likely to recommit. It makes eminent sense. We hope there will be a unanimous vote in favor of International Megan's Law.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON), the ranking member of the Foreign Affairs Subcommittee on the Middle East and South Asia and one of the original sponsors of this legislation.

Mr. BURTON of Indiana. I want to thank everybody that's been involved in this legislation, Mr. POE; my colleague from California (Mr. LUNGREN); and I especially want to say something about CHRIS SMITH.

CHRIS SMITH, who is the sponsor of this bill, has been one of the hardest working Congressmen that I have ever seen in my life. He has worked very hard on the rights of the unborn since he came to Congress what, 25 or so years ago. He has worked very hard on things like Megan's Law. We have had a lot of great legislators in this body throughout history, but I don't know of anybody who has been more dedicated, more committed to doing the right things for children, both born and unborn, than CHRIS SMITH.

And I think in the Bible, and I may misquote this, but Paul the Apostle said, "I have fought the fight, I have kept the faith, henceforth the crown of righteousness is laid up for me in Heaven." And that fits you too, CHRIS. I really mean that.

Let me just say this about Megan's Law. There should be no place in the world for these people to hide. There should be no place where they're not prosecuted or persecuted for what they do to these children. And so I think this law is so important because there have been literally planeloads of perverts, pedophiles that travel around the world to ply their evil when they can't do it here in the United States because we've started passing laws that deal with them so severely.

No matter what we do in this legislation or with this legislation, in my opinion it's not enough. It's just not enough. And I don't think I want to be redundant and say anything more than that except for all of you who have worked so hard on this legislation, you have my undying gratitude.

Ms. BERKLEY. I continue to reserve my time.

Mr. SMITH of New Jersey. In closing, Mr. Speaker, I again thank my friends on the majority side for their courtesy and for working so closely with us on this legislation. It truly is a bipartisan bill.

You know, in 2000 I was the prime sponsor of the Trafficking Victims Protection Act, and added the three Ps, prevention, prosecution, and protection. And a very comprehensive effort was made. We are now 10 years into implementation of that law. The TIP report that comes out every year comes out pursuant to that law.

One of the things we did in that law was to try to get every other country to pass laws that look a lot like ours, and maybe better and then we will borrow from their ideas. In this legislation as well there is a real admonition to the President and the State Department to try to get other countries to enact Megan's Laws in their own countries—a few have them, most don't—so we can protect our kids from these pedophiles when they come to our shores.

I urge a "yes" vote.

NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN,
July 21, 2010.

Hon. CHRIS SMITH,
Washington, DC.

DEAR REPRESENTATIVE SMITH: On behalf of the National Center for Missing & Exploited Children (NCMEC), I commend you for introducing H.R. 5138, the International Megan's Law of 2010. This important piece of legislation will help protect children around the world from registered sex offenders who seek to victimize them.

Sex tourism is an insidious practice whereby offenders travel to other countries for the purpose of sexually victimizing a child. According to an estimate from the U.S. Department of State, 1 million children are exploited by the global commercial sex trade each year. Currently, there are very few limitations regulating the international travel of registered sex offenders. Simply requiring registration within an offender's country of residence does nothing to protect children in other countries from victimization. It is imperative that we do everything we can to provide U.S. and international law enforcement with information that might prevent a child from being victimized.

We are grateful for your leadership and your steadfast commitment to the most vulnerable members of our society.

Sincerely,

ERNIE ALLEN,
President & CEO.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Nevada (Ms. BERKLEY) that the House suspend the rules and pass the bill, H.R. 5138, as amended.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TEMPORARY EXTENSION OF SMALL BUSINESS PROGRAMS

Ms. VELÁZQUEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5849) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5849

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

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) IN GENERAL.—Section 1 of the Act entitled ''An Act to extend temporarily certain authorities of the Small Business Administration'', approved October 10, 2006 (Public Law 109–316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 111–162 (124 Stat. 1129), is amended by striking ''July 31, 2010'' each place it appears and inserting ''September 30, 2010''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 30, 2010.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

In every previous recession, small businesses have been central to our economic recovery. The Small Business Administration has an important role to play in giving businesses tools they need to succeed. Technical assistance programs operated by the SBA provide critical expertise in everything from writing a business plan, to finding new customers, to marketing a product.

□ 1340

While our Nation's financial landscape has improved, many small firms cannot find the financing they need. To bridge this gap, the agency's lending programs put over $15 billion into the economy, making them the single largest source of long-term capital. So that entrepreneurs can better tap into the Federal marketplace, there is also assistance to help businesses navigate our government's procurement process. Taken together, this portfolio of services can empower small businesses to create new jobs and accelerate our recovery.

Since the start of this Congress, the House has passed 16 bills to strengthen and modernize the SBA initiatives. However, before these programs are fully updated, they must be extended. This legislation ensures these programs keep operating.

I urge my colleagues to vote ''yes.''

I reserve the balance of my time.

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

Mr. Speaker, I rise today in support of the gentlelady from New York, the chairlady's request to suspend the rules and pass H.R. 5849, a bill to provide a 2-month extension of the Small Business Administration's core programs through September 30, 2010. The previous extension that passed last April will expire at the end of this week.

In this tough economy, small businesses need all the help they can get. However, as the economic downturn has continued, entrepreneurs have lost the support they need from Congress and the administration to help them do what they do best—create jobs and opportunities. Instead of listening to the needs of the small business community, Congress has continued along with the destructive course of tax increases, government expansion, massive deficits, and job-killing regulations.

Mr. Speaker, as we move toward extending these SBA programs, yet again a temporary effort to shore up our economy and small businesses, we must remember that uncertainty is the enemy of growth. Certain legislative and regulatory proposals that have been considered in Congress lately have injected a tremendous amount of certainty into our markets, uncertainty into our markets. This ambiguity creates unique difficulties for entrepreneurs. It makes them less willing to take risk, to expand operations, or hire new workers.

Entrepreneurs have created nearly 70 percent of all new jobs in the U.S. in recent years. We can all agree that their contributions to our economy and job force will be what will lead us to our recovery. It's time to show our small business owners that we recognize and support this central role they play in our economy. We can do so by approving this temporary extension of SBA programs, and then we must continue our work by crafting and implementing a more thoughtful and complete reauthorization of these critical programs.

I would also like to take this opportunity to commend the gentlelady from New York for her leadership in the small business committee. Her determination to work for the betterment of America's small businesses has allowed us to produce numerous pieces of bipartisan legislation that have reauthorized and modernized the SBA in these programs. Although we have not yet been able to successfully negotiate a compromise between our bills in what have previously passed the House and those that the Senate has passed, I remain confident that we will reach an agreement soon and look forward to working with the chairwoman to that end.

Again, I thank the chairwoman for her leadership and support her request to pass H.R. 5849, and I urge all Members to vote for the measure.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, H.R. 5849.

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

A motion to reconsider was laid on the table.

IMPROVING CERTAIN LIBRARY OF CONGRESS ADMINISTRATIVE OPERATIONS

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5681) to improve certain administrative operations of the Library of Congress, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5681

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

SECTION 1. PERMITTING USE OF PROCEEDS FROM DISPOSITION OF SURPLUS OR OBSOLETE PERSONAL PROPERTY.

(a) DISPOSITION OF PROPERTY.—Within the limits of available appropriations, the Librarian of Congress may dispose of surplus or obsolete personal property of the Library of Congress by interagency transfer, donation, sale, trade-in, or other appropriate method.

(b) USE OF PROCEEDS.—Any amounts received by the Librarian of Congress from the disposition of property under subsection (a) shall be credited to the funds available for the operations of the Library of Congress, and shall be available to acquire the same or similar property during the fiscal year in which the amounts are received and the following fiscal year.

(c) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2011 and each succeeding fiscal year.

SEC. 2. AVAILABILITY OF FUNDS FOR STUDENT LOAN REPAYMENT PROGRAM FOR EMPLOYEES.

(a) AVAILABILITY OF FUNDS WITHOUT REGARD TO SOURCE OF EMPLOYEE SALARY.—Amounts appropriated or otherwise made available to the Librarian of Congress for a fiscal year for salaries and expenses of employees of the Library of Congress may be used by the Librarian to make payments under the student loan repayment program under section 5379 of title 5, United States

Code, on behalf of an employee of the Library without regard to the source of the funds used to pay the employee's salary.

(b) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2011 and each succeeding fiscal year.

SEC. 3. USE OF UNOBLIGATED APPROPRIATIONS TO MAKE CONTRIBUTIONS TO WORKERS COMPENSATION FUND.

(a) USE OF FUNDS.—Unobligated balances of expired appropriations made to the Library of Congress for fiscal years beginning with fiscal year 2011 shall be available to the Librarian of Congress to make the deposit to the credit of the Employees' Compensation Fund required by subsection 8147(b) of title 5, United States Code.

(b) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2011 and each succeeding fiscal year.

SEC. 4. PAYGO COMPLIANCE.

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 House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks in the RECORD and include extraneous matters on this legislation.

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

There was no objection.

Mr. BRADY of Pennsylvania. I yield myself such time as I may consume.

Mr. Speaker, I sponsored this legislation to make improvements to the Library of Congress in three important areas. The bill was reported by the Committee on House Administration on July 22, 2010.

First, H.R. 5681 would allow the Librarian of Congress to dispose of surplus or obsolete personal property and to use the proceeds from these transactions, if any, to buy similar but updated property. Congress has previously granted such authority to the Capitol Police and other agencies. This provision will allow the Library to replace dated equipment while it still has value and keep costs down. This is especially useful with respect to computers and other technology.

Second, the bill would also improve administration of the Library's student-loan repayment program. Currently, each service must draw from its operating budget for loan repayments for its participating employees. H.R. 5681 would create a common fund to support loan repayment agencywide.

Finally, the bill would make available expired but unobligated appropriations balances to pay the Library's annual deposits due to the Labor Department's workers compensation fund. This provision will help address a timing problem faced by the Library and avoid the need for new appropriations.

Mr. Speaker, this bill has the Library's full support. I know of no controversy, and I urge support of this legislation.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as was stated by the chairman of our committee, this is a sensible bill to improve administrative operations at the Library of Congress, and I'm pleased to support it.

The bill improves operations at the Library of Congress related to surplus or obsolete property, the student loan repayment program, and the workers' compensation payment program. These are reasonable and sound changes. We discussed them at our committee markup. I support them.

I thank my colleague and the staff for their hard work, and I urge my colleagues to support H.R. 5681.

I yield back the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I urge an ''aye'' vote, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 5681, as amended.

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

A motion to reconsider was laid on the table.

IMPROVING OPERATION OF CERTAIN HOUSE PROGRAMS

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5682) to improve the operation of certain facilities and programs of the House of Representatives, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5682

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

SECTION 1. MEMBERSHIP IN HOUSE OF REPRESENTATIVES EXERCISE FACILITY FOR ACTIVE DUTY ARMED FORCES MEMBERS ASSIGNED TO CONGRESSIONAL LIAISON OFFICE.

Any active duty member of the Armed Forces who is assigned to a congressional liaison office of the Armed Forces at the House of Representatives may obtain membership in the exercise facility established for employees of the House of Representatives (as described in section 103(a) of the Legislative Branch Appropriations Act, 2005) in the same manner as an employee of the House of Representatives, in accordance with such regulations as the Committee on House Administration may promulgate.

SEC. 2. REVOLVING FUND FOR HOUSE CHILD CARE CENTER.

(a) CONVERSION OF HOUSE CHILD CARE CENTER ACCOUNT INTO REVOLVING FUND.—

(1) IN GENERAL.—Section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2062(d)(1)) is amended to read as follows:

''(1) There is established in the Treasury of the United States a revolving fund for the House of Representatives to be known as the 'House Child Care Center Revolving Fund' (hereafter in this section referred to as the 'Fund'), consisting of the amounts received under subsection (c) and any other funds deposited by the Chief Administrative Officer of the House of Representatives from amounts received by the House of Representatives with respect to the operation of the center. Except as provided in paragraphs (2) and (3), the Fund shall be the exclusive source for all salaries and expenses for activities carried out under this section.''.

(2) TRANSFER OF EXISTING ACCOUNT.—Any amounts in the account established by section 312(d)(1) of such Act as of the day before the effective date of this section, together with any amounts in the House Services Revolving Fund as of the effective date of this section which, at the time of deposit into the House Services Revolving Fund, were designated for purposes of the House Child Care Center, shall be transferred to the House Child Care Center Revolving Fund established by such section, as amended by paragraph (1).

(b) TRANSFER AUTHORITY.—Section 312 of such Act (2 U.S.C. 2062) is amended—

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

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

''(e) The Fund shall be treated as a category of allowances and expenses for purposes of section 101(a) of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 95b(a)).''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect October 1, 2010, and shall apply with respect to fiscal year 2011 and each succeeding fiscal year.

SEC. 3. MISCELLANEOUS TECHNICAL CORRECTIONS.

(a) The second undesignated paragraph under the heading ''Under Superintendent of the Capitol Buildings and Grounds'' in the Act of April 28, 1902 (chapter 594; 32 Stat. 125; 2 U.S.C. 2012) is amended to read as follows:

''The Chief Administrative Officer of the House of Representatives shall supervise and direct the care and repair of all furniture in the Hall, cloakrooms, lobby, committee rooms, and offices of the House, and all furniture required for the House of Representatives or for any of its committee rooms or offices shall be procured on designs and specifications made or approved by the Chief Administrative Officer.''.

(b) Effective as if included in the enactment of Public Law 111—145, section 3 of House Resolution 661, Ninety-fifth Congress, agreed to July 29, 1977 (2 U.S.C. 84–2), is restored into permanent law.

SEC. 4. PAYGO COMPLIANCE.

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 House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill now under consideration.

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

There was no objection.

Mr. BRADY of Pennsylvania. I yield myself such time as I may consume.

Mr. Speaker, the Committee on House Appropriations, reported this legislation, which I introduced on July 1, 2010, to improve the operation of certain facilities and programs of the House.

The bill will make two substantial changes into law. First it will make into permanent law a temporary provision allowing active-duty Armed Forces personnel working in House office buildings as congressional liaisons to use the House staff gym like any other staff member. This practice, which is currently in place, is working fine and we propose to make it permanent for the benefit of personnel who might prefer to exercise here rather than travel to the Pentagon or elsewhere.

□ 1350

Second, the bill includes language to eliminate needless bookkeeping related to the House Child Care Center. The account supporting the Center is not a true revolving fund, meaning that at the end of every year accountants must seek approval to transfer the unobligated balances forward to the new year and work with the Treasury to implement what has become an annual ritual.

Converting the account to a true revolving fund will save House and Treasury staff time better spent elsewhere. This change will have no effect on the Center's staff, parents, or the children.

Finally, the bill includes two technical corrections and complies with the PAYGO rules.

I know of no controversy on this bill. Since H.R. 5682 affects only the House, I trust that the Senate will pass it quickly without change. I urge an ''aye'' vote.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support this resolution providing for administrative provisions affecting the House.

This resolution simply authorizes that any Active Duty member of the Armed Forces who is assigned to a congressional liaison office in the House of Representatives may obtain membership and access to the House staff fitness center. Given the sacrifices demonstrated by the members of our military each and every day, and their requirement to stay in good physical condition, this is entirely appropriate.

The resolution also establishes, as was mentioned by our chairman, a revolving fund for the House Child Care Center, and it codifies current practices relating to the CAO's allocation, care, and repair of furniture for use in the House.

These are all commonsense and appropriate changes, and I urge my colleagues to support H.R. 5682.

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

Mr. BRADY of Pennsylvania. Mr. Speaker, I urge an ''aye'' vote, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 5682, as amended.

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

A motion to reconsider was laid on the table.

FALLEN HEROES FLAG ACT OF 2009

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 415) to provide Capitol-flown flags to the immediate family of fire fighters, law enforcement officers, emergency medical technicians, and other rescue workers who are killed in the line of duty.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 415

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 ''Fallen Heroes Flag Act of 2009''.

SEC. 2. PROVIDING CAPITOL-FLOWN FLAGS FOR FAMILIES OF LAW ENFORCEMENT AND RESCUE WORKERS KILLED IN THE LINE OF DUTY.

(a) IN GENERAL.—At the request of the immediate family of a fire fighter, law enforcement officer, emergency technician, or other rescue worker who died in the line of duty, the Representative of the family may provide the family with a Capitol-flown flag, together with the certificate described in subsection (c).

(b) NO COST TO FAMILY.—A flag provided under this section shall be provided at no cost to the family.

(c) CERTIFICATE.—The certificate described in this subsection is a certificate which is signed by the Speaker of the House of Representatives and the Representative providing the flag, and which contains an expression of sympathy from the House of Representatives for the family involved, as prepared and developed by the Clerk of the House of Representatives.

(d) DEFINITIONS.—In this section—

(1) the term ''Capitol-flown flag'' means a United States flag flown over the United States Capitol in honor of the deceased individual for whom such flag is requested; and

(2) the term ''Representative'' includes a Delegate or Resident Commissioner to the Congress.

SEC. 3. REGULATIONS AND PROCEDURES.

(a) IN GENERAL.—Not later than 30 days after the date of the date of the enactment of this Act, the Clerk shall issue regulations for carrying out this Act, including regulations to establish procedures (including any appropriate forms, guidelines, and accompanying certificates) for requesting a Capitol-flown flag.

(b) APPROVAL BY COMMITTEE ON HOUSE ADMINISTRATION.—The regulations issued by the Clerk under subsection (a) shall take effect upon approval by the Committee on House Administration of the House of Representatives.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated from the applicable accounts of the House of Representatives for fiscal year 2009 and each succeeding fiscal year such sums as may be necessary to carry out this Act.

SEC. 5. EFFECTIVE DATE.

This Act shall take effect on the date of its enactment, except that no flags may be provided under section 2 until the Committee on House Administration of the House of Representatives approves the regulations issued by the Clerk of the House of Representatives under section 3.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous matter in the RECORD on the consideration of this bill.

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

There was no objection.

Mr. BRADY of Pennsylvania. I yield myself such time as I may consume.

Mr. Speaker, there are brave public servants who selflessly put their lives at risk for the protection of others. On rare occasions, these men and women make the ultimate sacrifice. This bill will provide for a simple and eloquent tribute to these fallen heroes.

H.R. 415 would provide a flag flown over the United States Capitol to the immediate family of a firefighter, law enforcement officer, emergency medical technician, and other rescue workers who die in the line of duty. The flag would be presented by the House Member representing the family.

The family would also receive a certificate signed by the Speaker of the House and the Representative presenting the flag, and prepared by the Clerk of the House, expressing sympathy on behalf of the House of Representatives. There would be no cost at all to the family.

A United States flag flown over the Capitol is a simple expression of national sympathy and gratitude. I urge my colleagues on both sides of the aisle to join me in recognizing the heroism of these amazing men and women by supporting H.R. 415, the Fallen Heroes Flag Act.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 415, authored by the distinguished gentleman from New York (Mr. KING), allows the Representative of the immediate family of deceased emergency personnel who are killed in the line of duty to provide the family with a Capitol-flown flag at their request. These families would also receive a certificate bearing an expression of condolence signed by the Speaker, as well as by the Representative providing the flag.

Nine years later, the tragic events of September 11 are still a painful reminder of the sacrifices made daily by our first responders, including our firefighters, our law enforcement officers, our emergency technicians, and other rescue workers. These fallen heroes and their families deserve our appreciation, our thanks, and our honor for their sacrifice, and this resolution in a simple way will enable us to show that gratitude.

I urge my colleagues to join in supporting H.R. 415.

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

Mr. KING of New York. Mr. Speaker, I rise today in support of H.R. 415, the Fallen Heroes Flag Act.

I introduced this legislation to honor the brave rescue workers and law enforcement agents who lost their lives protecting their fellow Americans. While we cannot make up for the loss of these heroes, my bill will allow members of Congress to extend a gesture of sympathy and gratitude to the immediate family.

The Fallen Heroes Flag Act allows members of Congress to honor any deceased fire fighter, law enforcement officer, emergency technician, or other rescue worker who died in the line of duty by providing to the family, at their request, a flag flown over the United States Capitol. The flag will be accompanied by a certificate expressing a message of sympathy, that is signed by the Speaker of the House and the Representative providing the flag.

Our rescue workers and law enforcement agents commit selfless acts every day for our safety. It is truly a tragedy when one of their lives is lost while acting to save another's. They should be honored for their heroism and my legislation provides that opportunity. I am pleased that the Fallen Heroes Flag Act has been brought to the House floor. I fully support this bill and urge my colleagues to do the same.

Mr. BRADY of Pennsylvania. Mr. Speaker, I also would like to thank my friend, PETER KING from New York, for this thoughtful bill and my ranking member for his cooperation and support. I urge a ''yes'' vote for again this courteous bill to our fallen heroes that paid the ultimate sacrifice.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 415.

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

A motion to reconsider was laid on the table.

□ 1400

SECURING AIRCRAFT COCKPITS AGAINST LASERS ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5810) to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5810

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 ''Securing Aircraft Cockpits Against Lasers Act of 2010''.

SEC. 2. PROHIBITION AGAINST AIMING A LASER POINTER AT AN AIRCRAFT.

(a) OFFENSE.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following:

''§ 39A. Aiming a laser pointer at an aircraft

''(a) Whoever knowingly aims the beam of a laser pointer at an aircraft in the special aircraft jurisdiction of the United States, or at the flight path of such an aircraft, shall be fined under this title or imprisoned not more than 5 years, or both.

''(b) As used in this section, the term 'laser pointer' means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object.

''(c) This section does not prohibit aiming a beam of a laser pointer at an aircraft, or the flight path of such an aircraft, by—

''(1) an authorized individual in the conduct of research and development or flight test operations conducted by an aircraft manufacturer, the Federal Aviation Administration, or any other person authorized by the Federal Aviation Administration to conduct such research and development or flight test operations;

''(2) members or elements of the Department of Defense or Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing or training; or

''(3) by an individual using a laser emergency signaling device to send an emergency distress signal.

''(d) The Attorney General, in consultation with the Secretary of Transportation, may provide by regulation, after public notice and comment, such additional exceptions to this section, as may be necessary and appropriate. The Attorney General shall provide written notification of any proposed regulations under this section to the Committees on the Judiciary of the House and Senate, the Committee on Transportation and Infrastructure in the House, and the Committee on Commerce, Science and Transportation in the Senate not less than 90 days before such regulations become final.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 18, United States Code, is amended by inserting after the item relating to section 39 the following new item:

''39A. Aiming a laser pointer at an aircraft.''.

SEC. 3. COMPLIANCE WITH PAYGO.

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.

The SPEAKER pro tempore (Mr. CUMMINGS). Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

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

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, H.R. 5810 establishes criminal penalties for knowingly aiming a laser pointer at an aircraft or its flight path.

Incidents involving lasers aimed at aircraft have raised concerns over the potential threat to aviation safety and national security. Some are concerned that terrorists might use high-powered lasers to, among other things, incapacitate pilots. There is also concern that laser devices can distract or temporarily incapacitate pilots during critical phases of a flight.

Lasers pose a safety hazard to flight operations. Even brief exposure to a relatively low-powered laser beam can cause discomfort and temporarily affect the pilot's vision. The visual distractions of a laser can also cause a pilot to become disoriented or lose situational awareness while flying.

High-powered laser devices can incapacitate pilots and inflict eye injuries when viewed at closer ranges. In fact, the National Transportation Safety Board documented two cases in which pilots sustained eye injuries and were incapacitated during critical phases of a flight.

In one of those cases, after a laser was pointed at a pilot's plane, he experienced a burning sensation and tearing in his eyes. A subsequent eye examination revealed multiple flash burns in the pilot's cornea. The FAA researchers have compiled a data base of more than 400 incidences between 1990 and 2005 in which pilots have been startled, distracted, temporarily blinded, or disoriented by laser exposure.

Government officials at FAA, Defense Department, and Department of Homeland Security are exempted from the prohibition of this bill, as are individuals using lasers to send an emergency distress signal.

Mr. Speaker, I encourage my colleagues to support the bill. I thank the gentleman from California for his leadership in bringing this bill to our attention.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first, I would like to thank my friend, Mr. SCOTT from Virginia, the chairman of the Crime Subcommittee, for working with dispatch to get this bill to the floor.

The danger of shining a laser beam into someone's eyes is not a new concept. It is reported that the power density from a 1 milliwatt laser, a power common in the laser pointers we have become familiar with, focused to a point, is brighter than the equivalent area of the sun's surface. Understandably, this can cause temporary or permanent eye damage. The danger from shining a laser at the cockpit of a commercial aircraft, especially during a takeoff or a landing, is a tragedy waiting to happen.

This bill will help prevent such a disaster from being realized. In 2005, when a similar bill was passed by this body, this emerging threat was estimated at 400 reported incidents over the previous 15 years. By contrast, in 2009 alone, there were almost 1,600 episodes reported. In 2010, there have been approximately the same number of incidents from 2009 in just the first half of the year. In my home State of California, there have been over 570 incidents so far in 2010.

Mr. Speaker, we have discovered that a number of those incidents were reported to the regional air traffic control system unit in Sacramento within my district.

Since the Judiciary Committee first began examining this issue, the effects of pilots being hit by a beam of a laser pointer have varied from causing the pilots to become distracted, to requiring emergency evasive maneuvers. Emergency maneuvers, to prevent a perceived mid-air collision, resulted from a wide variety of mistaken beliefs, including that the aircraft was about to strike the warning light on a tower or that the laser beam was actually the lights of an approaching aircraft.

Law enforcement pilots are frequently targeted and have to consider the possibility that they are being illuminated by a laser scope attached to a rifle. Law enforcement pilots have, on occasion, been required to discontinue a response to a crime, a crime in progress, due to being hit by a laser.

Some Federal prosecutors have declined to pursue cases under current law, believing that the current Destruction of Aircraft statute does not fit the facts of their particular laser case. Some States have statutes that have been successfully used to address this problem, but, unfortunately, many do not.

This bill specifically addresses the incident of shining a laser pointer into an aircraft cockpit and will make, therefore, aircraft travel safer for pilots and for the public. While a number of laser pointers being aimed at aircraft cockpits has dramatically increased during the past 5 years, the power of the current generation of laser pointer devices has also significantly increased.

The cost, on the other hand, has gone down, making them much more widely available. Additionally, there are ways to increase the power of certain lasers by replacing the diodes with those intended for other purposes.

The problem of lasers being shone into cockpits is so prevalent in the Sacramento area that the FBI, FAA, Federal Air Marshal Service, as well as State and local law enforcement, have established a Laser Strike Working Group to address the problem, with other working groups expanding to other areas. This bill provides an important tool for securing the safety of air travel and is endorsed by the Air Line Pilots Association.

I received a letter dated July 27 from the Air Line Pilots Association, International, wherein they say: ''The inappropriate use of widely available lasers against airborne flight crews is a genuine and growing safety and security concern. A laser illumination event can, at a minimum, be an unwanted flight crew distraction; and in serious cases can even lead to eye damage and temporary incapacitation.''

Going on, the Air Line Pilots Association, International states that ''your legislation is greatly needed to ensure that such reckless and malicious activity will, in fact, be classified and prosecuted as a Federal offense. We have worked with numerous Federal law enforcement organizations over the past years on this issue and there is strong agreement that such crimes should be addressed by Federal statute and not be adjudicated solely by State laws. H.R. 5810 will also help put the public on notice that shining laser lights into aircraft cockpits is a serious offense which will be met with serious consequences for those convicted of such crime.''

□ 1410

And in conclusion, the Airline Pilots Association, International states: ''We urge Congress to expeditiously pass this legislation and thereby enhance the safety and security of all commercial airline passengers and crew members.''

Mr. Speaker, I urge my colleagues to join me in supporting this important legislation.

I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume just to thank the gentleman from California for his leadership. This is an extremely important piece of legislation, and I urge my colleagues to support the bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 5810, as amended.

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

A motion to reconsider was laid on the table.

SENIOR FINANCIAL EMPOWERMENT ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3040) to prevent mail, telemarketing, and Internet fraud targeting seniors in the United States, to promote efforts to increase public awareness of the enormous impact that mail, telemarketing, and Internet fraud have on seniors, to educate the public, seniors, their families, and their caregivers about how to identify and combat fraudulent activity, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3040

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 ''Senior Financial Empowerment Act of 2010''.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) The proportion of the population of the United States age 60 years or older is predicted to drastically increase in the next 30 years as more than 76,000,000 Baby Boomers approach retirement and old age.

(2) It is estimated that between 500,000 and 5,000,000 seniors in the United States are abused, neglected, or exploited each year.

(3) Abuse, neglect, and exploitation of seniors crosses racial, social class, gender, and geographic lines.

(4) Each year millions of individuals in the United States are victims of financial exploitation, including mail, telemarketing, and Internet fraud. Many of those who fall prey to such exploitation are seniors.

(5) It is difficult to estimate the prevalence of fraud that targets seniors because cases are severely underreported and national statistics on senior fraud do not exist.

(6) The Federal Bureau of Investigation notes that seniors in the United States are less likely to report fraud because they do not know to whom to report, they are ashamed to have been a victim of fraud, or they do not know that they have been a victim of fraud. In some cases, a senior who has been a victim of fraud may not report the crime because he or she is concerned that relatives may conclude that the senior no longer has the mental capacity to take care of his or her own financial affairs.

(7) According to a 2009 report by the MetLife Mature Market Institute, the annual financial loss by victims of senior financial abuse is estimated to be at least $2,600,000,000.

(8) Perpetrators of mail, telemarketing, and Internet fraud frequently target seniors because seniors are often vulnerable and trusting people.

(9) As victims of such fraudulent schemes, many seniors pay a financial cost, having

been robbed of their hard-earned life savings, and frequently pay an emotional cost, losing their self-respect and dignity.

(10) Perpetrators of fraud targeting seniors often operate outside the United States, reaching their victims through the mail, telephone lines, and the Internet.

(11) The Deceptive Mail Prevention and Enforcement Act increased the power of the United States Postal Service to protect consumers against persons who use deceptive mailings, such as those featuring games of chance, sweepstakes, skill contests, and facsimile checks.

(12) During fiscal year 2007, Postal Inspection Service analysts prepared more than 27,000 letters and informative postcards in response to mail fraud complaints. During that same year, postal inspectors investigated 2,909 mail fraud cases in the United States and arrested 1,236 mail fraud suspects, of whom 1,118 were convicted. Postal inspectors also reported 162 telemarketing fraud investigations, with 83 arrests and 61 convictions resulting from such investigations.

(13) In 2000, the United States Senate Special Committee on Aging reported that consumers lose approximately $40,000,000,000 each year to telemarketing fraud, and estimated that approximately 10 percent of the Nation's 14,000 telemarketing firms were fraudulent. Some researchers estimate that only one in 10,000 fraud victims reports the crime to the authorities.

(14) A 2003 report by AARP found that, though the crime of telemarketing fraud is grossly underreported among seniors who have been victims of such fraud, seniors who are properly counseled by trained peer volunteers are less likely to fall victim to fraudulent practices.

(15) The Federal Bureau of Investigation reports that the threat of fraud to seniors is growing and changing. This is largely due to the fact that many younger Baby Boomers have considerable computer skills and criminals have responded by targeting seniors through online scams like phishing and email spamming, in addition to traditional telephone calls and mass mailings.

(16) The Internet Crime Complaint Center (hereinafter referred to in this paragraph as ''IC3'') is a partnership between the National White Collar Crime Center and the Federal Bureau of Investigation that serves as a vehicle to receive, develop, and refer criminal complaints regarding cybercrime. The IC3 processed more than 219,553 complaints of Internet crime in 2007. From these submissions, the IC3 referred 90,008 complaints of Internet crime, representing a total dollar loss of $239,090,000, to Federal, State, and local law enforcement agencies in the United States for further consideration.

(17) Consumer awareness is the best protection from fraud.

SEC. 3. CENTRALIZED SERVICE FOR CONSUMER EDUCATION ON MAIL, TELEMARKETING, AND INTERNET FRAUD TARGETING SENIORS.

(a) CENTRALIZED SERVICE.—

(1) REQUIREMENT.—The Federal Trade Commission, after consultation with the Attorney General, the Secretary of Health and Human Services, the Postmaster General, the Chief Postal Inspector for the United States Postal Inspection Service, and the Director of the Bureau of Consumer Financial Protection, shall—

(A) periodically disseminate to seniors, and families and caregivers of seniors, general information on mail, telemarketing, and Internet fraud targeting seniors, including descriptions of the most common fraud schemes;

(B) periodically disseminate to seniors, and families and caregivers of seniors, information on methods available to report fraud targeting seniors, such as—

(i) referring complaints to law enforcement agencies, including the Director of the Federal Bureau of Investigation and State attorneys general; and

(ii) calling a national toll-free telephone number established by the Federal Trade Commission for reporting mail, telemarketing, and Internet fraud;

(C) in response to a specific request by a party to the Federal Trade Commission inquiring about any history of fraud committed by a particular entity or individual, provide to such party any publically available information on any record of law enforcement action for fraud against such entity or individual—

(i) by the Federal Trade Commission; and

(ii) by any other agency that reports such actions to the Federal Trade Commission; and

(D) maintain a website to serve as a resource for information for seniors, and families and caregivers of seniors, regarding mail, telemarketing, and Internet fraud targeting seniors.

(2) PROCEDURES AND COMMENCEMENT.—The Federal Trade Commission shall establish and implement procedures to carry out the requirements of paragraph (1), including procedures—

(A) with respect to the frequency and mode of dissemination of information under subparagraphs (A) and (B) of such paragraph; and

(B) that provide for the implementation of the requirements of such paragraph not later than one year after the date of the enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of the fiscal years 2011 through 2015.

SEC. 4. GRANTS TO PREVENT MAIL, TELEMARKETING, AND INTERNET FRAUD.

(a) GRANT PROGRAM AUTHORIZED.—Subject to the availability of funds authorized to be appropriated under this section, the Attorney General, after consultation with the Secretary of Health and Human Services, the Postmaster General, the Chief Postal Inspector for the United States Postal Inspection Service, and the Director of the Bureau of Consumer Financial Protection, shall establish and administer a competitive grant program to award grants to eligible organizations to carry out mail, telemarketing, and Internet fraud prevention education programs for seniors.

(b) ELIGIBLE ORGANIZATIONS.—The Attorney General may award grants under this section to State Attorneys General, State and local law enforcement agencies and groups, senior centers, and other local nonprofit organizations that provide assistance to seniors, as determined by the Attorney General.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of the fiscal years 2011 through 2015.

SEC. 5. SENSE OF THE CONGRESS RELATED TO NATIONAL SENIOR FRAUD AWARENESS WEEK.

It is the sense of the Congress that—

(1) there is a need to increase public awareness of the enormous impact that mail, telemarketing, and Internet fraud have on senior citizens in the United States;

(2) a week in the month of May should be designated as ''National Senior Fraud Awareness Week'';

(3) the people of the United States should observe National Senior Fraud Awareness Week with appropriate educational activities; and

(4) the President is encouraged to issue a proclamation supporting increased public awareness of the impact of, and the need to prevent, fraud committed against seniors.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Florida (Mr. ROONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3040 was introduced to address the need to educate and inform the public of the predatory practices of unscrupulous individuals who prey upon the vulnerabilities of our senior citizens. Ours is an aging society. The U.S. Census Bureau tells us the following: in 2006, the year in which the first baby boomers began turning 60, persons age 60 and older compromised almost 17 percent of the population. By 2030, it is estimated that the 60-plus population will compromise nearly 25 percent of the U.S. population, and the number of people older than 65 will exceed 71 million, double the number in just 2000.

The oldest segment of our population owns the largest portion of wealth in the United States, and too often seniors have become a very enticing target to those who would seek to defraud them of their life savings. Although we currently lack national reporting mechanisms for tracking financial exploitation of elders, there is no doubt that we've got a real problem in this country. With the present state of the economy, older Americans are at greater risk of having their financial security threatened and disrupted.

Fraud perpetrated against seniors is a crime that they very often are incapable of recovering from because they don't have enough years left, so it's a matter of urgency. This bill, H.R. 3040, when enacted into law, will be part of the continuing effort to curb the rapidly growing problem of the victimization of senior citizens via telemarketing, mail, and Internet fraud through public awareness, education, and prevention.

It will accomplish this by creating a centralized service for consumer education on mail, telemarketing, and Internet fraud targeting seniors. It will direct the Federal Trade Commission to disseminate information on mail, telemarketing, and Internet fraud. It will provide means of referring complaints of fraud to appropriate law enforcement agencies. It will direct the FTC to establish a Web site to serve as a resource for seniors on financial

fraud. This will be accomplished through an authorization to the FTC of $10 million per year from FY11 through FY15.

□ 1420

H.R. 3040 will also authorize $20 million a year from fiscal year 2011 through fiscal year 2015 for the Attorney General to establish and administer a competitive grant program to award grants to eligible organizations to carry out locally focused mail, telemarketing, and Internet fraud prevention and education programs for seniors.

Finally, the bill declares a sense of the Congress related to National Senior Fraud Awareness Week, and declares that a week in the month of May, Elder Abuse Awareness Month, should be designated as ''National Senior Fraud Awareness Week.'' It also encourages the President to issue a proclamation supporting increased public awareness.

I want to thank the gentlewoman from Wisconsin for her leadership on this bill, and for those reasons, I urge my colleagues to support the bill.

I reserve the balance of my time.

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

Mr. Speaker, crimes against the elderly are a serious growing problem in America. Senior citizens are often the victims of abuse and neglect. Experts estimate that as many as 2 million older Americans are the victims of physical and psychological abuse every year. They are also the victims of financial crimes, including telemarketing fraud and identity theft.

The FBI reports that older Americans are prime targets for financial fraud because they are more likely to have nest eggs, own their homes, and have excellent credit. Seniors are more vulnerable to fraud schemes because they are less likely to report fraud or are ashamed of having been scammed or do not realize that they have been scammed.

These types of fraud are both creative and difficult to detect. Criminals will offer just about anything in an effort to defraud elderly victims—from counterfeit drugs, to health insurance, to anti-aging products, and even funeral services. Additionally, email scams have become more and more common.

In my home State of Florida, Attorney General Bill McCollum's office reports that, in 2009, it received over 13,000 consumer fraud complaints from residents over the age of 60. The number of complaints has doubled since the previous year and has increased sixfold since 2006.

Congress must address the rising incidence of fraud and scams that endanger our Nation's seniors. I am pleased to support H.R. 3040, the Senior Financial Empowerment Act, which is cosponsored by my colleagues Congresswoman BALDWIN, Chairman CONYERS, Ranking Member SMITH, Chairman SCOTT, and Ranking Member GOHMERT.

This legislation aims to do just what the title promises—to empower older Americans to protect themselves from seemingly harmless but devastating financial fraud schemes. The bill directs the Federal Trade Commission to provide tips to seniors on how best to safeguard themselves against fraud, and the bill directs the FTC to educate victims on how to report fraud to law enforcement authorities. Just learning simple steps, like shredding our billing statements, can help anyone prevent identity theft.

Today's seniors need to be empowered to protect themselves from the Internet, email, and telephone schemes. H.R. 3040 will help them achieve this goal. I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as she may consume to the sponsor of the bill, a great advocate for seniors and a member of the Judiciary Committee, the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Thank you, Chairman SCOTT, for yielding the time.

Mr. Speaker, I rise today in strong support of H.R. 3040, the Senior Financial Empowerment Act of 2009.

My own experience as the primary caregiver for my grandmother opened my eyes to some troubling exploitative tactics targeted at America's seniors. Growing up in Wisconsin, I was raised by my maternal grandparents. Though I went east for college, I returned to my hometown, Madison, after graduation to be there for my grandmother, who by then was widowed and who had sacrificed so much of her own time and energy to raise me. Eventually, I became my grandmother's primary caregiver.

Around the time that my grandmother turned 90 years old, she asked me to help her sort through her mail and balance her checkbook. Now, first, I was struck by the sheer volume of solicitations she was getting. I was also shocked by how many were fly-by-night organizations or ''look alike'' charities that were writing her on a monthly basis. Their pleas for donations looked and sounded legitimate, but I had my suspicions, so I started digging a little bit deeper.

I was also disturbed by the amount of money my grandmother had been giving to some of these entities. She believed that those who were able to do so ought to be as generous as possible to those in need, but she had no way of determining the legitimacy of the entities that were contacting her and soliciting her so regularly.

That experience opened my eyes to the very real exploitation of seniors, like my grandmother, through the mail, telephone, and Internet. Millions of Americans become victims of similar financial exploitation each year, but it is not just the isolated and lonely who may fall prey to these scams. One only need read one's local newspaper in order to hear how widespread this really is.

In my home district in Wisconsin, over the years, we have seen all sorts of scams. One reads of ongoing reports about ''notch baby'' schemes in which Social Security beneficiaries born between the years 1917 and 1921 are asked to send money to organizations that promise to change the Federal laws to increase their benefits. These organizations go so far as to ask these seniors whether they would like their Federal money in a lump sum or in monthly payments.

Earlier this year, The Capital Times newspaper in Madison, Wisconsin, reported that an 84-year-old Madison woman was duped out of nearly $3,000 after a phone scammer convinced her that her ''granddaughter's boyfriend'' was in a Canadian jail and needed bail money. Madison police reported that she received a phone call from the man, who called her ''Grandma,'' and he told her he was in a Canadian jail after being picked up for drunk driving. To convince the elderly woman, ''Officer Jacob Harris'' came on the line and convinced her of the need for bail money for her ''granddaughter's boyfriend.'' This elderly woman wired the money, and fell victim to a disturbingly common scam.

I also read that, not days after President Obama signed the historic health care reform bill into law, fraudsters were figuring out how to scam seniors. A cable TV advertisement exhorted viewers to call an 800 number so that they wouldn't miss a limited enrollment period to obtain coverage. We all know that there was no limited enrollment period for any coverage in the health care legislation that we passed.

Though we all have read and heard these anecdotal stories, it is difficult to estimate the prevalence of financial exploitation cases due to severe underreporting. According to a 2009 report by Met Life Mature Market Institute, for every case of abuse reported, there are an estimated four or more that go unreported. We do know some facts, though. This same study found that the annual financial loss by victims of senior financial abuse is estimated to be at least $2.6 billion.

In my home State of Wisconsin, the Coalition of Wisconsin Aging Groups estimates that 35,000 seniors in Wisconsin alone were the victims of financial exploitation last year. The Wisconsin Department of Financial Institutions reports that half of their cases now being investigated include older victims.

On a national level, postal inspectors investigated almost 3,000 mail fraud cases in the U.S., and they arrested more than 1,200 mail fraud suspects in 2007 alone. Further, the FBI has confirmed that criminals are modifying their targeting techniques to include online scams, such as phishing and email spamming.

Given the prevalence of financial fraud targeting seniors, Congressman HOWARD COBLE and I introduced the Senior Financial Empowerment Act

with a very specific goal in mind—to empower seniors and to end the abuse, neglect, and exploitation of America's elders. The bill builds on the good work already being done by the Federal Trade Commission and by the U.S. Department of Justice, and it seeks to empower these agencies to support local and State efforts to combat financial fraud and to empower our seniors.

I would like to extend a special thanks to my colleague HOWARD COBLE from North Carolina for his leadership on this issue. It has been a pleasure working with him to advance this legislation.

I also want to thank Chairman SCOTT, Chairman CONYERS, and Ranking Members GOHMERT and SMITH for their longstanding commitment to America's seniors.

□ 1430

Mr. Speaker, when I saw my grandmother go through the last years of her life, and what she went through with these solicitations, I made a pledge to make sure that all older Americans have the tools that they need to protect themselves against financial crimes and fraud. I urge support for the Senior Financial Empowerment Act.

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

Mr. SCOTT of Virginia. Mr. Speaker, I want to thank the gentlewoman from Wisconsin (Ms. BALDWIN) for her leadership on this bill, as well as the gentleman from North Carolina (Mr. COBLE). This important legislation will protect a lot of seniors, and I would hope that we would pass the bill.

I yield back the balance of my time.

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 pass the bill, H.R. 3040, 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. SCOTT of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

NORTHERN BORDER COUNTERNARCOTICS STRATEGY ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4748) to amend the Office of National Drug Control Policy Reauthorization Act of 2006 to require a northern border counternarcotics strategy, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4748

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 ''Northern Border Counternarcotics Strategy Act of 2010''.

SEC. 2. NORTHERN BORDER COUNTERNARCOTICS STRATEGY.

The Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469) is amended by inserting after section 1110 the following new section:

''SEC. 1110A. REQUIREMENT FOR NORTHERN BORDER COUNTERNARCOTICS STRATEGY.

''(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this section, and every two years thereafter, the Director of National Drug Control Policy shall submit to Congress a Northern Border Counternarcotics Strategy.

''(b) PURPOSES.—The Northern Border Counternarcotics Strategy shall—

''(1) set forth the Government's strategy for preventing the illegal trafficking of drugs across the international border between the United States and Canada, including through ports of entry and between ports of entry on that border;

''(2) state the specific roles and responsibilities of the Department of Justice, the Department of Homeland Security (including the Office of Counternarcotics Enforcement), and other relevant National Drug Control Program agencies (as defined in section 702 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701)) for implementing that strategy; and

''(3) identify the specific resources required to enable the agencies described in paragraph (2) to implement that strategy.

''(c) SPECIFIC CONTENT RELATED TO CROSS-BORDER INDIAN RESERVATIONS.—The Northern Border Counternarcotics Strategy shall include—

''(1) a strategy to end the illegal trafficking of drugs through Indian reservations on or near the international border between the United States and Canada; and

''(2) recommendations for additional assistance to tribal law enforcement agencies with respect to such strategy.

''(d) CONSULTATION REQUIRED.—The Director shall issue the Northern Border Counternarcotics Strategy in consultation with the Attorney General, the Secretary of Homeland Security, and the heads of other relevant National Drug Control Program agencies, and, with respect to subsection (c), the leaders of the affected Indian tribes.

''(e) LIMITATION.—The Northern Border Counternarcotics Strategy shall not change existing agency authorities or the laws governing interagency relationships, but may include recommendations about changes to such authorities or laws.

''(f) REPORT TO CONGRESS.—The Director shall provide a copy of the Northern Border Counternarcotics Strategy to the appropriate congressional committees (as defined in section 702 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701)), and to the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate.

''(g) TREATMENT OF CLASSIFIED OR LAW ENFORCEMENT SENSITIVE INFORMATION.—Any content of the Northern Border Counternarcotics Strategy that involves information classified under criteria established by an Executive order, or whose public disclosure, as determined by the Director or the head of any relevant National Drug Control Program agency, would be detrimental to the law enforcement or national security activities of any Federal, State, local, or tribal agency, shall be presented to Congress separately from the rest of the Strategy.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, H.R. 4748, the Northern Border Counternarcotics Strategy Act of 2010, amends the Office of National Drug Control Policy Reauthorization Act of 2006 to require that the director of the National Drug Control Policy submit to Congress a Northern Border Counternarcotics Strategy.

The United States' northern border with Canada is the longest open border in the world, spanning 12 States and over 4,000 miles.

President Obama's recently released Drug Control Strategy describes an increasing amount of drug trafficking and related criminal activity occurring near the Canadian border, including on Indian reservations in that area.

According to a 2010 National Drug Threat Assessment, the amount of drug commonly known as ''ecstasy'' being seized at the northern border has increased almost 600 percent between 2004 and 2009.

The Office of National Drug Control Policy has developed a comprehensive strategy for addressing drugs coming across the southwest border. Congress supported this effort with a directive contained in the 2006 reauthorization bill.

The bill before us extends that directive to our northern border to help bring focus to the efforts to curb illegal drug trafficking and related crimes on the international border between the United States and Canada.

As with the southern border strategy, the northern border strategy will detail the specific rules and coordinate the efforts of law enforcement agencies, including the ONDCP, the Justice Department, and the Homeland Security Departments.

In addition, H.R. 4748 brings in Indian tribes with reservations on or near the Canadian border for a consulting role in implementing the strategy on the reservations.

I would like to commend our colleague, the gentleman from New York (Mr. OWENS), whose district spans 250 miles along the border, along the St.

Lawrence River and Lake Erie, for his leadership in this important legislation.

I would also like to thank the chairman of the Homeland Security Committee, the gentleman from Mississippi (Mr. THOMPSON), for his assistance in bringing this bill to the floor.

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

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

H.R. 4748, the Northern Border Counternarcotics Strategy Act requires the director of the Office of National Drug Control Policy, ONDCP, to develop a counternarcotics strategy for the U.S. Canadian border.

Given the escalating drug violence in Mexico, many may think that illegal drug trafficking only occurs across our southwestern border. And while the lion's share of cocaine and heroin is smuggled into America from Mexico, the U.S. Canadian border is a major transit point for high-potency marijuana, ecstasy and other illegal drugs.

This is not something new. Several years ago, when I was chairman of a subcommittee on the Committee on Homeland Security, we held a hearing in our northwestern area, that is, on our U.S. Canadian border on the west side of the country, and at that time it was pointed out to us the major trafficking in what was known as ''BC Bud,'' a high-grade marijuana coming out of British Columbia, also large amounts of money from the United States crossing over into Canada, and a serious number of weapons transiting across our common border.

It's gotten even worse since then. According to the 2010 National Drug Threat Assessment, the Asian drug trafficking organizations are responsible for the resurgence of ecstasy in the U.S. since 2005. And these organizations produce the drug in Canada and then smuggle it across our northern border.

The U.S./Canadian border is remote, heavily wooded, and sparsely populated, ideal for smugglers seeking to move their product into the U.S. without being detected. These conditions have led to some creative, even brazen, trafficking methods.

For instance, in Operation Frozen Timber, led by Immigration and Customs Enforcement in 2006, six smugglers were caught transporting marijuana and cocaine across the border using helicopters. One smuggler touted the operation as being even better than FedEx because ''they delivered anywhere in Washington State.''

Operation Iron Curtain, led by the Drug Enforcement Administration, resulted in charges against 45 suspects involved in trafficking approximately $250 million worth of high-grade hydroponic marijuana into the U.S. annually.

America's Indian reservations along the Canadian border are also exploited by drug smugglers. Roughly 20 percent of the high-potency marijuana grown in Canada is smuggled across the St. Regis Mohawk Reservation in upstate New York.

In 2006, Congress directed the ONDCP to prepare a counternarcotics strategy for our southwestern border. H.R. 4748 mirrors this requirement to produce a strategy for the northern border. The bill requires coordination with the Departments of Justice and Homeland Security, as well as other relevant Federal agencies.

This legislation will help ensure a cohesive approach to combating drug smuggling across our border with Canada. While we continue to address drug trafficking across our southwestern border, we cannot and must not lose sight of the ease by which our northern border can be exploited by dangerous drug smugglers.

I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. OWENS), whose district borders Canada.

□ 1440

Mr. OWENS. Mr. Speaker, I want to thank Chairman CONYERS and Chairman THOMPSON for their leadership and for bringing H.R. 4748 to the floor.

I do live along the Canadian border, and much of my district contains a broad swath of Indian reservation and much of the timber lands that were described by my colleague from California.

Our northern border with Canada spans over 4,000 miles, the longest open border in the world. The livelihoods of thousands of workers and their families in Upstate New York depend on a stable trading relationship with our northern neighbor. In my district alone, we saw more than $677 million worth of goods exported to Canada in 2008. Nearly 20,000 jobs depend on this trading relationship.

Since coming into office in November, I have met with officials from local and Federal law enforcement, members of the trade community, and small business owners from my district. Immediately before coming to the floor, I was with a number of ICE agents who were discussing this very problem. One issue that nearly every one of them has mentioned to me is the importance of a safe and secure northern border that can ensure the movement of people and goods. Whether it's Canadian tourists who have driven to Upstate New York for dinner or a manufacturing plant that imports its raw materials from Canada, New York has benefited for decades from a robust business relationship across international borders, and any illegal activity that takes place on our border threatens that relationship.

Organized criminal elements are increasingly exploiting the northern border to traffic narcotics, illicit cigarettes, firearms, and humans. According to the 2010 National Drug Threat Assessment, the amount of ecstasy seized at or between northern border ports of entry increased 594 percent from 2004 to 2009. In 2009, there were 1,100 drug-related arrests of adults in New York's north country.

While our Nation's drug czar has developed a comprehensive strategy for dealing with the flow of drugs across the southwest border, dealing with this problem at the northern border is currently left up to individual law enforcement agencies. The Northern Border Counternarcotics Strategy Act will require the Office of National Drug Control Policy to develop a comprehensive counternarcotics plan on the northern border.

By passing this legislation, we will be requiring all the relevant law enforcement officials at the Federal, State, and local levels to come together and start the process of developing a new approach to combat this problem. It is vital to both the economic development of our region and the safety of our community that we take the steps to stop the drug trade across our northern border. I ask my colleagues for their support.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I would reiterate my remarks, and say that this is a very, very good idea. Hopefully, it will pass unanimously.

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

Mr. SCOTT of Virginia. Mr. Speaker, I want to thank the gentleman from New York and the chairman of the Homeland Security Committee, Mr. THOMPSON, for their hard work on this bill. It's an extremely important bill dealing with narcotics on the northern border. I would hope that we would pass the bill.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in strong support of H.R. 4748, the Northern Border Counternarcotics Strategy Act of 2010. The bill is sponsored by Representative BILL OWENS of New York, a valued member of the Committee on Homeland Security and a Member representing a congressional district along our Nation's northern border. I am proud to be an original cosponsor of the bill.

H.R. 4748 would require the Director of National Drug Control Policy, in coordination with the Secretary of Homeland Security, to develop and submit to Congress a Northern Border Counternarcotics Strategy. The document will set forth the government's strategy for preventing the illegal trafficking of drugs across the U.S.-Canada border; establish the responsibilities of the relevant Federal agencies in carrying out the strategy; and identify the resources necessary for implementation.

Having an effective strategy is an essential step in combating narcotics smuggling and trafficking along our northern border. Much attention is paid to the challenges along our nation's border with Mexico, and rightfully so. However, securing the U.S.-Canada border, while expediting legitimate trade and travel, is also imperative for meaningful border security.

The bill is not only integral to border security, but is vital for economic development in

New York's North Country and other communities along our border with Canada. Thousands of jobs in Upstate New York and elsewhere depend on the swift movement of lawful commerce across the northern border, and any illicit activity along the border may undermine this robust trading relationship. H.R. 4748 will help ensure that the U.S. and Canada continue to enjoy the world's largest bilateral trade relationship.

I commend Representative OWENS, a leader on my Committee on northern border security issues, for bringing into focus the need for a strategic approach to stem the movement of illicit drugs across the U.S.-Canadian border, a longstanding northern border security challenge. I congratulate Representative OWENS on bringing H.R. 4748 to the House floor, and I urge my colleagues to join me in supporting this important legislation.

Mr. LARSEN of Washington. Mr. Speaker, I would like to take this opportunity to thank Representative OWENS for his work on drafting this bill.

I rise in support of H.R. 4748, the Northern Border Counternarcotics Strategy of 2010. This legislation fulfills a critical need by mandating that the Administration provide a comprehensive strategy to stem the flow of narcotics between the United States and Canada.

Our northern border with Canada is the longest open border in the world. While the Administration has developed a strategy for addressing the flow of drugs across the southwest border, our northern border must not be forgotten.

As a cosponsor of this legislation and as the representative of a district with nearly 60 miles of international border, I understand the critical need to keep our communities safe from the influence of drug trafficking.

It is essential that law enforcement agencies have the tools to minimize the influence of narcotics trafficking. In Washington state, Drug Trafficking Organizations (DTOs) have consistently used the I–5 corridor to distribute meth, cocaine, ecstasy, and marijuana from Canada into our local communities.

It is vital that the Office of National Drug Control Policy (ONDCP) work with the Secretary of Homeland Security to develop a comprehensive northern border counternarcotics strategy to ensure our local communities have the necessary resources to combat this illicit activity.

I urge my colleagues to vote "yes" on this legislation.

Mr. SCOTT of Virginia. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 4748, 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. SCOTT of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

PROVIDING FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 301, PAKISTAN WAR POWERS RESOLUTION

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1556 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1556

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the concurrent resolution (H. Con. Res. 301) directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove the United States Armed Forces from Pakistan, if called up by Representative Kucinich of Ohio or his designee. The concurrent resolution shall be considered as read. The concurrent resolution shall be debatable for one hour, with 30 minutes controlled by Representative Kucinich of Ohio or his designee and 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs. The previous question shall be considered as ordered on the concurrent resolution to final adoption without intervening motion.

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

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

GENERAL LEAVE

Mr. MCGOVERN. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1556.

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

There was no objection.

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

Mr. Speaker, House Resolution 1556 provides for the consideration of H. Con. Res. 301, directing the President, pursuant to section 5(c) of the War Powers Resolution to remove the United States Armed Forces from Pakistan. The rule provides 1 hour of general debate in the House, with 30 minutes controlled by Representative KUCINICH and 30 minutes controlled by the Committee on Foreign Affairs. The rule waives all points of order against consideration of the concurrent resolution, and provides that the concurrent resolution shall be considered as read.

Mr. Speaker, I want to thank the gentleman from Ohio for pressing for greater scrutiny on our involvement in Pakistan. By introducing this resolution, Representative KUCINICH triggered an expedited process for consideration that can be modified only by a special rule. This is why we are doing this concurrent resolution today.

I'm sure my good friends on the other side of the aisle will remember that this is the exact same process used in 1998 and 1999, when the House Republican majority introduced resolutions to withdraw U.S. troops from Bosnia and the Republic of Yugoslavia while our American men and women were stationed in those countries.

As Democrats, we welcome a vigorous debate on this resolution. Just like the debates we have had over U.S. policy and military operations in Iraq and Afghanistan, and countless other places around the world, debate has never jeopardized the safety of our troops in the field. American troops are never endangered by Congress doing its job, looking closely at and debating the merits of where we send our troops and the price they might pay for our putting them in harm's way.

There are many reasons, Mr. Speaker, why we should have a broader debate about U.S. military involvement in Pakistan. Over the past 9 years, the United States has provided $18.6 billion to Pakistan, with about $12.5 billion of that in security-related aid. The administration has asked for $3 billion for fiscal year 2011, with over half of those funds going to security assistance.

There are currently about 120 U.S. military trainers, mainly Special Operations personnel, in Pakistan according to a July 11 New York Times article. Pakistan has set that cap on the number of U.S. military personnel, although other statements from the Defense Department indicate that the number of total U.S. military personnel may be as high as 200.

The New York Times also reported on July 13 that the Pakistan intelligence agency exerts great sway over the Afghan Taliban and a wide range of other militant groups that operate from inside Pakistan. Yesterday's revelations in the documents published by WikiLeaks echoed these disturbing conclusions.

There have been a rising number of terrorist plots in the United States with links to militant groups in Pakistan, most recently the failed car bombing in Times Square. A recent study by the Rand Corporation concluded that this might be due in part to continued support by Pakistani leaders for these groups so that Pakistan may continue to influence events in Afghanistan, as well as a U.S.-Pakistan counterinsurgency effort that has not yet proven to be effective, and fails to protect the local population.

In addition, Mr. Speaker, there is Pakistan's continuing development of nuclear weapons and purchase of nuclear reactors from China.

Having said all this, at the same time there are many things the U.S. is doing right in Pakistan: supporting the strengthening of democratic institutions; providing substantial support for primary, middle, technical, and higher education; supporting agricultural development; and providing substantial aid for populations displaced by violence.

Mr. Speaker, I support the privilege of the gentleman from Ohio to bring

this matter before the House and present his arguments on the need to remove all U.S. military personnel from Pakistan.

I reserve the balance of my time.

□ 1450

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

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

Mr. DREIER. Mr. Speaker, let me begin by expressing my appreciation to my very good friend from Worcester for yielding me the customary 30 minutes.

Mr. Speaker, there is absolutely no question whatsoever that Pakistan is ground zero in our struggle against violent extremism. The porous border with Afghanistan allowed the Taliban to retreat into Pakistan, regroup, and launch new offenses against our troops. Homegrown insurgents within Pakistan have perpetrated countless attacks killing thousands, including targeting their attacks against our fellow Americans.

And recent news reports that we've just had over this past weekend have only underscored how critically important it is that civilian control—again, Mr. Speaker, civilian control—of the Pakistani military and intelligence services is fully exercised. Again, these reports that we've had just this past weekend underscore the fact that we cannot entrust, we cannot see these other entities within the ISI empowered without having civilian oversight within that structure of democracy that they have.

Mr. Speaker, the democratically elected Government of Pakistan is working to eradicate the terrorist threat on their own soil, to secure the border with Afghanistan, and ensure accountability for the military. Working with the Pakistani Government to ensure that they're successful in doing this is vital to our national security interests. For the sake of our troops in Afghanistan and for the sake of stability and security in a critical region, we must remain engaged with the democratically elected government in Islamabad.

This engagement takes a number of different forms. While we have no combat troops in Pakistan, our military commanders have been building relationships with their Pakistani counterparts. Particularly, as Pakistan continues to go on the offensive against insurgent groups in the tribal border region, the technical advisory role of our military is a very limited yet a very important one.

Mr. Speaker, our national security leaders—Secretary of Defense Gates; Chairman of the Joint Chiefs of Staff, Admiral Mullen; Secretary of State Clinton; and the Special Envoy, Ambassador Holbrooke—all agree the democratic and economic development in Pakistan is at the heart of our national security interests. Building strong institutions will ultimately ensure that Pakistan is able to fully eradicate the violent extremism that threatens both our troops in Afghanistan and stability for the entire region. That's why Secretary Clinton along with Ambassador Holbrooke and USAID Administrator Shah have put such a heavy emphasis on development during their visits just this past week.

There can be no long-term solution to the security challenges we face in South Central Asia without Democratic and economic capacity building. We have a number of ongoing programs, including, I'm very happy to say, our 20-member House Democracy Partnership, on which I have the privilege of serving with our great chairman, DAVID PRICE. We are currently working, Mr. Speaker, with the Pakistani legislature. And I underscore the House Democracy Partnership because, sadly, not many Members of this institution or among the American people are aware of the work of the House Democracy Partnership.

We have partnered with 15 legislatures in new and reemerging democracies around the world to help build up their parliament. We have one of these programs going with the Pakistani Parliament. Through this partnership, Members of the United States House of Representatives have the opportunity to engage with our counterparts in Islamabad. We've been sharing our experiences as a democracy, providing support and technical assistance in their efforts to strengthen their legislative institutions.

Now, Mr. Speaker, in the case of civilian control of the military, this has a very clear and direct tie to our national security issues, to the overall national security issues, and to our national security interests. But the connections go well beyond the most obvious arenas. By improving the capacity of the legislature overall, making the government more responsive and accountable to the Pakistani people, support for democracy can be solidified.

Now, as we look at this issue, as Democratic institutions strengthen, so does the economic environment, providing new opportunity and prosperity. There is this interdependence between political and economic liberalization. That's why I also introduced a resolution that will call for us to begin embarking on negotiations for an FTA with Pakistan.

We know very well that democracy and economic opportunity, as I say, are the only effective bulwarks against extremism in the long run. Through greater trade engagement, we can help build the capacity that enables economic growth, which will help to create a more secure, stable, free, and open Pakistan. This is clearly in our own strategic interest.

The resolution before us today is one that is likely motivated by frustrations that many of us share. My very good friend from Cleveland and I, Mr. KUCINICH and I, share a high level of frustration, especially, as I said earlier, with the reports that just came out this past weekend, the WikiLeaks report that has been carried widely in The New York Times and in other media outlets.

We see the very difficult challenges that our troops are facing in the region, and we know that we must do everything we can to address them. But, frankly, it's a little puzzling why we would attempt to address these challenges through a resolution calling for the withdrawal of combat troops from a country where none are deployed. We should be focusing our efforts, instead, on the kinds of programs that I have described that focus on building of those democratic institutions and creating greater, greater economic liberalization.

As we look at this challenge, we all seek peace and prosperity around the world, but in this most troubled spot in South Central Asia, we have redoubled our efforts to ensure that that happens.

Now, Mr. Speaker, I know that I speak for every single one of my colleagues, Democrat and Republican alike, when I say that we want our troops in Afghanistan to come home safely, successfully, and soon, as soon as possible, and we want to ensure that we will not have to deploy them again.

Now, Mr. Speaker, we all know, repeatedly, as we look at nations around the world where we have focused in on crises that they have gone through jeopardizing our national security interests, we've chosen to deal with them often quickly but we have failed to recognize how important it is in the long term for us to do the kinds of things that will build up democratic institutions and ensure greater economic opportunity for these people in these regions. I believe that's a goal that we all share and we're all committed to.

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

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I thank Mr. MCGOVERN and Mr. DREIER for enabling me to participate in this debate. A little bit later we're going to get into the substance of the War Powers Resolution.

But I think it's very important for the record to state, as the Wall Street Journal in an article last week stated, that the United States is stepping up a ground presence in Pakistan, and as part of that ground presence, three United States troops were killed in Pakistan. This, according to the Wall Street Journal. And I will put this in the RECORD.

[From The Wall Street Journal, July 20, 2010]

U.S. FORCES STEP UP PAKISTAN PRESENCE

(By Julian E. Barnes)

Washington—U.S. Special Operations Forces have begun venturing out with Pakistani forces on aid projects, deepening the American role in the effort to defeat Islamist militants in Pakistani territory that has been off limits to U.S. ground troops.

The expansion of U.S. cooperation is significant given Pakistan's deep aversion to

allowing foreign military forces on its territory. The Special Operations teams join the aid missions only when commanders determine there is relatively little security risk, a senior U.S. military official said, in an effort to avoid direct engagement that would call attention to U.S. participation.

The U.S. troops are allowed to defend themselves and return fire if attacked. But the official emphasized the joint missions aren't supposed to be combat operations, and the Americans often participate in civilian garb.

Pakistan has told the U.S. that troops need to keep a low profile. ''Going out in the open, that has negative optics, that is something we have to work out,'' said a Pakistani official. ''This whole exercise could be counterproductive if people see U.S. boots on the ground.''

Because of Pakistan's sensitivities, the U.S. role has developed slowly. In June 2008, top U.S. military officials announced 30 American troops would begin a military training program in Pakistan, but it took four months for Pakistan to allow the program to begin.

The first U.S. Special Operations Forces were restricted to military classrooms and training bases. Pakistan has gradually allowed more trainers into the country and allowed the mission's scope to expand. Today, the U.S. has about 120 trainers in the country, and the program is set to expand again with new joint missions to oversee small-scale development projects aimed at winning over tribal leaders, according to officials familiar with the plan.

Such aid projects are a pillar of the U.S. counterinsurgency strategy, which the U.S. hopes to pass on to the Pakistanis through the training missions.

U.S. military officials say if U.S. forces are able to help projects such as repairing infrastructure, distributing seeds and providing generators or solar panels, they can build trust with the Pakistani military, and encourage them to accept more training in the field.

''You have to bring something to the dance,'' said the senior military official. ''And the way to do it is to have cash ready to do everything from force protection to other things that will protect the population.''

Congressional leaders last month approved $10 million in funding for the aid missions, which will focus reconstruction projects in poor tribal areas that are off-limits to foreign civilian aid workers.

The Pakistani government has warned the Pentagon that a more visible U.S. military presence could undermine the mission of pacifying the border region, which has provided a haven for militants staging attacks in Pakistan as well as Afghanistan.

The U.S. has already aroused local animosity with drone strikes targeting militants in the tribal areas, though the missile strikes have the tacit support of the Pakistani government and often aid the Pakistani army's campaign against the militants.

Providing money to U.S. troops to spend in communities they are trying to protect has been a tactic used for years to fight insurgencies in Iraq and Afghanistan.

The move to accompany Pakistani forces in the field is even more significant, and repeats a pattern seen in the Philippines during the Bush administration, when Army Green Berets took a gradually more expansive role in Manila's fight against the terrorist group Abu Sayyaf in the southern islands of Mindanao.

There, the Green Berets started in a limited training role, and their initial deployment unleashed a political backlash against the Philippine president. But as the Philippine military began to improve their counterinsurgency skills, Special Operations Forces accompanied them on major offensives throughout the southern part of the archipelago.

In Pakistan, the U.S. military helps train both the regular military and the Frontier Corps, a force drawn from residents of the tribal regions but led by Pakistani Army officers.

The senior military official said the U.S. Special Operations Forces have developed a closer relationship with the Frontier Corps, and go out into the field more frequently with those units. ''The Frontier Corps are more accepting partners,'' said the official.

For years the Frontier Corps was underfunded and struggled to provide basic equipment for its soldiers. A U.S. effort to help equip the force has made them more accepting of outside help.

Traveling with the Frontier Corps is dangerous. In February, three Army soldiers were killed in Pakistan's Northwest Frontier Province when a roadside bomb detonated near their convoy. The soldiers, assigned to train the Frontier Corps, were traveling out of uniform to the opening of a school that had been renovated with U.S. money.

The regular Pakistani military also operates in the tribal areas of Pakistan, but they are less willing to go on missions with U.S. forces off the base, in part because they believe appearing to accept U.S. help will make them look weak, the senior U.S. military official said. The Pakistani official said the military simply doesn't need foreign help.

During the past two years, Pakistan has stepped up military operations against the militant groups that operate in the tribal areas. Although Washington has praised the Pakistani offensives, Pentagon officials have said Pakistan's military needs help winning support among tribal elders. If successful, More interactive graphics and photos the joint missions and projects may help the Pakistani military retain control of areas in South Waziristan, the Swat valley and other border regions they have cleared of militants.

In Pakistan, the U.S. Embassy in Islamabad will retain final approval for all projects, according to Defense officials. But congressional staffers briefed on the program said the intent is to have Pakistani military forces hand out any of the goods bought with the funding or pay any local workers hired.

''The goal is never to have a U.S. footprint on any of these efforts,'' said a congressional staffer.

Now, the War Powers Resolution requires the President to report to Congress when he introduces U.S. Armed Forces abroad in certain situations. And section 4(a) requires reporting within 48 hours whenever, and in the absence of a declaration of war or congressional authorization, the introduction of U.S. Armed Forces ''into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances.''

□ 1500

This is a report from the Congressional Research Service which indicates that, since we have had troops involved in hostilities, otherwise they would not have been killed by roadside bombs, that in effect the War Powers Act is triggered.

So this debate is in order and the purpose of the debate, to remove us from Pakistan, becomes urgent in light of the WikiLeaks expose, which has indicated that the intelligence agency in Pakistan has been collaborating with the Taliban in Afghanistan against our troops. Pakistan wants us in Pakistan to help the Pakistan Government resist the Taliban in Pakistan, but they want to play a double game, as the New York Times pointed out in an editorial today, with the United States by aiding the Taliban against our troops in Afghanistan. How can we advance our national interests when a country which is supposed to be our partner is duplicitous?

I insert the New York Times editorial in the RECORD.

[From the New York Times, July 26, 2010]

PAKISTAN'S DOUBLE GAME

There is a lot to be disturbed by in the battlefield reports from Afghanistan released Sunday by WikiLeaks. The close-up details of war are always unsettling, even more so with this war, which was so badly neglected and bungled by President George W. Bush.

But the most alarming of the reports were the ones that described the cynical collusion between Pakistan's military intelligence service and the Taliban. Despite the billions of dollars the United States has sent in aid to Pakistan since Sept. 11, they offer powerful new evidence that crucial elements of Islamabad's power structure have been actively helping to direct and support the forces attacking the American-led military coalition.

The time line of the documents from WikiLeaks, an organization devoted to exposing secrets, stops before President Obama put his own military and political strategy into effect last December. Administration officials say they have made progress with Pakistan since, but it is hard to see much evidence of that so far.

Most of the WikiLeaks documents, which were the subject of in-depth coverage in The Times on Monday, cannot be verified. However, they confirm a picture of Pakistani double-dealing that has been building for years.

On a trip to Pakistan last October, Secretary of State Hillary Rodham Clinton suggested that officials in the Pakistani government knew where Al Qaeda leaders were hiding. Gen. David Petraeus, the new top military commander in Afghanistan, recently acknowledged longstanding ties between Pakistan's Directorate for Inter-Services Intelligence, known as the ISI, and the ''bad guys.''

The Times's report of the new documents suggests the collusion goes even deeper, that representatives of the ISI have worked with the Taliban to organize networks of militants to fight American soldiers in Afghanistan and hatch plots to assassinate Afghan leaders.

The article painted a chilling picture of the activities of Lt. Gen. Hamid Gul of Pakistan, who ran the ISI from 1987 to 1989, when the agency and the C.I.A. were together arming the Afghan militias fighting Soviet troops. General Gul kept working with those forces, which eventually formed the Taliban.

Pakistan's ambassador to the United States said the reports were unsubstantiated and ''do not reflect the current on-ground realities.'' But at this point, denials about links with the militants are simply not credible.

Why would Pakistan play this dangerous game? The ISI has long seen the Afghan Taliban as a proxy force, a way to ensure its influence on the other side of the border and keep India's influence at bay.

Pakistani officials also privately insist that they have little choice but to hedge their bets given their suspicions that Washington will once again lose interest as it did after the Soviets were ousted from Afghanistan in 1989. And until last year, when the Pakistani Taliban came within 60 miles of Islamabad, the country's military and intelligence establishment continued to believe it could control the extremists when it needed to.

In recent months, the Obama administration has said and done many of the right things toward building a long-term relationship with Pakistan. It has committed to long-term economic aid. It is encouraging better relations between Afghanistan and Pakistan. It is constantly reminding Pakistani leaders that the extremists, on both sides of the border, pose a mortal threat to Pakistan's fragile democracy—and their own survival. We don't know if they're getting through. We know they have to.

It has been only seven months since Mr. Obama announced his new strategy for Afghanistan, and a few weeks since General Petraeus took command. But Americans are increasingly weary of this costly war. If Mr. Obama cannot persuade Islamabad to cut its ties to, and then aggressively fight, the extremists in Pakistan, there is no hope of defeating the Taliban in Afghanistan.

Mr. DREIER. Will the gentleman yield?

Mr. KUCINICH. If I could get an extra minute.

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

Mr. KUCINICH. I yield to Mr. DREIER.

Mr. DREIER. I thank my friend for yielding.

Let me just say very quickly that obviously I'm very sympathetic with the concern and I argue that the revelation of this WikiLeaks, you know, thousands and thousands of documents that came forward, is evidence that we need to work to continue to build the democratic institutions and greater economic opportunity and civilian control.

Now it is no secret over the past several decades the relationship between the ISI and problems in Afghanistan; everyone has been aware of that. These documents have underscored the importance of it, but I would argue, Mr. Speaker, that it is essential for us to make sure we build up greater civilian control, and I think that's what we are trying to do.

Mr. KUCINICH. I thank the gentleman, my friend.

I want to quote from The New York Times. You can understand how serious this debate is. The Times said, ''But the most alarming of the reports'' relating to WikiLeaks ''were the ones that described the cynical collusion between Pakistan's military intelligence service and the Taliban. Despite the billions of dollars the United States has sent in aid to Pakistan since September 11, they offer powerful new evidence that crucial elements of Islamabad's power structure have been actively helping to direct and support the forces attacking the American-led military coalition.''

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

Mr. McGOVERN. I yield the gentleman an additional 1 minute.

Mr. KUCINICH. I appreciate that.

So we have special forces now at least 20 miles inside the border of Pakistan by news accounts, and they want us to help them there, while Pakistan at the same time is helping those who are shooting at our troops in Afghanistan.

Now, who are our allies? Who are our enemies here? That's the danger of getting increasingly involved on the ground in Pakistan. That is why I brought this resolution forward with the help of Mr. PAUL. We have to have this debate.

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

Mr. DREIER. Mr. Speaker, I would like to yield my friend an additional minute.

Mr. KUCINICH. The Times quotes General Petraeus as acknowledging ''longstanding ties between Pakistan's Directorate for Inter-Services Intelligence'' and what he calls the ''bad guys.''

And the Times goes on to say in this editorial, ''The Times's report of the new documents suggests the collusion goes even deeper, that representatives of the ISI''—that's their spy agency in Pakistan—''have worked with the Taliban to organize networks of militants to fight American soldiers in Afghanistan and hatch plots to assassinate Afghan leaders.''

I'm saying, do we want these people to be our partners, people who are playing a double game with us? This is why we've got to get out of Pakistan. We have to take a different approach here, and in the debate that will ensue in the next, you know, few hours, whenever it's scheduled, I hope to be able to get to some of the specifics of why this resolution is important at this time.

Thank you, Mr. McGOVERN. Thank you, Mr. DREIER, for the opportunity.

Mr. DREIER. Mr. Speaker, I am happy to yield 3 minutes to my good friend from Lake Jackson, Texas (Mr. PAUL).

Mr. PAUL. I thank the gentleman from California for yielding, and I thank you both for bringing this rule to the floor. Even though it is a privileged resolution, a privileged resolution has to qualify under the law, and under the War Powers Resolution, this does qualify.

The question is, why are we doing it at this time? It seems like Pakistan is a minor problem compared to what's going on in Afghanistan as well as Iraq, but I think people have to realize that we go into war differently these days. We don't make declarations of war and the people get behind it. We slip into war. We fall into war. We get into these messes, and it seems to me like it's so much easier to get into these problems than getting out. We debate endlessly about getting out of Afghanistan. We've debated for years about how and when it's ever going to end in Iraq, and we bring this up now because this is an appropriate time. It is escalating. The war is spreading, and we're trying to stop this. We're trying to let the people know and let the Congress know that this war is getting bigger. It is not getting smaller. A lot of people thought with this administration war would get smaller and we would end some of this.

It has been said that we need to be in Pakistan for national security reasons. I disagree with that. I think the fact that we're in there makes me feel more threatened because Pakistan is not about to attack us. We talk about the few troops there and that they're insignificant and we shouldn't worry about it, it's not significant, but that's the way we started in Vietnam. People were training soldiers, and before you knew it, we lost 60,000 people.

But you know, in this day and age, with the type of wars that we fight, occupation with combat troops is not exactly how we get involved, and I believe the way I read the War Powers Resolution, it does involve attacks on countries with bombs. This is what we're doing. We're attacking this country. The people of Pakistan don't like it. The number of drone attacks in Pakistan now has doubled the number that it was under the Bush administration. So it is escalating. There have been 14 al Qaeda leaders killed by these drone attacks, but there were also 687 civilians killed. So, therefore, the efficiency of this isn't all that good, and now there's reports coming out that these drones don't always come back, and a lot of times they crash, and a lot of times we have to go out and find them. So there's a lot of activity going on.

There is another reason we bring this up at this time. It is financial. We can't afford to expand the war. We can't afford the wars we have already. We can't afford to take care of our people at home. This costs money, and since we see this as an escalation and more provocation and a greater danger to us, because people are going to get upset. The people don't like this. There has actually already been a court ruling in Pakistan.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. DREIER. Mr. Speaker, I yield my friend an additional 2 minutes.

Mr. PAUL. I thank the gentleman for yielding.

But the finances are certainly important. In the Congress, because we're slipping into this war, we have just recently granted $7.5 billion of aid to Pakistan. And what did they do with this money?

□ 1510

Well, it's supposed to not be military. It's supposed to help rebuild their country, help their infrastructure. Well, we need a couple of dollars here for our infrastructure. But they can take that money; it's fungible. It goes into their intelligence. Their intelligence observations are being used for

the Taliban, and we are fighting the Taliban.

So it's totally inconsistent that we are on both sides of so many wars and what's going on. The mujahedin, they were our allies and we were fighting the occupation of the Soviets. It's the occupation that is the issue, and we were on their side and the Soviets were run out.

But now that same group, who are called the Taliban now, the Taliban, we have to remember, had nothing to do with 9/11. It was the al Qaeda, not the Taliban. The Taliban are people who are unified with one issue, one concern they have, foreign occupation or foreign bombings of those countries.

We need to make sure the American people know what's going on and that there are sometimes revelations that we don't hear about. Too often our government is involved in secret wars. There was secret bombing of Cambodia back in the 1960s, and here we are slipping and sliding once more into the escalation of this war which, unfortunately, is going to cost us a lot of money; it's going to cost us a lot of lives, a lot of innocent lives.

Unfortunately, I wish I could believe that we are going to be more secure for this. I think we are going to be less secure because of this activity, and we will finally someday have to meet up to the question of why do they want to come here to kill us? Do they want to do it because of their religion? Do they want to do it because we are rich and because we are free? No. They want to come here because we occupy their territory.

Mr. MCGOVERN. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Colorado, a member of the Committee on Rules, Mr. POLIS.

Mr. POLIS. Mr. Speaker, I rise today in support of the rule and in opposition to the supplemental funding to escalate the war in Afghanistan.

This Nation does face a very real terrorist threat, but the terrorist threat is a stateless menace, a menace that is not rooted in any one location or has any dominion in one particular area and is, in fact, mobile. In fact, the two countries that our Nation continues to occupy, namely, Iraq and Afghanistan are not significant bases of operation for al Qaeda.

This discussion should absolutely include Pakistan and the border area, particularly between Afghanistan and Pakistan. We have in Pakistan a better partner than we have in Afghanistan with regard to the war on terror. It is not an ideal partner, but it is a better partner than we have found, and I hope our Nation continues to work with the good people of Pakistan and the good forces within the Government of Pakistan to help keep the American people safe and the Pakistani people safe.

We need to continue our efforts to battle terrorists wherever they are. How to focus on this stateless menace? We need to use intelligence gathering, targeted special operations, and a refocused emphasis on homeland security. All these are very costly and expensive and are ongoing and an indefinite occupation of Afghanistan reduces our ability to do the things we need to do to keep the American people safe.

That's why I have consistently opposed the escalation of troops in Afghanistan and will continue to do so today by voting against the supplemental funding. There is a real threat, but the answer is not to continue to indefinitely occupy countries where we only breed more sympathy with those who would do us harm. We must bring the war in Afghanistan to a responsible end. That's why I will vote against the war supplemental, and I call upon my colleagues to join me in helping to protect Americans with a new foreign policy in the region.

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

I have to say it's fascinating to see my two very good friends, our former Presidential candidates, Mr. PAUL and Mr. KUCINICH, who have obviously come together working very thoughtfully on this. I think, Mr. Speaker, they are both making some very interesting arguments about the cost, about the challenges that exist, and I do concur with that.

I would simply say that we are where we are today. It's very unfortunate that we are where we are today. Where we are, we are; but fact of the matter is, that is what we do face.

There are a number of people who, as leaders on this issue within the Obama administration, are working overtime to seek to address this. I mentioned Secretary Gates, Admiral Mullen, Secretary Clinton and Ambassador Holbrooke. I have spent time with virtually all of them talking about the challenge of this issue.

As I mentioned earlier, I am very privileged to work closely with DAVID PRICE and the other 18 members of our House Democracy Partnership because we concur, the notion of anything other than civilian control of the military and the intelligence services in Pakistan or any other country for that matter is not acceptable. And that's why I believe that while we look at the cost of both lives, as well as the financial burden that is imposed on us, we need to ensure that we are not going to face the kind of threat that we have before.

Now, we know that al Qaeda and those al Qaeda-inspired terrorists, not necessarily tied to al Qaeda, but inspired, exist all over the world. We recognize that; but we also have to, Mr. Speaker, realize that Pakistan to this day continues to be ground zero.

As I said, the porous border with Afghanistan has provided an invitation for al Qaeda in Afghanistan to move into Pakistan. As we look at the difficulty that exists, for decades, there have been problems with the ISI. I just mentioned in a private discussion I had with my friend from Cleveland that I remember very vividly in the 1980s, in 1987, to be exact, when I had the opportunity to travel with our former colleague, the late Charlie Wilson, who took me to Pakistan and at that time we witnessed problems within the ISI.

But the fact that there are problems within the ISI, appropriately or inappropriately, I mean the leaks that came out, I know that there are more than a few who believe this could jeopardize the lives of our fellow Americans who are over there. But the fact of the matter is, it is not a completely new revelation.

That's why doing everything within our power to strengthen democratic institutions and opportunities for greater economic liberalization so that we can see the economy of this country of 140 million people in South Central Asia grow to the point where we will diminish the kind of threat that we faced on September 11. I mean, it's hard to believe that here it is now, almost August, and we will be marking the ninth anniversary of one of the most tragic days in our Nation's history.

I mean, that is the reason that we are doing what we are in Pakistan and Afghanistan. Has it gone perfectly? Absolutely not. No one can point to a war that has gone absolutely perfectly. Maybe Grenada, the invasion that Ronald Reagan had in the 1980s; but it is very rare that one can point to a conflict, the likes of which we have never seen before, and come to the conclusion that this has been handled perfectly.

Confirmation hearings are going on right now for the new CENTCOM leader. We have a new general who is leading the effort in Afghanistan, the highly, highly acclaimed General David Petraeus, who successfully oversaw the surge in Iraq. We are all very gratified that we are seeing the democratic institutions build up in Iraq. Still problems: just the news this morning of an al Qaeda attack in Mosul in Iraq.

So we are continuing to see problems, but I believe that if we were to take this action that we would undermine the ability for us to continue our quest to strengthen both the democratic institutions and the opportunity for greater economic opportunity to exist in this very, very critically important country.

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

Mr. MCGOVERN. I yield 1 minute to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. I thank the gentleman for yielding.

I have one question about the rule: How will the time be divided?

Mr. MCGOVERN. The time will be 30 minutes for Mr. KUCINICH, and 30 minutes for the Committee on Foreign Affairs.

□ 1520

Mr. PAUL. So it will be a total of 1 hour?

Mr. MCGOVERN. That's correct.

Mr. PAUL. Thank you.

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

simply use this opportunity to again talk about the very important work that is taking place in Pakistan today.

We all know that it is among the most troubled regions in the world. We just had the resolution read from the desk. As we look, 1 year from this coming September will mark the 10th anniversary of September 11. And it was, as I said a moment ago, one of the most tragic days in our Nation's history. We all can, those of us who were privileged to be serving in the Congress, recount the time here in the Capitol on September 11. And of course I'm immediately thinking about what a horrible, horrible day it was. Like many people, I knew people who were killed on September 11, and it changed our world forever.

We are dealing with a difficult and absolutely unprecedented situation. And I have to say that I am troubled with the notion of this resolution, respecting my colleagues, and actually agreeing with a number of the arguments that they make. But I believe that the resolution that will be made in order under this rule—as was said, we don't actually need a rule to do it, but the structure that has been put in place under this rule that will allow for consideration of the gentleman's resolution—is one that I think could create the potential to undermine something that I believe we all want to achieve, and that is we want to make sure that Pakistan, as it's developing its sea legs—and I was just thinking about a meeting that Mr. PRICE and I and other members of our House Democracy Partnership had with Prime Minister Gilani not long ago and with the Speaker of the Pakistani Parliament.

And as we look at these democratically elected leaders there who, on a daily basis, are striving to make sure that they can have adequate oversight of both the military and the intelligence agencies—I remember seeing General Musharraf, who was President at the same time. I was with him the day that he gave up his military uniform and became a civilian leader. So they are continuing to work through this. And the support that we are providing, which is in our national security interest, is very important.

And I mentioned, Mr. Speaker, the notion of a free trade agreement with Pakistan. I think that creating an opportunity for the greater free flow of goods and services will strengthen, again, the economies of both the United States of America and Pakistan as well. So these are the kinds of things that need to be done in our national security interest.

If I've said this once, I've said it 100 times here on the House floor. The five most important words in the preamble of our U.S. Constitution—that inspired document authored by the great Virginian, James Madison—the five most important words are ''provide for the common defense.'' Virtually everything else that's done can be done by other levels of government, whether it be individuals, families, churches or synagogues or mosques, cities, counties, States, but national security can only be handled by the United States of America's Federal Government. That is why I believe that we need to do what we can to ensure that we are successful and, as I said, that our men and women come home as quickly as possible and safely.

So I will say that my colleagues are working diligently on this, but I do believe that, at the end of the day, this resolution is not worthy of our support.

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

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

Let me, first of all, begin by saying I'm not sure whether the underlying resolution introduced by Mr. KUCINICH is necessarily the right way to approach this issue, but he and Mr. PAUL are reflecting the anxiety, the growing anxiety, the growing fear of a lot of Members of Congress and a lot of people throughout this country that the United States of America is continuously getting sucked into wars that have no end, wars that are costing us dearly in terms of the lives of our brave men and women who serve in uniform, and it is costing us dearly in terms of our treasury. We're going bankrupt.

People talk about the deficit all the time around here, but the reality is that these wars, by and large, are not paid for—the war in Afghanistan, the war in Iraq. It's all going onto our credit card, and it's going to be paid for by my kids and my grandkids and my great-grandkids. We are going bankrupt by the wars that we are fighting.

And I think they also reflect this feeling that we seem unable to make the necessary adjustments to our policy when they appear to not be working in the way we would like them to work. In Afghanistan, for example, we've been there for nearly 10 years. And the WikiLeaks documents that were published all over the world yesterday remind us that, notwithstanding all the sacrifices of the American soldiers and their families and all the money we have poured into that country, that we don't have any reliable partners.

The Afghan Government is corrupt and incompetent. The President of that country oversaw an election where they stuffed the ballot boxes, and our men and women are sacrificing their lives to prop that government up. We don't have a reliable partner in the Afghan police or in the Afghan military. And as we learned from these documents—again, it isn't new, but it was emphasized by the release of these documents—that we don't have a reliable partner, by and large, with certain elements of Pakistan. That does not mean that we should walk away from Pakistan, and I want to agree with much of what my colleague from California (Mr. DREIER) said.

I believe it is important for the United States to support civilian institutions and to support democratic movements in Pakistan. I want the civilian government in Pakistan to be able to have control over the security forces and the military forces in a way that we believe that they are actually in control.

So I think this debate that we are going to have here today on the Pakistan War Powers Act is important. I'm not quite sure that this is the way we should deal with Pakistan with the underlying resolution, but I will conclude by making reference to another measure we are going to be voting on here today, and that is the supplemental war funding bill.

In light of what was released yesterday, in light of all the questions that have been raised, it seems to me that it is inappropriate for us to vote ''yes'' on a blank check for this administration to do whatever they want in Afghanistan. I have great respect for the Secretary of Defense and the Secretary of State and the President of the United States, but I have to tell you I am deeply troubled that, with all that is coming out, that we are not doing hearings, we're not doing our oversight. We're basically going to be asked to vote for a $33 billion package—all borrowed money—and kick the can down the road and let's hope when we come back in September that maybe things will get better.

We were told almost 1 year ago that we would never have another supplemental. Well, here we are doing another supplemental and we have a policy in Afghanistan that is not clearly defined. And so I understand the anxiety and the frustration of Mr. PAUL and Mr. KUCINICH. I share that anxiety and frustration as well. But it seems to me that we in Congress have a responsibility, too. These wars are not just the administration's wars. They are our wars, too. We fund them. We're the ones who go along with it. We're the ones who decide whether we're going to condition aid or whether we're going to withhold aid, and I think we should be doing a better job.

We have known for a long time that the Pakistan intelligence agencies have been undercutting our efforts in Afghanistan. They have put our soldiers at risk. We have known that for a long time, yet what have we done? So this may be a time for us to raise some of these issues, raise some of these questions, hopefully prompt more Members of this body to get involved in this debate, but also to send a signal to the administration that we really need to reevaluate what we're doing. We need to rethink some of these strategies. And if we are going in the wrong direction, we need to have the courage to change course if necessary.

□ 1530

With that, Mr. Speaker, 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 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.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5822, MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2011

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 111–570) on the resolution (H. Res. 1559) providing for consideration of the bill (H.R. 5822) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2011, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume in the following order:

Adoption of House Resolution 1556, motion to suspend the rules on H.R. 5730; and motion to suspend the rules on H. Res. 1366, each by the yeas and nays.

PROVIDING FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 301, PAKISTAN WAR POWERS RESOLUTION

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 1556, 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 222, nays 196, not voting 14, as follows:

[Roll No. 470]

YEAS—222

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

NAYS—196

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

NOT VOTING—14

Akin
Boren
Engel
Graves (MO)
Heller
Matsui
Meek (FL)
Moran (KS)
Poe (TX)
Radanovich
Tiahrt
Watson
Waxman
Young (FL)

□ 1604

Messrs. GARRETT of New Jersey, BROWN of South Carolina, GARY G. MILLER of California, BARRETT of South Carolina, HOLDEN, KANJORSKI, BACHUS, EDWARDS of Texas, Ms. KOSMAS, and MR. TANNER changed their vote from ''yea'' to ''nay.''

Mr. CLEAVER, Ms. CORINNE BROWN of Florida, Messrs. CAMPBELL and SPRATT changed their vote from ''nay'' to ''yea.''

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. HELLER. Mr. Speaker, on rollcall No. 470, had I been present, I would have voted "nay."

SURFACE TRANSPORTATION EARMARK RESCISSION, SAVINGS, AND ACCOUNTABILITY ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5730) to rescind earmarks for certain surface transportation projects, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Colorado (Ms. MARKEY) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 394, nays 23, not voting 15, as follows:

[Roll No. 471]

YEAS—394

Ackerman
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
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)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Hoekstra
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
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
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
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)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Welch
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth

NAYS—23

Aderholt
Berry
Capuano
Conyers
Delahunt
Frank (MA)
Guthrie
Hinchey
Holden
Kanjorski
LaTourette
Lynch
Markey (MA)
Neal (MA)
Nye
Rogers (AL)
Scott (VA)
Space
Thompson (PA)
Tierney
Weiner
Wilson (OH)
Young (AK)

NOT VOTING—15

Akin
Boehner
Boren
Engel
Graves (MO)
Heller
Matsui
Meek (FL)
Moran (KS)
Perlmutter
Poe (TX)
Radanovich
Tiahrt
Watson
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1611

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HELLER. Mr. Speaker, on rollcall No. 471, had I been present, I would have voted "yea."

Mr. PERLMUTTER. Mr. Speaker, on rollcall No. 471. I was in a meeting and was unavoidably detained. Had I been present, I would have voted "yea."

RECOGNIZING THE FREIGHT RAILROAD INDUSTRY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1366) recognizing and honoring the freight rail industry, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, answered "present" 2, not voting 19, as follows:

[Roll No. 472]

YEAS—411

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
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
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)

Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
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)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
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
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Westmoreland
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

ANSWERED ''PRESENT''—2

Bean
Slaughter

NOT VOTING—19

Akin
Boren
Engel
Foster
Graves (MO)
Gutierrez
Heller
Kennedy
Marshall
Matsui
Meek (FL)
Moran (KS)
Poe (TX)
Radanovich
Sánchez, Linda T.
Tiahrt
Watson
Whitfield
Young (FL)

□ 1619

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

The result of the vote was announced as above recorded.

The title was amended so as to read: ''Resolution recognizing and honoring the freight railroad industry and its employees.''.

A motion to reconsider was laid on the table.

Stated for:

Mr. HELLER. Mr. Speaker, on rollcall No. 472, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. AKIN. Madam Speaker, on July 27, 2010, I was absent from the House and missed rollcall votes 470, 471, and 472. Had I been present, I would have voted "no" on rollcall 470, "yes" on rollcall 471, and "yes" on rollcall 472.

PERSONAL EXPLANATION

Mr. POE of Texas. Mr. Speaker, on rollcall Nos. 470—H. Res. 1556, 471—H. Res. 5730, and 472—H. Res. 1366, I was unable to vote today, since I was at the White House meeting with the President. Had I been present, I would have voted "no" on H. Res. 1556, "yes" on H. Res. 5730, and "yes" on H. Res. 1366.

PAKISTAN WAR POWERS RESOLUTION

Mr. KUCINICH. Mr. Speaker, pursuant to House Resolution 1556, I call up the concurrent resolution (H. Con. Res. 301) directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove the United States Armed Forces from Pakistan, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 1556, the concurrent resolution is considered read.

The text of the concurrent resolution is as follows:

H. CON. RES. 301

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

SECTION 1. REMOVAL OF UNITED STATES ARMED FORCES FROM PAKISTAN.

Pursuant to section 5(c) of the War Powers Resolution (50 U.S.C. 1544(c)), Congress directs the President to remove the United States Armed Forces from Pakistan—

(1) by no later than the end of the period of 30 days beginning on the day on which this concurrent resolution is adopted; or

(2) if the President determines that it is not safe to remove the United States Armed Forces before the end of that period, by no later than December 31, 2010, or such earlier date as the President determines that the Armed Forces can safely be removed.

The SPEAKER pro tempore. The concurrent resolution shall be debatable for 1 hour, with 30 minutes controlled by the gentleman from Ohio (Mr. KUCINICH) or his designee and 30 minutes equally divided and controlled by the chair and ranking member of the Committee on Foreign Affairs.

The gentleman from Ohio (Mr. KUCINICH) will control 30 minutes. The gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 15 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. KUCINICH. Mr. Speaker, I yield myself 3 minutes.

U.S. forces are in Pakistan. Congress never voted expressly to send troops there. Congress has a constitutional responsibility under Article I, Section 8 of the Constitution. And I will insert Article I, Section 8, in the RECORD.

SECTION 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment and counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and Post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all places purchased by the Consent of the Legislature of the State in which the same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Under Article I, Section 8 of the Constitution, it is Congress which has the power to declare war.

Now, the War Powers Act extended the debate over Article I, Section 8 by pointing out that, if circumstances occurred where the President committed troops to imminent hostilities, that Congress has the right to create a debate and to create a vote over whether or not those troops should stay in those hostilities.

Now, are there hostilities involving U.S. troops in Pakistan? The answer is that three U.S. troops were killed as a result of an IED in Pakistan in February. Now, that was reported last week in The Wall Street Journal. There's just no question that troops have been involved in imminent hostilities. In this case, they perished.

Now, there are those who maintain that the War Powers Act is superseded

by the authorization for the use of military force which passed Congress on September 14, 2001. I have here a copy of that resolution, which I will include in the RECORD.

H.J. RES. 64

Whereas on September 11, 2001, acts of treacherous violence were committed against the United States and its citizens;

Whereas such acts render it both necessary and appropriate that the United States exercise its rights to self-defense and to protect United States citizens both at home and abroad;

Whereas in light of the threat to the national security and foreign policy of the United States posed by these grave acts of violence;

Whereas such acts continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States; and

Whereas the President has authority under the Constitution to take action to deter and prevent acts of international terrorism against the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the ''Authorization for Use of Military Force''.

SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) IN GENERAL.—That the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.

(b) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supercedes any requirement of the War Powers Resolution.

That resolution has this language: ''Nothing in this resolution supersedes any requirement of the War Powers Resolution.''

So let's put to rest right away that the authorization for use of military force would cover our presence in Pakistan and obviate the need for any congressional discussion. It is very clear that the President has a responsibility to notify Congress. He has a responsibility, according to section 4 of the War Powers Act, to report to Congress whenever he introduces U.S. Armed Forces abroad in certain situations.

Section 4(a)(1) triggers a time limit in the section, and it requires reporting to Congress. Why is that? Because the people's House has a responsibility under the Constitution. We cannot abrogate or renounce that responsibility.

This debate today is about assuring that Congress has a role in a critical foreign policy area where our troops have already lost lives in Pakistan.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I rise in opposition to the resolution, and I yield myself such time as I may consume.

Mr. Speaker, this is the second time in 4 months we are debating a resolution under the War Powers Act. I welcome congressional scrutiny of the commitment of U.S. forces abroad, and I appreciate the gentleman from Ohio's effort to focus attention on one of the most sacred duties of Congress.

But once again, I have to take issue with the invocation of Section 5(c) of the War Powers Act as the basis for this debate. That section authorizes a privileged resolution, like the one before us today, to require the withdrawal of U.S. Armed Forces when they are engaged in hostilities and Congress has not authorized the use of military force.

Whereas the Afghanistan war powers debate focused on whether there was an authorization for U.S. military force, here we do not even reach that question because, based on everything I know, U.S. forces are not engaged in hostilities in Pakistan.

The Wall Street Journal article distributed by my friend from Ohio refers to the U.S. military's role in training and humanitarian assistance programs in Pakistan. That's not ''engaging in hostilities.'' In fact, our Armed Forces participate in these types of programs in dozens of countries around the world.

The gentleman refers to the terrible tragedy of three U.S. forces killed by an IED. They were on a humanitarian aid mission. We have people on such missions, people involved in military training, uniformed officers, who have been killed in many different parts of the world. From that, one does not draw the conclusion that the U.S. is engaged in hostilities with enemy forces. In fact, since U.S. forces are not engaged in hostilities in Pakistan, there is no factual basis for invoking the War Powers Act.

Mr. Speaker, Pakistan is an important partner in the fight against extremism.

□ 1630

Last year Congress demonstrated America's long-term commitment to Pakistan by passing the Enhanced Partnership with Pakistan Act of 2009. Any attempt to cut the military ties between our two countries would be counterproductive for our national security interest in the region.

No matter what your position on the situation in Afghanistan, whether you think we should withdraw tomorrow, shift from a counterinsurgency strategy to a counterterrorism strategy, or send in even more troops, there is no reason to automatically conclude that we should cease our efforts to help Pakistan address the dire threats to its security.

In 1990, we stopped providing military assistance and training to Pakistan for what seemed like a good reason at the time. But as a result, a whole generation of Pakistani military officers rose through the ranks without any connection or affinity with the United States, and that contributed to some of the suspicion and mistrust that we are still struggling to overcome.

Mr. Speaker, there is no question that Pakistan needs to step up in a number of important areas. We hope to improve cooperation on various security issues, strengthen the role of Pakistan's democratically elected government and achieve a greater parity between military and civilian assistance. The United States is aiding Pakistan because it is in our interest to ensure an economically and politically stable Pakistan does not provide sanctuary for al Qaeda and other terrorist organizations.

The reports in recent days that elements of the Pakistani intelligence service may have been aiding our enemies is nothing new to those of us who have been following this issue and is not a reason to abandon our many friends in Pakistan who are struggling to modernize their economy, their political system, and their military. The security forces of Pakistan are steadily taking on a Taliban-backed insurgency, taking direct action against those who threaten Pakistan's security instability, including military operations in the Federally Administered Tribal Areas and the North West Frontier Province.

Mr. Speaker, I am concerned that using the War Powers Act to call for the removal of U.S. combat forces, which do not exist, will only serve to inflame Pakistan's sensibilities and do nothing to strengthen the partnership that we need to achieve our goals in this critical region.

I urge my colleagues to oppose the resolution.

I reserve the balance of my time.

Mr. KUCINICH. With all due respect to my friend from California, special operations troops are inside of Pakistan right now. Three troops have died. Maybe they didn't intend to be hostile, but somebody intended hostilities towards them. There is no question about the hostile climate.

What I am trying to do here, with the help of Mr. PAUL, is to stop expanding the U.S. forces' footprint in Pakistan so that we stop an expanding war.

I yield 2 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES. I thank the gentleman from Ohio for this resolution and also the gentleman from Texas.

Mr. Speaker, ''To Die for a Mystique, the Lessons Our Leaders Didn't Learn From the Vietnam War''—that's why this debate is so important today. Because I remember Mr. Nixon saying, no, no, there are no troops in Cambodia. Then a year later, he acknowledges there are. That's all it takes is a little incursion here and a little incursion there, and before you know it, it's out of control.

This article ''To Die for a Mystique'' was written by Andrew Bacevich, himself a Vietnam veteran, his son, a graduate of West Point, killed in Iraq.

''To Die for a Mystique.'' The dirty little secret to which few in Washington will own up is that the United States now faces the prospect of perpetual war and conflict. That's why this debate has to take place, whether we have three Americans killed in Pakistan or we have 33 or we have 300.

Where is Congress meeting its responsibility? That's what this is about.

I will regret to the day I go to my grave that I voted to give President Bush the authority to go into Iraq. We did not meet our responsibilities. We passed some little resolution, and I voted for it. We trusted the President to not go to war unless it was absolutely necessary, but we went to war.

Mr. Speaker, I have signed over 9,400 letters to families. This is my retribution to my God for not doing my job that day when I voted for that resolution. That's why I stand on the floor today with the gentleman from Ohio and the gentleman from Texas to say let's meet our responsibility. Let's not keep saying to the American kids, You need to die for a mystique. Let's give them purpose.

Mr. Speaker, in closing, God, please bless our men and women in uniform.

Please support this resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I believe that this dangerous resolution is less about U.S. policy toward Pakistan than it is about Afghanistan and a back-door attempt to force U.S. withdrawal from that country. Because our success in Afghanistan is directly linked to our effort in Pakistan, withdraw from the latter, and you may bring defeat in both.

In response to the September 11 attacks, Congress authorized the President to use all necessary and appropriate force against the perpetrators of those attacks, including against those who harbored such organizations or persons in order to prevent future acts of international terrorism against the United States.

But al Qaeda and its allies in Pakistan fit that description precisely. Our wonderful U.S. personnel in Afghanistan are there to train and support Pakistani military and security forces to enable them to battle their own insurgencies, including al Qaeda and other threats.

Much of this training is not combat related, but instead is focused on helping Pakistan undertake civil, military operations aimed at establishing stable and effective civilian authority in areas that are now off limits and serve as safe havens for extremist groups.

Far from withdrawing, we must work with Pakistan to do more against the militant networks in that country that use it and neighboring Afghanistan as a launching pad from which to direct attacks against us and our allies. The adoption of this resolution would undo our efforts to accomplish these goals and build trust and credibility with Pakistani leaders and the Pakistani people that will help provide for long-term stability and advance our long-term interests.

Mr. Speaker, removing our personnel from Pakistan would present al Qaeda with a gift that it desperately needs and convince it and the world that it is winning the fight, thereby inevitably enhancing its prestige, confidence, ambitions, resources, and recruits. If this resolution were adopted, it would make it more difficult, and perhaps impossible, for General Petraeus to effectively implement the strategy that he is pursuing in Afghanistan and that is being carried out by our brave men and women serving there.

Some will focus on the information reportedly contained in the many thousands of classified U.S. documents related to the conflict against al Qaeda and the Taliban in Afghanistan and Pakistan, that is, on a reckless and irresponsible act which compromises U.S. security as justification for this resolution.

Some of those documents reflect the legacy of mistrust between the United States and Pakistan as well as between Pakistan and Afghanistan, a legacy which we are even now trying to overcome through enhanced dialogue.

I am gravely concerned that those leaked documents may have put in jeopardy coalition troops and our military missions. As National Security Adviser General James Jones has warned, the leaks could ''put the lives of Americans and our partners at risk and threaten our national security.''

But we would be compounding the risk and further undermining our efforts against radical Islamic militants in Pakistan and in Afghanistan if this Congress would take this knee-jerk approach to our national security and military strategy by adopting this resolution before us.

Instead, we must remain focused on our mission, on success, on prevailing against the global jihadist network. These Islamist radicals in Pakistan and Afghanistan, who seek to destabilize our allies and attack our Nation and our interest, are driven and are focused on carrying out their deadly mission.

We must, in turn, demonstrate that we possess the strength of character, the commitment, the wherewithal to counter al Qaeda, the Taliban and other enemies at every turn. We must not be looking at any opportunity or excuse to seek an immediate withdrawal from the epicenter of violent extremism, as Pakistan and Afghanistan have been described.

□ 164

I strongly urge my colleagues to vote against this dangerous measure, and I reserve the balance of my time.

Mr. KUCINICH. I thank the gentlelady, for whom I have the greatest respect, for her concerns about the resolution. But I would like to respectfully suggest to her that the danger that's presented here is that this Congress ignores the WikiLeaks documents that point out a connection between Pakistani intelligence and the Afghanistan Taliban where they're actually helping the Taliban against our troops. We have to pay attention to that. I didn't create this resolution in order to link it with the Afghanistan war, but the Pakistan intelligence has created the link with the Afghanistan war because they are actually helping the Taliban. They created the link.

I yield 1 minute to the gentlelady from California (Ms. WOOLSEY), who has been a strong advocate for peace in this Congress.

Ms. WOOLSEY. Mr. Speaker, I rise today to support wholeheartedly Mr. KUCINICH's and Mr. PAUL's resolution to remove U.S. Armed Forces from Pakistan.

The War Powers Act clearly states that the President must seek congressional approval before committing U.S. troops and before committing funds. As recent media reports confirmed, our troops are in Pakistan without congressional authorization, and they, as well as we, ask, To what end?

Mr. Speaker, we are running up record deficits with two wars which have cost the United States in blood and treasure. Together, the wars in Iraq and Afghanistan have cost the American taxpayers over $1 trillion and, worst of all, more than 5,600 men and women in uniform have given their lives. And what do we get for all of this, Mr. Speaker? Instead of winning the hearts and minds of the Iraqi and Afghan people, we're fueling hatred and insurgency, and now we want to export that to Pakistan. I don't think so. Let's not do it.

I urge my colleagues to demand that the administration comply with the War Powers Act and remove our troops from Pakistan.

Mr. BERMAN. Mr. Speaker, I yield myself 30 seconds in response to my friend from California's point.

The War Powers Act, I repeat again, doesn't deal with the presence of military forces without an authorization from Congress. It deals with engaging in hostilities or imminent hostilities without the authorization of Congress.

We have uniform personnel in Pakistan. They are working on the military assistance program. They are working in training Pakistani military. They are involved, as the Wall Street Journal revealed, in the delivering of humanitarian assistance in areas that are not secure enough for AID and civilian personnel to go.

The WikiLeaks documents, with all the transparency that it provided for us about what the situation is, I'm unaware of any excerpt which indicates reports of U.S. military forces engaged in hostilities in Pakistan.

Mr. KUCINICH. I want to introduce into the RECORD a Gallup poll that revealed that 59 percent of Pakistanis

view the U.S. as their biggest threat, and that 67 percent of Pakistanis polled were opposed to military operations in their country. Now, Mr. Speaker, if putting our troops inside the borders of Afghanistan, if we're not putting them in a hostile environment, with those poll results, I don't know what would be hostile.

[From Al Jazeera, Aug. 13, 2009]

PAKISTANIS SEE US AS BIGGEST THREAT

(By Owen Fay)

A survey commissioned by Al Jazeera in Pakistan has revealed a widespread disenchantment with the United States for interfering with what most people consider internal Pakistani affairs.

The polling was conducted by Gallup Pakistan, an affiliate of the Gallup International polling group, and more than 2,600 people took part.

Interviews were conducted across the political spectrum in all four of the country's provinces, and represented men and women of every economic and ethnic background.

When respondents were asked what they consider to be the biggest threat to the nation of Pakistan, 11 per cent of the population identified the Taliban fighters, who have been blamed for scores of deadly bomb attacks across the country in recent years.

Another 18 per cent said that they believe that the greatest threat came from neighbouring India, which has fought three wars with Pakistan since partition in 1947.

But an overwhelming number, 59 per cent of respondents, said the greatest threat to Pakistan right now is, in fact, the US, a donor of considerable amounts of military and development aid.

TACKLING THE TALIBAN

The resentment was made clearer when residents were asked about the Pakistan's military efforts to tackle the Taliban.

Keeping with recent trends a growing number of people, now 41 per cent, supported the campaign.

About 24 per cent of people remained opposed, while another 22 per cent of Pakistanis remained neutral on the question.

A recent offensive against Taliban fighters in the Swat, Lower Dir and Buner districts of North West Frontier Province killed at least 1,400 fighters, according to the military, but also devastated the area and forced two million to leave their homes.

The military has declared the operation a success, however, some analysts have suggested that many Taliban fighters simply slipped away to other areas, surviving to fight another day.

When people were asked if they would support government-sanctioned dialogue with Taliban fighters if it were a viable option the numbers change significantly.

Although the same 41 per cent said they would still support the military offensive, the number of those supporting dialogue leaps up to 43 per cent.

So clearly, Pakistanis are, right now, fairly evenly split on how to deal with the Taliban threat.

DRONE ANGER

However, when asked if they support or oppose the US military's drone attacks against what Washington claims are Taliban and al-Qaeda targets, only nine per cent of respondents reacted favourably.

A massive 67 per cent say they oppose US military operations on Pakistani soil.

''This is a fact that the hatred against the US is growing very quickly, mainly because of these drone attacks,'' Makhdoom Babar, the editor-in-chief of Pakistan's The Daily Mail newspaper, said.

''Maybe the intelligence channels, the military channels consider it productive, but for the general public it is controversial . . . the drone attacks are causing collateral damage,'' he told Al Jazeera.

A senior US official told Al Jazeera he was not surprised by the poll's findings.

The US has a considerable amount of work to do to make itself better understood to the Muslim world, he said.

And it would take not only educational and economic work to win over the Pakistani people but also a concerted effort to help the Pakistani government deal with ''extremist elements'' that are trying to disrupt security within Pakistan, he added.

Nearly 500 people, mostly suspected Taliban and al-Qaeda fighters, are believed to have been killed in about 50 US drone attacks since August last year, according to intelligence agents, local government officials and witnesses.

Washington refuses to confirm the raids, but the US military in neighbouring Afghanistan and the Central Intelligence Agency (CIA) are the only forces operating in the area that are known to have the technology.

The government in Islamabad formally opposes the attacks saying that they violate Pakistani sovereignty and cause civilian casualties which turn public opinion against efforts to battle the Taliban.

Lieutenant-General Hamid Nawaz Khan, a former caretaker interior minister of Pakistan, told Al Jazeera that US pressure on Pakistan to take on the Taliban was one reason for the backlash.

''Americans have forced us to fight this 'war on terror'. . . whatever Americans wanted they have been able to get because this government was too weak to resist any of the American vultures and they have been actually committing themselves on the side of America much more than what even [former president] Pervez Musharraf did,'' he said.

PAKISTANI LEADERSHIP

The consensus of opinion in opposition to US military involvement in Pakistan is notable given the fact that on a raft of internal issues there is a clear level of disagreement, something which would be expected in a country of this size.

When asked for their opinions on Asif Ali Zardari, the current Pakistani president, 42 per cent of respondents said they believed he was doing a bad job. Around 11 per cent approved of his leadership, and another 34 per cent had no strong opinion either way.

That pattern was reflected in a question about Zardari's Pakistan People's party (PPP).

Respondents were asked if they thought the PPP was good or bad for the country.

About 38 per cent said the PPP was bad for the country, 20 per cent believed it was good for the country and another 30 per cent said they had no strong opinion.

Respondents were even more fractured when asked for their views on how the country should be led.

By far, the largest percentage would opt for Nawaz Sharif, a former prime minister and leader of the Pakistan Muslim League-N (PML–N) party, as leader. At least 38 per cent backed him to run Pakistan.

Last month, the Pakistani supreme court quashed Sharif's conviction on charges of hijacking, opening the way for him to run for political office again.

ZARDARI 'UNPOPULAR'

Zardari, the widower of assassinated former prime minister Benazir Bhutto, received only nine per cent support, while Reza Gilani, Pakistan's prime minister, had the backing of 13 per cent.

But from there, opinions vary greatly. Eight per cent of the population would support a military government, 11 per cent back a political coalition of the PPP and the PML-N party.

Another six per cent would throw their support behind religious parties and the remaining 15 per cent would either back smaller groups or simply do not have an opinion.

Babar told Al Jazeera that Zardari's unpopularity was understandable given the challenges that the country had faced since the September 11, 2001 attacks on the US.

''Any president in Pakistan would be having the same popularity that President Zardari is having, because under this situation the president of Pakistan has to take a lot of unpopular decisions,'' he said.

''He is in no position to not take unpopular decisions that are actually in the wider interests of the country, but for common people these are very unpopular decisions.''

I yield 3 minutes to the gentleman from Texas (Mr. PAUL), who is the cosponsor of this resolution. I want to express to him my gratitude for his patriotism.

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

Mr. PAUL. I thank the gentleman for yielding.

First off, I would like to address the subject about hostilities. It is true that there are no armies facing each other and shooting and killing each other, no tanks, no conventional type of hostilities. We don't live in a conventional era and we don't fight conventional wars, but there is a lot of hostile action going on.

In looking and checking to find out if anybody has been killed, in the reports that I found, anywhere from 1,000 to 2,500 Pakistanis have been killed. Now, that sounds like it's rather hostile. And that comes not from our invasion in troop, but we've invaded them with our predators, with our drone missiles, and we drop bombs and we aim at targets, always at the bad people. But to the best of my knowledge from the information I get is that 14 al Qaeda leaders have been killed, and the rest have been civilians. And who knows exactly what their sentiments would be. Maybe a lot of them were defending their own country. Maybe they don't like foreign occupiers. But there is a lot of hostile action going on and a lot of people are dying.

The gentleman from Ohio is quite correct. If you check with the people of Pakistan, they don't want us there. They don't want bombs dropped on them. How would we react in this country if all of a sudden there was a drone missile that landed on one of our cities and even one or two or three Americans were killed? We would be outraged and we would want to know about it. And here we do it constantly.

I complain that we don't know enough about it and we give up our prerogatives. We allow the Presidents to do what they want and then we just capitulate and give them the money and do whatever. But I argue we don't know enough. We don't assume our responsibility. The American people don't know about it until we get deep into these quagmires and into these messes.

But what about in Pakistan? There is a lot of conniving going on there because I am sure their leaders are quite satisfied with us going in there because we bribe them. The Congress just recently passed a bill that promises them $7.5 billion. That's how they stay in power, and it's also how they can help the Taliban who's fighting us.

The whole thing is such a mess, but the people, if you ask the people of Pakistan, they're not going to support this. And the argument is that we have to support this because our generals want us to, because this is our mission. Well, what is our mission? Our mission ought to be to defend this country, preserve liberty, and show people what a free society looks like. We shouldn't be trying to tell other people how to live with bombs and threats. We give them two options: We tell them do it our way, and if they do, we give them a lot of money. If they don't do it our way, we start bombing them. But we don't achieve anything. That's my contention. We just go on and on.

My big beef is with the overall policy. I know we're talking about the technicalities and we're talking about Afghanistan and Pakistan, but we don't solve any of these technical problems until we deal with the subject of what kind of a foreign policy we endorse. Are we supposed to be the policemen of the world? Are we supposed to be in nation building? Are we supposed to bankrupt our people? Are we supposed to support the infrastructure of others, building all around the world and neglect all of ours? It's coming to an end because this country is bankrupt, and we're going to have to change our policy whether we like it or not.

Ms. ROS-LEHTINEN. Mr. Speaker, I am so pleased to yield such time as he may consume to the gentleman from California (Mr. MCKEON), the ranking member on the Committee on Armed Services.

Mr. MCKEON. I thank the gentlelady for yielding.

Mr. Speaker, I rise today in opposition to this resolution and I am pleased to join my colleagues on the Foreign Affairs and the Armed Services Committees who are opposed to this ill-timed and ill-conceived measure. I am disappointed that the House Democratic leadership would allow this resolution to come to the floor for a vote at this time.

In April 2009, the President released his strategy for Afghanistan and Pakistan and began to make the case to the American people that security and stability in the region are vital to the U.S. national security interests. I support this strategy.

In Pakistan, instability and violence have reached new highs with the insurgency moving eastward toward the capital of Islamabad and bombings and suicide attacks on the rise. This fight not only affects the people of Pakistan but our security, too. Moreover, Pakistan is an essential partner to the United States, both in the near and the long term, and we must remain committed to building trust between our two nations.

□ 1650

It remains in our national interest to defeat al Qaeda and its extremist allies and to ensure they will have no safe havens from which to attack the American people. In Pakistan, the government and people are increasingly seeing the insurgency operating from the tribal border areas as the most existential threat to their country.

Despite Pakistan's increased military operations, the scale, nature, and frequency of violence in Pakistan makes it a nation more appropriately comparable to a combat zone, such as that found in Afghanistan, and it should be treated as such rather than as a central European country seeking foreign military financing.

That is why our military partnership with Pakistan is essential. There are approximately 230 U.S. military personnel in Pakistan—all assigned to the Office of the Defense Representative to Pakistan. This small contingent is in Pakistan at the invitation of the Government of Pakistan to support security assistance programs and training to deepen our cooperative relationship with Pakistan.

Let me be clear. This is not a combat mission but a train and equip role for the U.S. trainers in Pakistan. These trainers were selected based on the requirements established by the Government of Pakistan. These programs are key to Pakistan's counterinsurgency operations—training which Pakistan needs to defeat al Qaeda and Taliban forces operating within their borders.

Representative KUCINICH's resolution, if enacted into law, would mandate the withdrawal of all U.S. troops from Pakistan by the end of 2010. Why consider this resolution now? Why second-guess the Commander in Chief and his commanders without giving the military a chance to implement the strategy?

Finally, Mr. Speaker, I want to send a clear message to our military men and women:

This Congress believes in you. We support you, and we honor your dedication.

I urge my colleagues to vote ''no.''

Mr. KUCINICH. I want to thank my colleague for his support for the troops because we both support the troops. The question is that some of us believe that the best way to support the troops is to bring them home.

I yield 1 minute to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Let me thank the gentleman for bringing this resolution.

Mr. Speaker, let there never be another war, military conflict, or armed hostilities involving U.S. military personnel that are not openly debated, expressly authorized and consented to, and scrupulously overseen by this Congress.

We are the Congress. It is our job to do our constitutional duty. It is not second-guessing. It is oversight. It is engaging in the process of governance. There is nowhere in the Constitution that says that the President just gets to go fight wars without the oversight of the Congress. It is not unpatriotic. It is not being a poor citizen. It is our constitutional duty, if you are going to commit troops, to know why, when and how, and there are provisions in the Constitution and in the War Powers Act to make sure that Congress has the ability to exercise its constitutional responsibility. We can't shirk these duties constitutionally, not under the War Powers Act or anything else.

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

Mr. KUCINICH. I yield the gentleman an additional 1 minute.

Mr. ELLISON. We are in Pakistan. We are there with troops on the ground, apparently, and we are there in unmanned aerial vehicles. We have to exercise our responsibility. We cannot escape what history has assigned to us. We can't turn a blind eye when we know troops are there and engaged. It is not responsible. It is not right.

The Pakistani public opinion is at an all-time low with regard to the United States. Why? We hardly know because we haven't dealt with this engagement in a forthright manner.

Vote ''yes.''

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

I want to just, if I might, Mr. Speaker, respond to my friend from California who is in my neighboring district, the ranking member of the Armed Services Committee. He made a reference to House leadership. He couldn't understand why it was setting this for debate.

Firstly, this is a privileged resolution pursuant to the War Powers Act. That's why it is being set for debate. It is a privileged resolution. It is not up to the leadership whether or not to debate this issue unless we change the statute.

Secondly, while I disagree with my friend from Ohio about whether the requisite requirements of the War Powers Act are met—because my conclusion is we are not engaged in hostilities as that term is used in the War Powers Act—I do want to say I don't understand, when seeking oversight, when making sure that taxpayers' funds are well spent, that our troops are protected and are being well served, and that our interests are being pursued by a particular operation, why the debate of that on the House floor is evidence of not supporting the troops.

To the contrary, had we had more debate on the House floor over the past 10 years, perhaps $8 billion in military assistance to Iraq, which was lost and can't be accounted for, might not have happened.

I know one thing. Perhaps we wouldn't have given the military leader of Pakistan free rein to cut deals with Talibani groups, appeasement agreements, in various parts of Pakistan during the period prior to his removal from office. Perhaps we would

have a greater sense—and here we do have a greater sense—of knowledge of where our defense aid is going and what our military assistance is being used for than ever before, in large part, thanks to the oversight responsibilities of the Committee on Oversight and Government Reform. These are useful processes. They are much better than simply providing the money and then turning away until it is all over.

I commend the gentleman for using what, I think, is the wrong vehicle but the appropriate subject of having an open discussion about the wisdom of what we are doing. I think that serves our forces. I think it serves our country.

I reserve the balance of my time.

Mr. KUCINICH. Mr. Speaker, I would like to inquire as to how much time each side has remaining.

The SPEAKER pro tempore (Mr. YARMUTH). The gentleman from Ohio has 17 minutes remaining. The gentleman from California has 7 minutes remaining. The gentlewoman from Florida has 7 minutes remaining.

Mr. KUCINICH. I yield 3 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. I thank the gentleman for yielding.

Mr. Speaker, I want to talk a little bit more about our policy because, as I said before, I think it is the policy that gets us into these predicaments and that, if you deal with this as a strictly technical/tactical problem that we have to face in how to rectify our problems, I don't think it will occur. I think we have to deal in the overall policy.

In many ways, we follow a schizophrenic type of foreign policy because, one time, they are our best friends, then later on they become our worst enemies. This was true with Saddam Hussein. In the 1980s, he was our friend. We took care of him. We encouraged him and supported his war. Then of course that changed. Even right before 9/11, the Taliban were still receiving money from us, and now they receive money from us indirectly. The Taliban gets money from the Pakistanis, or at least information as has been reported, but they literally get some of our money in the process because, in order for us to move equipment through Afghanistan, they literally end up getting American dollars from doing this.

So here we are going into Pakistan. One of the arguments to go into Pakistan is that we have to go after the Taliban—that they are over there, that they are organizing and that they want to kill the American soldiers in Afghanistan. This means that now they are our archenemies. Yet the Taliban, especially in the 1980s, weren't called the Taliban; they were called the Mujahedeen. It was a precursor, but they were our best friends along with Osama bin Laden. We were allies with them because we supported the principle that it was wrong for the Soviets to be occupying Afghanistan.

Now the tables have turned. Now we are the occupiers. Now the very people who used to help us are shooting and killing us. It has been revealed just recently with this release of information that they actually have some Stinger missiles, and as of the last month or so, three of our helicopters have been shot down.

□ 1700

So where does this all end?

One thing about the reports in the newspaper, I think if they changed the definition or the use of one term, I think it would change everybody's attitude, if people came around to believing that the Taliban are people who aren't dedicated toward coming over here to kill us, like some of the al Qaeda are, but the Taliban are only interested in getting rid of the occupiers of their country.

So we call them militant. So we go in, and we raid and shoot and kill and bomb, and then we say, aha, we killed 37 militants today.

What if we reported this always like we did in the eighties.

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

Mr. KUCINICH. I yield the gentleman another minute.

Mr. PAUL. What if it was always reported that freedom fighters were killed, as it was when they were our friends and our allies? The whole thing would change.

But, no, we call them militants and we call them insurgents. But they were formerly our allies and our so-called friends.

So this is just a reflection on the ridiculousness of our analyst policy of intervention and how so often our allies and our friends turn against us, and how our money, taxpayers' money, so often is used against us. I think this is a perfect example.

We would like to stop it. That's why we brought this resolution up. We don't want to see this war spread, and we want the American people to know about it, and we want this Congress to know about it, because foreign policy isn't even written in the Constitution.

The responsibility of how we run our foreign affairs is with the U.S. Congress; and when we go to war, it should be a congressional function, not an executive function; and some day we may get there, but right now, today, we have to do our very best to let people know the shortcomings of the policy we're following in Pakistan.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Indiana (Mr. BURTON), the ranking member on the Foreign Affairs Subcommittee on the Middle East and South Asia.

Mr. BURTON of Indiana. Mr. Speaker, I would like to remind my colleagues who are so hell bent to get the training troops that we have, 230 U.S. troops, helping with the training in Pakistan, out of Pakistan, I'd like to remind them that on 9/11 we were attacked by al Qaeda terrorists, whose head was Osama bin Laden. And Osama bin Laden has been going back and forth across the Afghani/Pakistani border. And there has been training going on with terrorists there, and in Yemen, to try to foment more terrorism and to try to get them to move toward more attacks on the United States of America.

This is a war that we're fighting to protect America, as well as make sure the entire region over there is stable.

Pakistan is a nuclear power. If the Taliban and al Qaeda are successful in taking over that country, can you imagine what the rest of the world would have to deal with with them having the nuclear capability that they would have? That's one of the things we have to talk about.

And without the training, I'd like to point this out, without the training of our troops that are in Pakistan as trainers, the 230 of them, the money that we're using to fight this war against the Taliban and al Qaeda would not be used as effectively and as efficiently because those people have to be trained to use the technology that we're giving them. And you have to have somebody over there that can train them and teach them about what this equipment can and will do.

Now, let me just make a couple of points. First of all, if we cut military ties to Pakistan, it's crazy. The border between Pakistan and Afghanistan just goes all over the place. Nobody can really tell you when you cross the border and go back and forth. So you're going to have some mistakes made in going after the Taliban or al Qaeda terrorists in that region.

And for us to cut aid and assistance to Pakistan at a time when we're trying to win the war and stop terrorism in Afghanistan would be, in my opinion, insane. We need to continue to work with Pakistan, not only for the stability of that country, but to make sure we stop the terrorist training that's taking place.

Now, there's no question we have some differences, some policy differences with the Pakistani Government, but we have differences with a lot of our friends. But we still support them, especially when it's in our national interest to do so. And we are working with them, and helping with the training is extremely important, as I stated a moment ago.

And as I said before, the border between Pakistan and Afghanistan has mountains and valleys, and it's extremely difficult to know where those borders are. And we must not allow the enemy to have sanctuary. That's why it's important for us to train their troops to be able to go after the Taliban and al Qaeda, because if Osama bin Laden can go into Pakistan with impunity, if the terrorists can go in there with impunity, if they can go back and forth across that border, we can never win the war.

To say they can have sanctuary in Pakistan is like saying to a football team, win the game, but don't go beyond the 50-yard line. You cannot let

the enemy have sanctuary. If we didn't learn anything from Vietnam, we should have learned that.

This is an entire breeding ground for terrorism, that border between Pakistan and Afghanistan, part of Pakistan and all of Afghanistan. And because we've been putting so much heat on the Taliban and al Qaeda, they have been moving their training grounds outside of Afghanistan into Yemen and into Pakistan, and that's why we must not allow them to have sanctuary.

And another thing I would like to talk about that has not been mentioned is the rules of engagement. When I was coming in today, I heard on the radio an Afghanistan American soldier who had just gotten back from Afghanistan. And he said, the rules of engagement are crazy. He said, he'll go into a combat situation and he'll have an enemy target, and they'll say, you can't fire on that target unless you get approval from your commanding officer. And he says many times the soldiers who are put in that position will get killed before they get the approval to fire on their targets.

We need to change those rules of engagement so we can go after the enemy, where they are and get the job done. Why should we handcuff our troops when they're in a combat situation? It makes absolutely no sense. That's a recipe for disaster.

So if I were talking to the President or General Petraeus I would say, let the troops do their job. Don't give sanctuary to the enemy. Help the Pakistanis fight them, train the Pakistanis over there. And give our troops the ability, when they hit a target, to be able to go after that target, to knock that target out, and not wait for orders that might endanger their very lives. That's a good way to get all of our troops killed.

We are in a war, not only in that area that's going to decide what's going to go on in the entire Middle East with Iran and Afghanistan and Pakistan, but we're in a war that may very well come back to the United States and hurt us a great deal.

We cannot let the terrorists have the ability, with impunity, to be trained and be ready to attack the United States again or any of our allies. And that's why we, and our allies, must work together to make sure we stop the terrorists from having the ability to feel safe in their training practices in Pakistan, in Afghanistan, Yemen or wherever they are.

This is a war. And it's a war for the survival of many parts of the world and, I believe, including the United States. And so we must do whatever is necessary to win that war.

Mr. KUCINICH. Mr. Speaker, I yield myself 3 minutes.

I want to say to my friend from Indiana, who is my friend and with whom I have served in this Congress for 14 years and whose dedication to our Nation should never be questioned, I want to say to my friend from Indiana that this House Concurrent Resolution does not cut aid to Pakistan. It does not cut assistance to Pakistan.

I will place in the RECORD an account of the direct U.S. Aid and military reimbursements to Pakistan from fiscal year 2002 to fiscal year 2011.

DIRECT OVERT U.S. AID AND MILITARY REIMBURSEMENTS TO PAKISTAN, FY2002–FY2011

[rounded to the nearest millions of dollars]

Program or account	FY2002–FY2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010 (est.)	Program or account total	FY 2011 (req.)
1206	—	—	28	14	56	114	[f]	212	[f]
CN	—	8	24	49	54	47	[f] 38	220	[f]
CSF [a]	[c] 3,121	964	862	731	1,019	[g] 685	[g] 756	[g] 8,138	[g]
FC	—	—	—	—	75	25	—	100	—
FMF	375	299	297	297	298	300	[i] 2981	2,164	296
IMET	3	2	2	2	2	2	5	18	4
INCLE	154	32	38	24	22	88	[i] 170	528	140
NADR	16	8	9	10	10	13	21	87	25
PCF/PCCF	—	—	—	—	—	400	700	1,100	1,200
Total Security-Related	3,669	1,313	1,260	1,127	1,536	[h] 1,674	1,988	12,567	1,665
CSH/GHCS	56	21	28	22	30	33	30	220	67
DA	94	29	38	95	30	—	—	286	—
ESF	[d] 1,003	298	337	[e] 394	347	1,114	[i] 1,277	4,770	1,322
Food Aid [b]	46	32	55	—	50	55	81	319	—
HRDF	3	2	1	11	—	—	—	17	—
IDA	—	—	70	50	50	103	9	282	—
MRA	22	6	10	4	—	60	42	144	—
Total Economic-Related	1,224	388	539	576	507	[h] 1,365	1,439	6,038	1,389
Grand Total	4,893	1,701	1,799	1,703	2,043	[h] 3,039	[i] 3,427	18,605	3,054

Sources: U.S. Departments of State, Defense, and Agriculture; U.S. Agency for International Development

Abbreviations:

1206: Section 1206 of the National Defense Authorization Act (NDAA) for FY2006 (P.L. 109–163, global train and equip)

CN: Countemarcotics Funds (Pentagon budget)

CSF: Coalition Support Funds (Pentagon budget)

CSH: Child Survival and Health (Global Health and Child Survival, or GHCS, from FY2010)

DA: Development Assistance

ESF: Economic Support Funds

FC: Section 1206 of the NDAA for FY2008 (P.L. 110–181, Pakistan Frontier Corp train and equip)

FMF: Foreign Military Financing

HRDF: Human Rights and Democracy Funds

IDA: International Disaster Assistance (Pakistani earthquake and internally displaced persons relief)

IMET: International Military Education and Training

INCLE: International Narcotics Control and Law Enforcement (includes border security)

MRA: Migration and Refugee Assistance

NADR: Nonproliferation, Anti-Terrorism, Demining, and Related (the majority allocated for Pakistan is for anti-terrorism assistance)

PCF/PCCF: Pakistan Counterinsurgency Fund/Counterinsurgency Capability Fund (transferred to State Department oversight in FY2010)

Notes:

[a] CSF is Pentagon funding to reimburse Pakistan for its support of U.S. military operations. It is not officially designated as foreign assistance.

[b] P.L.480 Title I (loans), P.L.480 Title II (grants), and Section 416(b) of the Agricultural Act of 1949, as amended (surplus agricultural commodity donations). Food aid totals do not include freight costs and total allocations are unavailable until the fiscal years's end.

[c] Includes $220 million for FY2002 Peacekeeping Operations reported by the State Department.

[d] Congress authorized Pakistan to use the FY2003 and FY2004 ESF allocations to cancel a total of about $1.5 billion in concessional debt to the U.S. government.

[e] Includes $110 million in Pentagon funds transferred to the State Department for projects in Pakistan's tribal areas (P.L. 110–28).

[f] This funding is "requirements-based;" there are no pre-allocation data.

[g] Congress appropriated $1.2 billion for FY2009 and $1.57 billion for FY2010, and the Administration requested $2 billion for FY2011, in additional CSF for all U.S. coalition partners. Pakistan has in the past received about 80% of such funds. FY2009–FY2011 may thus see an estimated $3.4 billion in additional CSF payments to Pakistan.

[h] Includes a "bridge" ESF appropriation of $150 million (P.L. 110–252), $15 million of which was later transferred to INCLE. Also includes FY2009 supplemental appropriations of $539 million for ESF, $66 million for INCLE, $40 million for MRA, and $2 million for NADR.

[i] The Administration's request for supplemental FY2010 appropriations includes $244 million for ESF, $40 million for INCLE, and $60 million for FMF funds for Pakistan. These amounts are included in the estimated FY2010 total.

In this, it points out the following: that coalition support funds, Pakistan during this period has received $8.11 billion; that with respect to foreign military financing, it has received $2.1 billion; and with respect to economic support funds, it has received $4.7 billion.

□ 1710

I am not advocating that we strike those funds. What I am saying to my friend from Indiana and to others who are concerned about this resolution is that this resolution is about stopping the United States from getting deeper into Pakistan.

Now some Members may feel that we should have troops in Pakistan, and this is the first time we've had this debate because since we do have troops there, we can at least have the debate, which is an appropriate role for Congress.

But my friend from Indiana has raised several important questions. He has talked about Osama bin Laden. The Pakistan ISI, their intelligence, is extraordinary. They're so extraordinary that they can play a double game with the United States. They can ask us to help them go after the Taliban in Pakistan, which we do, while at the same time they aid the Taliban in Afghanistan against our own troops. Now someone who is that slick, who can basically con the United States, you can imagine what's going on in their mind with respect to helping the United States locate Osama bin Laden if in fact he is still alive.

The other thing is, we have to be concerned that wherever we send our troops, that United States occupation fuels insurgencies. This is why we've had the casualties in Iraq. This is why we've had the casualties in Afghanistan. It is why if we continue to expand our footprint in Pakistan, why there will be more U.S. casualties there.

The final thing that I want to answer my friend—and I will yield him time in a minute—he mentioned Vietnam. Prior to the beginning of the Vietnam War, in 1964, U.S. military advisers had been in and around South Vietnam for almost a decade. As the government of South Vietnam grew weaker, the number of military advisers grew in number.

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

Mr. KUCINICH. I yield myself an additional minute.

The U.S. poured billions of dollars of military aid into South Vietnam to prop up the increasingly weak government and prevent the ostensible expansion of communism in the world.

Now does this scenario sound familiar? Well, it should, because it's exactly what is happening in Pakistan and why I am glad that the gentleman from Texas and I have been able to affect this debate.

I yield to my friend.

Mr. BURTON of Indiana. The point I made in my floor statement, I would like to ask you about this. There are 230 military trainers in Pakistan. The men that were killed were there on a training mission. The money that we're giving to Pakistan has to be used efficiently and effectively. If we give them the money and the equipment and they don't know how to use it in the front lines, it's a waste of our money when they're fighting the enemy. And that's why it's important for the 230 military trainers there to be there, to make sure that our tax dollars that are going over there to fight the Taliban and al Qaeda are used effectively and efficiently.

I hope you agree with that.

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

Mr. KUCINICH. I yield myself another half minute.

Reclaiming my time, if the gentleman supports the idea of the U.S. presence in Afghanistan on the ground, then your logic would follow perfectly. However, what I am saying is that following the language of the War Powers Resolution. We've had three troops killed there. The atmosphere for the U.S. in Pakistan is quite hostile. A Gallup poll demonstrated that. People don't want us in their country, as the gentleman from Texas pointed out.

I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from New York (Mr. MCMAHON) will control the time of the gentleman from California.

There was no objection.

Mr. MCMAHON. Thank you, Mr. Speaker. At this time I yield 3 minutes to the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the distinguished manager and I really applaud Congressman KUCINICH for allowing us to come to the floor today and discuss a crucial aspect of America's foreign policy.

Frankly, I believe it is time for us to come home from Afghanistan, having just returned just over 2 weeks ago, in the early part of July, when I was able to see the enormity of corruption and the lack of standing up by the Afghan Government. But I saw the resilience of the United States military and the willingness of the people in Afghanistan to be able to desire a better quality of life. I think that we are now poised to build the Afghan national security forces and to remove our forces from the dangers of the Taliban neighbors who live in Afghanistan, who are not leaving, who have a difference of opinion.

In the instance of Pakistan, I think it is key that we recognize that there are some troubling circumstances. And yes, we do have some questions as relates to the people of Pakistan understanding the great humanitarian work that the American people have done; the work they've done with USAID, the work they've done in helping to build schools, and it is the responsibility of the Pakistan Government to be able to emphasize what the presence of the United States is all about.

I do not want boots on the ground dealing with hostility. We have boots on the ground all around the world, but they're not engaged in hostility. They're providing, if you will, a level of peacekeeping and friendship and cooperation.

Now we need to rid ourselves of the involvement of the ISI in undermining American soldiers in Afghanistan. They cannot be playing around with the Taliban while we are investing treasure. But at the same time Pakistani army or military forces is investing their treasure and we are trying to provide them with the training that is necessary.

I believe that what Congressman KUCINICH has done here is important, and he is absolutely right to be able to have this discussion and to recognize that something is awry. We've got to work together on the humanitarian side to be able to inform the Pakistani people and the Pakistan Parliament and government officials to not run away from the humanitarian work that the United States is doing. We have just passed a multi-billion-dollar bill that is going to work on building and helping to rebuild Pakistan from the education and social and health carewise.

So the training that is being done by our military should be done in a peaceful mode. That should be annunciated by the officials of the Pakistan Government, and they should not run away from the good things that we are doing there.

My concern to be able to acknowledge or affirm that we have troops there under the War Powers Act would suggest that we are there in a hostile manner.

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

Mr. MCMAHON. I yield the gentlelady 1 additional minute.

Ms. JACKSON LEE of Texas. We are perceived with hostility because there has not been a standing up by our friends in Pakistan that we are working collaboratively in a diplomatic manner to enhance the quality of life and to provide for the security, if you will, of the Pakistan people, working with or with their military in the forefront.

So I would argue that we have much work to do in Afghanistan, our troops need to come home, and the technical assistance that is being given to the neighbor Pakistan must be defined as that and not defined as a hostile manner.

I'm looking forward to us clarifying the relationship and ensuring that the Pakistan intelligence is not undermining this diplomatic, civilian-focused effort of our military using training techniques and to be able to cooperate by allowing the Pakistani military to interact with our military for procedures and process. It is clear that we have a very contentious situation in the region; Pakistan, India, Bangladesh.

The SPEAKER pro tempore. The time of the gentlewoman has again expired.

Mr. MCMAHON. I yield the gentlelady an additional 30 seconds.

Ms. JACKSON LEE of Texas. We have a contentious relationship there, but I have great hope as the cochair of the Pakistan Caucus that, working with Pakistani Americans, building on the core of humanitarianism that we are working with with the Pakistan American Foundation that has been developed, that we can overcome the image and the perception the Pakistan

people have that we're not there to work with them to fight the Taliban, to fight against al Qaeda, to fight against Osama bin Laden, and to put them forward trained and equipped to be able to work on behalf of the Pakistan people.

Mr. KUCINICH. Mr. Speaker, I would inquire how much time the respective debaters have here.

The SPEAKER pro tempore. The gentleman from Ohio has 8½ minutes, the gentleman from New York has 2½ minutes, and the gentlewoman from Florida has 1 minute.

Mr. KUCINICH. I yield myself 5 minutes.

In response to the gentlelady's comments about training troops, the U.S. has been training troops in Iraq and Afghanistan for over 7 years now with arguably little or no sign of success; yet we are applying the same failed counterinsurgency strategies in Iraq, Afghanistan and now perhaps Pakistan.

□ 1720

A seemingly endless stream of money, an estimated $1 trillion, has been poured into the destruction of Iraq and Afghanistan. Millions of dollars in taxpayer money spent to prop up a corrupt and unpopular central government and to train local security forces. Yet attacks on the U.S. and allied troops continue to rise. Documents released by WikiLeaks report that Pakistan intelligence service, the ISI, supports Taliban attacks on U.S. forces. This despite an average of $1 billion a year in aid from the U.S.

Now, this raises a broader question, Mr. Speaker, which is really about today in Washington. Can the United States win the war in Afghanistan or hope to have any success there at all if our major ally, Pakistan, through their intelligence agency, is cooperating with the Taliban against our troops in Afghanistan?

Listen to this. Even Afghanistan Government officials are complaining about this.

I refer to an article from Reuters I would like to place in the RECORD. The title of the article, ''Afghanistan questions U.S. silence over Pakistan's role,'' where they are complaining that Pakistan's role in the insurgency is being ignored. And an official of the Afghanistan Security Council, according to Reuters, quote, ''warned that the war would not succeed unless there was a review of Afghan policy by Washington that focuses on Taliban sanctuaries and bases in Pakistan and their supporters.'' Now, when you have things so bad that even in Afghanistan, where the government is hopelessly corrupt, they're complaining about Pakistan, you see the kind of mess we could get into if we expand the footprint of our troops within the border of Pakistan.

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AFGHANISTAN QUESTIONS U.S. SILENCE OVER PAKISTAN'S ROLE

(By Sayed Salahuddin)

KABUL (Reuters)—The United States has pursued a contradictory policy with regard to the Afghan war by ignoring Pakistan's role in the insurgency, the Afghan government said on Tuesday, following the leak of U.S. military documents.

The classified documents released by the organization, WikiLeaks, show current and former members of Pakistan's spy agency were actively collaborating with the Taliban in plotting attacks in Afghanistan.

On Tuesday, in its first reaction to the leak, Afghanistan's National Security Council said the United States had failed to attack the patrons and supporters of the Taliban hiding in Pakistan throughout the nine-year conflict.

''With regret . . . our allies did not show necessary attention about the external support for the international terrorists . . . for the regional stability and global security,'' the council said in a statement.

Afghanistan has long blamed Pakistan for meddling in its affairs, accusing the neighbor of plotting attacks to destabilize it. Islamabad, which has had longstanding ties to the Taliban, denies involvement in the insurgency and says it is a victim of militancy itself.

The National Security Council did not name Pakistan, but said use of terrorism as an instrument of state policy was a dangerous gamble and had to be stopped.

''Having a contradictory and vague policy against the forces who use terrorism as a tool for interference and sabotage against others, have had devastating results,'' it said.

At a news conference later on Tuesday, council head Rangeen Dadfar Spanta was more specific, questioning the billions of dollars in cash aid and milita assistance Washington has given to Pakistan over the years.

''It is really not justifiable for the Afghan people that how come you give to one country $11 billion or more as help for reconstruction or strengthen its security or defensive forces, but from other side the very forces train terrorism,'' he said.

He warned that the war would not succeed unless there was a review of Afghan policy by Washington that focuses on Taliban sanctuaries and bases in Pakistan and their supporters.

Those supporting militants should be punished rather than be treated as an ally, said Spanta, who served for years as foreign minister in President Hamid Karzai's government until last year.

The White House has condemned the WikiLeaks disclosures, saying it could threaten national security. Pakistan said leaking unprocessed reports from the battlefield was irresponsible.

The documents numbering tens of thousands also said that coalition troops had killed hundreds of Afghan civilians in unreported incidents and often sought to cover up the mistakes that have shaken up confidence in the war effort among many in Afghanistan.

On Monday, the Afghan government said it had spoken in private and in public meetings with its Western allies about the need to stop civilian deaths.

''In the past nine years (since Taliban's fall) thousands of citizens of Afghanistan and from our ally countries have become victimised,'' it said.

It's been said early on in this debate that the WikiLeaks documents, 92,000 documents, I don't know who has had the time to read them all, but according to what's been said publicly, that it represents nothing new. Here's the key findings of these WikiLeaks documents that were reported in the New York Times in the last day: a point that our troops have been placed in mortal danger because of poor logistics; that countless innocent civilians have been killed by mistake; that the Afghan government is hopelessly corrupt; that Pakistan intelligence has collaborated with the Taliban against the U.S.; that the Pentagon has understated the firepower of the insurgents; and that a top Pakistani general was visiting a suicide bombing school on a monthly basis.

Now, if this has been going on for years and it's nothing new, you have to ask the question then why in the world weren't we having that debate over the last 6 years? If this is nothing new, why didn't the American people know all about this? Why did it take a document dump by WikiLeaks to suddenly wake up the Congress to say, Hey, wait a minute, the war isn't going the way you thought it was?

I mean it's not only a question of if we knew then what we know now, it's a question that do we remember what we knew then? And why isn't it affecting our policy right now? Why aren't we getting out of Afghanistan? Why are we pretending there is a withdrawal from Iraq if we leave 50,000 troops there? And why in the world would we be in this environment expanding our footprint in Pakistan?

I reserve the balance of my time.

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

Mr. KUCINICH. I would like to ask how much time remains on each side, because I am going to reserve the right to close.

The SPEAKER pro tempore. The gentleman from Ohio has 3½ minutes. The gentleman from New York has 2½ minutes. The gentlewoman from Florida has 1 minute.

Ms. ROS-LEHTINEN. I yield myself the balance of my time.

We all know that the U.S. relationship with Pakistan is one of the most complex and critically important in the world. While significant challenges remain, the U.S. and Pakistan have deepened mutual cooperation against insurgent groups. Counterterrorism cooperation has led to significant losses to al Qaeda's relationship and leadership within Pakistan, with more than half of al Qaeda's senior leaders being killed or captured.

The Pakistani military has undertaken offensives in Swat and South Waziristan, putting sustained pressure on violent militant groups. The U.S. and Pakistan have also commenced a strategic dialogue, which has expanded cooperation on a wide range of critical issues.

Even with these positive trends, the U.S. must continue to press the Pakistani Government, particularly its

military and intelligence services, to continue their strategic shift against extremists and stay on the offensive.

Mr. Speaker, the U.S. needs to maintain steadiness in purpose in Pakistan, and I therefore urge the defeat of this dangerous resolution.

GENERAL LEAVE

Mr. KUCINICH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material into the RECORD on House Concurrent Resolution 301.

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

There was no objection.

Mr. KUCINICH. I continue to reserve.

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

I will just conclude by applauding the gentleman from Ohio for his passion and concern for our men and women in uniform, and certainly for the foreign policy of this Nation, even though I join in disagreement of his position with my colleague, the gentlelady from Florida, the ranking member of the House Foreign Affairs Committee.

I think it's quite clear to anyone that America's relationship with Pakistan is one that is fraught with uncertainty, cloudiness, and opaqueness. It's been clear since 1979, when the American embassy was stormed in Islamabad, and we realized that there are many different layers to this onion which is the society of Pakistan.

That being said, however, we know from the many Pakistani Americans who live in our districts, who have come to this country that these are people, both here in this country and in Pakistan, who want to have in the majority a strong relationship with America. And that's why it's so important, Mr. Speaker, that we have these boots on the ground, as we said, these few hundred military personnel, who are making sure that not only our counter-insurgency funds, but also our civil funds that go to this country are used in the right way.

We are not engaged in hostilities in Pakistan, and therefore this resolution is misguided. It is dangerous. It sends the wrong message. For those reasons, Mr. Speaker, I urge all of my colleagues in this House to oppose it.

I yield back the balance of my time.

Mr. KUCINICH. In closing, I want to thank the gentlelady from Florida for her commitment to this debate and for her passion to make sure American foreign policy always receives a very strong and ringing endorsement. I want to thank the gentleman from New York and also the gentleman from California for this. And I want to thank Mr. PAUL, who has been a very powerful voice in this country to talk about the limitations of power.

People have been asking why this resolution and why now? Because I strongly believe that we should nip in the bud an expansion of U.S. ground presence in Pakistan.

□ 1730

We need to do this to keep our troops out of harm's way. Now, it's no secret the administration ordered hundreds of drone attacks in Pakistan just this year resulting in the deaths of hundreds of innocent civilians. It's not been widely discussed until today that we had over 120 U.S. military in the country ''training'' Pakistani security forces. We have to appreciate the Wall Street Journal's reporting on this where they covered the fact that there was an increase in the U.S. forces in Pakistan who are there to train Pakistan military forces, and it's a force comprised of the tribal regions.

I want to say that the recent reports released by WikiLeaks and published in The New York Times and the Guardian on the war in Afghanistan confirmed to us what we already know: that 9 years on we're still uncovering an abundance of information that our presence in Afghanistan is counterproductive. And now we want to further expand attacks, drone attacks in the presence of U.S. Special Forces in Pakistan?

The WikiLeaks reports also reveal that while we're in Pakistan spending billions to support them in their efforts to fight, to reshape their environment and also to fight the Pakistani Taliban, Pakistan is in Afghanistan to help the Taliban fight us.

Now, regardless of one's support for or opposition to the way that the global war on terror has unfolded, this resolution has been about securing an open and meaningful debate, about the expansion of war into Pakistan.

Mr. Speaker, Article I, section 8 puts very firmly in the hands of Congress the war powers. We have seen a series of imperial Presidencies and some that were not so imperial but, nevertheless, took this war power as their own, basically nullifying the position of Congress that has been with us since the founding of this country that it's Congress that's supposed to restrain the dog of war. This resolution is the way to put Congress back into the debate over whether or not America commits troops anywhere in the world.

I support the President, but I don't support sending more troops, for whatever reason, into Pakistan. I don't support sending more troops into Afghanistan. I don't support sending more troops into Iraq. I support bringing them home. That's the way you can support the troops, in my view. Other Members here, in conscience and rightly, understanding the world in a different way, have a different point of view. I respect that. But it's time that Congress has a say in this.

Mr. SKELTON. Mr. Speaker, the Kucinich Resolution is the wrong answer to the wrong question at the wrong time. It directs the U.S. under the War Powers Act to withdraw from a country where we are not in fact fighting a ''war,'' a country where the desperately needed assistance we are providing is fundamental to protecting the Homeland at a time when Pakistan is now aggressively fighting our common enemy.

Here are the facts: we currently have less than 250 troops in Pakistan, and they are there only to train and equip Pakistan's security forces—not to fight. These troops report to the U.S. embassy and work with the full knowledge, permission, and support of Pakistan's civilian government. U.S. forces in Pakistan have nothing to do with alleged drone attacks against terrorists in Pakistan's Federally Administered Tribal Area (FATA), and this resolution would have no impact on those.

Pakistan is now aggressively fighting terrorists. In fact, it was Pakistani forces who, earlier this year, captured the Taliban's second-in-command—the most significant capture since the start of the war. The Pakistan Army has suffered enormous casualties in this fight during the last year. We should not be confused by outdated, leaked information that doesn't reflect Pakistan's decision to truly take on the Taliban in 2009.

I urge my colleagues to vote against this fatally flawed resolution.

Mr. STARK. Mr. Speaker, I rise today to urge my colleagues to support H. Con. Res. 301, calling on the President to withdraw U.S. Troops from Pakistan, and oppose H.R. 4899, the supplemental spending bill.

The right way to foster democracy and opportunity in the region is to invest in infrastructure like schools and roads. The book ''Stones into Schools'' details how building schools in remote regions of Afghanistan and Pakistan opened up opportunities for young men and women, and helped promote peace. This is the type of aid we should be giving—not tanks and missiles.

H. Con. Res. 301 would take a step in the right direction. With drone attacks killing civilians in Pakistan, a Gallup poll from August 2009 shows that 59 percent of Pakistanis see the United States as their biggest threat. The recent documents posted on WikiLeaks show that Pakistan Intelligence has been working with the Taliban against U.S. troops. We need to stop aggressive military actions in Pakistan before the conflict escalates.

The supplemental spending bill is the wrong approach. It would add $37 billion to the deficit to finance an additional 30,000 troops in Afghanistan. After nine years at war, we have little to show for our efforts despite $232 billion spent, over a thousand American lives lost, and tens of thousands of Afghan civilians dead.

I urge my colleagues to stand for peace, vote for H. Con. Res. 301 to withdraw U.S. troops from Pakistan, and vote against the supplemental spending bill.

Mr. DINGELL. Mr. Speaker, I rise in opposition to H. Con. Res. 301, which would direct the President to withdraw U.S. Armed Forces from Pakistan within 30 days or, if the President deems it not safe within 30 days, to withdraw the troops by December 31, 2010.

Let me state unequivocally, I strongly support a vigorous debate on this matter, especially in light of the documents made available by WikiLeaks. I worry about leaks of classified information, especially when leaks could put our nation and our troops in harm's way. That said, the documents appear to make clear what we already knew, we are involved in a very messy and difficult war in the region.

This is something that President Obama realized when he ordered a new strategy in Afghanistan. For eight years I called on President George W. Bush to increase our resources devoted to the War in Afghanistan,

which I don't need remind anyone is the nation from which the September 11th attacks were launched. There were many others arguing the same thing. Finally, with President Obama we got serious policy review and a real strategy. It has been just 18 months since the President's speech at West Point which aptly reminded the nation that a very real threat still exists. Moreover, the additional 30,000 troops called for in that speech will not be fully deployed until September. It would be a mistake to abandon the President's plan now before we allow time for the plan to work. To do so could jeopardize the lives of our American troops.

Mr. BLUMENAUER. Mr. Speaker, I appreciate my colleagues raising the issue of Congressional oversight in Afghanistan and Pakistan and the debate here today. I share their deep reservations about our engagement in the region, though I disagree with their invocation of the War Powers Act in this case. In fact, the targeted cooperation and training that U.S. Special Forces are said to be conducting in the mountainous border area of Pakistan will likely do more to help us in the long run than doubling down with a troop surge in Afghanistan.

Though I cannot support this resolution, I support the spirit of oversight and accountability behind it. Because I believe our strategy in Afghanistan is fundamentally flawed and cannot succeed without a credible partner in the Afghan government, I hope we can have a serious and vigorous debate about this—the real issue—in the coming months.

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

The SPEAKER pro tempore. Pursuant to House Resolution 1556, the previous question is ordered.

The question is on the concurrent resolution.

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

Mr. KUCINICH. 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, this 15-minute vote on adopting House Concurrent Resolution 301 will be followed by 5-minute votes on suspending the rules with regard to H.R. 4899 and H.R. 4748.

The vote was taken by electronic device, and there were—yeas 38, nays 372, answered ''present'' 4, not voting 18, as follows:

[Roll No. 473]

YEAS—38

Baldwin
Campbell
Clarke
Clay
Cleaver
Davis (IL)
Delahunt
Duncan
Edwards (MD)
Ellison
Farr
Filner
Grijalva
Gutierrez
Jackson (IL)
Johnson (IL)
Jones
Kucinich
Lee (CA)
Lewis (GA)
Lofgren, Zoe
Maffei
McDermott
Miller, George
Napolitano
Ortiz
Paul
Pingree (ME)
Quigley
Rohrabacher
Rush
Sánchez, Linda T.
Serrano
Sires
Stark
Towns
Velázquez
Woolsey

NAYS—372

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Fattah
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Owens
Pallone
Pascrell
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)

ANSWERED ''PRESENT''—4

Bartlett
Honda
Shea-Porter
Slaughter

NOT VOTING—18

Akin
Carson (IN)
Clyburn
Conyers
Graves (MO)
Grayson
Heller
Jackson Lee (TX)
King (IA)
Meek (FL)
Moran (KS)
Pastor (AZ)
Payne
Radanovich
Tiahrt
Waters
Watson
Young (FL)

□ 1800

Ms. KILPATRICK of Michigan, Messrs. COSTA, SCHRADER, WALZ, SCOTT of Georgia, SESTAK, RANGEL, Ms. WASSERMAN SCHULTZ, Mr. CARDOZA, and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from ''yea'' to ''nay.''

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

Ms. SHEA-PORTER changed her vote from ''nay'' to ''present.''

So the concurrent resolution was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. PASTOR. Mr. Speaker, during rollcall vote No. 473 on H. Con. Res. 301, I was unavoidably detained. Had I been present, I would have voted "no."

Mr. KING of Iowa. Mr. Speaker, on rollcall No. 473, had I voted I would have voted "no" on the bill that opposes the mission of our troops and our foreign policy.

SUPPLEMENTAL APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules, recede from the House amendment to the Senate amendment to the bill (H.R. 4899) making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes, and concur in the Senate amendment, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. OBEY) that the House suspend the rules, recede from the House amendment to the Senate amendment, and concur in the Senate amendment.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 308, nays 114, not voting 10, as follows:

[Roll No. 474]

YEAS—308

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carter
Cassidy
Castle
Chandler
Childers
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Courtney
Crenshaw
Critz
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
DeGette
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Donnelly (IN)
Dreier
Driehaus
Edwards (TX)
Ellsworth
Emerson
Engel
Etheridge
Fallin
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hodes
Hoekstra
Holden
Hoyer
Hunter
Inglis
Israel
Issa
Jenkins
Johnson, Sam
Jordan (OH)
Kanjorski
Kennedy
Kildee
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)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Markey (CO)
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Ortiz
Owens
Pascrell
Pastor (AZ)
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sarbanes
Scalise
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiberi
Titus
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Yarmuth
Young (AK)

NAYS—114

Baldwin
Becerra
Blumenauer
Broun (GA)
Brown, Corrine
Campbell
Capuano
Castor (FL)
Chaffetz
Chu
Clarke
Clay
Cleaver
Cohen
Conyers
Costello
Crowley
Cummings
Davis (IL)
DeFazio
Delahunt
DeLauro
Doggett
Doyle
Duncan
Edwards (MD)
Ehlers
Ellison
Eshoo
Farr
Fattah
Filner
Flake
Frank (MA)
Fudge
Garamendi
Gingrey (GA)
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hirono
Holt
Honda
Inslee
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kaptur
Kilpatrick (MI)
Kucinich
Larson (CT)
Lee (CA)
Lewis (GA)
Linder
Lofgren, Zoe
Maffei
Maloney
Markey (MA)
Matsui
McCollum
McDermott
McGovern
Meeks (NY)
Michaud
Miller, George
Moore (WI)
Moran (VA)
Murphy (CT)
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Paul
Payne
Pingree (ME)
Polis (CO)
Quigley
Rangel
Richardson
Rohrabacher
Rush
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schrader
Scott (VA)
Serrano
Shea-Porter
Slaughter
Speier
Stark
Stupak
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Velázquez
Waters
Watt
Waxman
Weiner
Welch
Woolsey
Wu

NOT VOTING—10

Akin
Carson (IN)
Graves (MO)
Grayson
Heller
Meek (FL)
Moran (KS)
Tiahrt
Watson
Young (FL)

□ 1811

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

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GRAYSON. Mr. Speaker, I would have voted "yes" on rollcall No. 473 and "no" on No. 474. I was unable to vote on these rollcall votes because of a personal issue concerning one of my children.

NORTHERN BORDER COUNTERNARCOTICS STRATEGY ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4748) to amend the Office of National Drug Control Policy Reauthorization Act of 2006 to require a northern border counternarcotics strategy, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 19, as follows:

[Roll No. 475]

YEAS—413

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
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
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Hensarling
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
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)
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack

Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
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)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—19

Akin
Buyer
Castor (FL)
Cole
Fallin
Graves (MO)
Heller
Herger
Hinchey
Hoekstra
Latham
Loebsack
Meek (FL)
Moran (KS)
Radanovich
Tiahrt
Watson
Wilson (OH)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1819

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. AKIN. Mr. Speaker, on July 27, 2010, I was absent from the House and missed rollcall votes 473, 474, and 475.

Had I been present, I would have voted "no" on rollcall 473, "yes" on rollcall 474, and "yes" on rollcall 475.

PERSONAL EXPLANATION

Ms. JACKSON LEE of Texas. Mr. Speaker, on H. Con. Res. 301, rollcall 473, I was unavoidably detained in a hearing. Had I been present, I would have voted "no."

CORRECTION TO APPOINTMENT AS MEMBER TO COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

The SPEAKER pro tempore (Mr. DEUTCH). Pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431), and the order of the House of January 6, 2009, the Chair announces the following correction to the Speaker's appointment of June 23, 2010, of the following Member on the part of the House to the Commission on International Religious Freedom:

Upon the recommendation of the minority leader:

Mr. Ted Van Der Meid, Rochester, New York, for a 2-year term ending May 14, 2012, to succeed Ms. Felice Gaer.

APPOINTMENT AS MEMBER TO COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

The SPEAKER pro tempore. Pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Member on the part of the House to the Commission on International Religious Freedom:

Upon the recommendation of the minority leader:

Ms. Nina Shea, Washington, D.C., for a 2-year term ending May 14, 2012, to succeed herself.

□ 1820

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

SECURING THE PROTECTION OF OUR ENDURING AND ESTABLISHED CONSTITUTIONAL HERITAGE ACT

Mr. COHEN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2765) to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments and certain foreign judgments against the providers of interactive computer services.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Securing the Protection of our Enduring and Established Constitutional Heritage Act" or the "SPEECH Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The freedom of speech and the press is enshrined in the first amendment to the Constitution, and is necessary to promote the vigorous dialogue necessary to shape public policy in a representative democracy.

(2) Some persons are obstructing the free expression rights of United States authors and publishers, and in turn chilling the first amendment to the Constitution of the United States interest of the citizenry in receiving information on matters of importance, by seeking out foreign jurisdictions that do not provide the full extent of free-speech protections to authors and publishers that are available in the United States, and suing a United States author or publisher in that foreign jurisdiction.

(3) These foreign defamation lawsuits not only suppress the free speech rights of the defendants to the suit, but inhibit other written speech that might otherwise have been written or published but for the fear of a foreign lawsuit.

(4) The threat of the libel laws of some foreign countries is so dramatic that the United Nations Human Rights Committee examined the issue and indicated that in some instances the law of libel has served to discourage critical media reporting on matters of serious public interest, adversely affecting the ability of scholars and journalists to publish their work. The advent of the internet and the international distribution of foreign media also create the danger that one country's unduly restrictive libel law will affect freedom of expression worldwide on matters of valid public interest.

(5) Governments and courts of foreign countries scattered around the world have failed to curtail this practice of permitting libel lawsuits against United States persons within their courts, and foreign libel judgments inconsistent with United States first amendment protections are increasingly common.

SEC. 3. RECOGNITION OF FOREIGN DEFAMATION JUDGMENTS.

(a) IN GENERAL.—Part VI of title 28, United States Code, is amended by adding at the end the following:

"CHAPTER 181—FOREIGN JUDGMENTS

"Sec.
"4101. Definitions.
"4102. Recognition of foreign defamation judgments.
"4103. Removal.
"4104. Declaratory judgments.
"4105. Attorney's fees.

"§ 4101. Definitions

"In this chapter:

"(1) DEFAMATION.—The term 'defamation' means any action or other proceeding for defamation, libel, slander, or similar claim alleging that forms of speech are false, have caused damage to reputation or emotional distress, have presented any person in a false light, or have resulted in criticism, dishonor, or condemnation of any person.

"(2) DOMESTIC COURT.—The term 'domestic court' means a Federal court or a court of any State.

"(3) FOREIGN COURT.—The term 'foreign court' means a court, administrative body, or other tribunal of a foreign country.

''(4) FOREIGN JUDGMENT.—The term 'foreign judgment' means a final judgment rendered by a foreign court.

''(5) STATE.—The term 'State' means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

''(6) UNITED STATES PERSON.—The term 'United States person' means—

''(A) a United States citizen;

''(B) an alien lawfully admitted for permanent residence to the United States;

''(C) an alien lawfully residing in the United States at the time that the speech that is the subject of the foreign defamation action was researched, prepared, or disseminated; or

''(D) a business entity incorporated in, or with its primary location or place of operation in, the United States.

''§ 4102. Recognition of foreign defamation judgments

''(a) FIRST AMENDMENT CONSIDERATIONS.—

''(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, a domestic court shall not recognize or enforce a foreign judgment for defamation unless the domestic court determines that—

''(A) the defamation law applied in the foreign court's adjudication provided at least as much protection for freedom of speech and press in that case as would be provided by the first amendment to the Constitution of the United States and by the constitution and law of the State in which the domestic court is located; or

''(B) even if the defamation law applied in the foreign court's adjudication did not provide as much protection for freedom of speech and press as the first amendment to the Constitution of the United States and the constitution and law of the State, the party opposing recognition or enforcement of that foreign judgment would have been found liable for defamation by a domestic court applying the first amendment to the Constitution of the United States and the constitution and law of the State in which the domestic court is located.

''(2) BURDEN OF ESTABLISHING APPLICATION OF DEFAMATION LAWS.—The party seeking recognition or enforcement of the foreign judgment shall bear the burden of making the showings required under subparagraph (A) or (B).

''(b) JURISDICTIONAL CONSIDERATIONS.—

''(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, a domestic court shall not recognize or enforce a foreign judgment for defamation unless the domestic court determines that the exercise of personal jurisdiction by the foreign court comported with the due process requirements that are imposed on domestic courts by the Constitution of the United States.

''(2) BURDEN OF ESTABLISHING EXERCISE OF JURISDICTION.—The party seeking recognition or enforcement of the foreign judgment shall bear the burden of making the showing that the foreign court's exercise of personal jurisdiction comported with the due process requirements that are imposed on domestic courts by the Constitution of the United States.

''(c) JUDGMENT AGAINST PROVIDER OF INTERACTIVE COMPUTER SERVICE.—

''(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, a domestic court shall not recognize or enforce a foreign judgment for defamation against the provider of an interactive computer service, as defined in section 230 of the Communications Act of 1934 (47 U.S.C. 230) unless the domestic court determines that the judgment would be consistent with section 230 if the information that is the subject of such judgment had been provided in the United States.

''(2) BURDEN OF ESTABLISHING CONSISTENCY OF JUDGMENT.—The party seeking recognition or enforcement of the foreign judgment shall bear the burden of establishing that the judgment is consistent with section 230.

''(d) APPEARANCES NOT A BAR.—An appearance by a party in a foreign court rendering a foreign judgment to which this section applies shall not deprive such party of the right to oppose the recognition or enforcement of the judgment under this section, or represent a waiver of any jurisdictional claims.

''(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

''(1) affect the enforceability of any foreign judgment other than a foreign judgment for defamation; or

''(2) limit the applicability of section 230 of the Communications Act of 1934 (47 U.S.C. 230) to causes of action for defamation.

''§ 4103. Removal

''In addition to removal allowed under section 1441, any action brought in a State domestic court to enforce a foreign judgment for defamation in which—

''(1) any plaintiff is a citizen of a State different from any defendant;

''(2) any plaintiff is a foreign state or a citizen or subject of a foreign state and any defendant is a citizen of a State; or

''(3) any plaintiff is a citizen of a State and any defendant is a foreign state or citizen or subject of a foreign state,

may be removed by any defendant to the district court of the United States for the district and division embracing the place where such action is pending without regard to the amount in controversy between the parties.

''§ 4104. Declaratory judgments

''(a) CAUSE OF ACTION.—

''(1) IN GENERAL.—Any United States person against whom a foreign judgment is entered on the basis of the content of any writing, utterance, or other speech by that person that has been published, may bring an action in district court, under section 2201(a), for a declaration that the foreign judgment is repugnant to the Constitution or laws of the United States. For the purposes of this paragraph, a judgment is repugnant to the Constitution or laws of the United States if it would not be enforceable under section 4102 (a), (b), or (c).

''(2) BURDEN OF ESTABLISHING UNENFORCEABILITY OF JUDGMENT.—The party bringing an action under paragraph (1) shall bear the burden of establishing that the foreign judgment would not be enforceable under section 4102 (a), (b), or (c).

''(b) NATIONWIDE SERVICE OF PROCESS.—Where an action under this section is brought in a district court of the United States, process may be served in the judicial district where the case is brought or any other judicial district of the United States where the defendant may be found, resides, has an agent, or transacts business.

''§ 4105. Attorneys' fees

''In any action brought in a domestic court to enforce a foreign judgment for defamation, including any such action removed from State court to Federal court, the domestic court shall, absent exceptional circumstances, allow the party opposing recognition or enforcement of the judgment a reasonable attorney's fee if such party prevails in the action on a ground specified in section 4102 (a), (b), or (c).''.

(b) SENSE OF CONGRESS.—It is the Sense of the Congress that for the purpose of pleading a cause of action for a declaratory judgment, a foreign judgment for defamation or any similar offense as described under chapter 181 of title 28, United States Code, (as added by this Act) shall constitute a case of actual controversy under section 2201(a) of title 28, United States Code.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part VI of title 28, United States Code, is amended by adding at the end the following:

''181. Foreign judgments ..... 4101.''.

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

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

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

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

There was no objection.

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

Earlier this Congress, I introduced, together with Congressman DARRELL ISSA, H.R. 2765, to protect Americans' First Amendment rights against the threat posed by libel tourism, a new term in our vocabulary. The House passed that bill by voice vote under suspension of the rules. The 110th Congress had also passed that bill in this House as well.

Last week, the Senate passed, by unanimous consent, an amended version of H.R. 2765, named the Securing the Protection of our Enduring and Established Constitutional Heritage Act, or SPEECH. We consider the Senate version today.

Libel tourism is the name given to the practice of doing an end-run around the First Amendment by suing American authors and publishers for defamation in the courts of certain foreign countries with defamation laws that don't accord the same respect to free speech values as we do. Britain is a nation that particularly is a situs for these actions.

While we generally share a proud common law legal tradition with the United Kingdom, it is also true that the United Kingdom has laws that disfavor speech critical of public officials and public figures, contrary to our own constitutional tradition. As a result, the United Kingdom has become the favorite destination for libel tourists.

British defamation laws lack the constitutionally mandated speech-protective elements of U.S. law. For example, in contrast to U.S. law, British law presumes the defendant is wrong and places the burden on the defendant to prove the truth of her allegedly defamatory statement.

This feature of British law has brought condemnation, not only from American defenders of free speech, but also from the United Nations, and even from some members of the British Parliament.

In addition to Britain's substantive defamation law, features of Britain's procedural law tend to facilitate libel tourism, especially when it comes to the exercise of personal jurisdiction over a defamation defendant.

Under their more expansive standard, British courts have been quick to take jurisdiction over an American defendant whose book, magazine or newspaper, though principally, or even exclusively, distributed in the United

States, reaches even just a handful of readers in the United Kingdom, or whose Internet site, though based in the United States, is visited by someone in the UK.

Particular concerns have been raised that, as a result of British courts' expansive exercise of jurisdiction in libel cases, the Internet has rendered American authors and publishers especially vulnerable to libel suits in Britain.

As one commentator has described the situation: ''In the Internet age, the British libel laws can bite you no matter where you live.''

The Senate amendment to H.R. 2765 builds on the version of my bill that passed the House earlier this Congress, maintaining its core elements. Like the original bill, the Senate language prohibits U.S. courts from recognizing or enforcing foreign defamation judgments that are inconsistent with the First Amendment or do not comport with our due process requirements.

The Senate language also continues to prohibit the enforcement of a foreign defamation judgment against an interactive computer service if the claim of the party opposing enforcement in the judgment is inconsistent with section 230 of the Communications Act of 1934.

The purpose of this provision is to ensure that libel tourists do not attempt to chill speech by suing a third-party interactive computer service, rather than the actual author of the offending statement.

In such circumstances, the service provider would likely take down the allegedly offending material rather than face a lawsuit. Providing immunity removes this unhealthy incentive to take down material under improper pressure.

The Senate language enhances an existing attorneys' fee provision so that a court would now be required, absent exceptional circumstances, to award attorneys' fees to the party resisting enforcement of the foreign judgement if that party prevails. That provision was added in committee this year to put more teeth in the bill.

The purpose of the provision is to dissuade libel tourists from putting American authors and publishers through the burden and expense of defending a meritless enforcement action and to compensate authors and publishers when they are forced to do so.

The most significant change made by the Senate, which I support, is the addition of a declaratory judgment remedy for a U.S.-based author or publisher who is the target of a foreign defamation judgment.

This provision would allow the U.S.-based party against whom a foreign defamation judgment is entered to seek a declaratory judgment in Federal court, finding that the foreign judgment is repugnant to the Constitution or laws of the United States under one of the grounds listed in the bill.

The declaratory judgment remedy provides an added measure of protection for the free speech rights of American authors and publishers.

Last Thursday, The New York Times hailed the passage of this bill by the Senate, where it was sponsored by Senator LEAHY, as a great move forward for First Amendment rights that are so important to our American way of life.

I thank Judiciary Committee Chairman JOHN CONYERS, Ranking Member LAMAR SMITH, the members of the Judiciary Committee, and the cosponsors of this bill for their support.

And I greatly thank Senators PATRICK LEAHY, JEFF SESSIONS and ARLEN SPECTER for their longstanding and committed leadership on this issue. And I should say particularly, Senator LEAHY, such a gentleman, in moving this bill forward.

I urge my colleagues to support this legislation.

[From The New York Times, July 22, 2010]

A VICTORY FOR WRITING

It is a rare achievement these days for the Senate to pass anything of real substance by a unanimous vote. But an important bill that protects Americans from the whims of foreign libel judgments was passed earlier this week by unanimous consent. Once it passes the House and is signed into law, it will provide a safeguard to authors and publishers threatened with ruinous foreign judgments.

In the United States, a plaintiff alleging libel must prove that a statement is false and defamatory, and public figures have to show that a writer acted with actual malice in making a false statement. But these protections, rooted in the First Amendment, do not exist in places like Britain, Australia and Singapore, where the burden is often on the author, once accused of libel, to show that a statement is true.

To sidestep American protections, subjects of books have sued publishers and authors in British courts where they have a better chance of winning. The practice, known as libel tourism, counts on a system in which American courts will enforce British fines and penalties.

The bill passed by the Senate on Monday would prohibit American courts from enforcing foreign defamation judgments if the judgments are inconsistent with First Amendment protections. In other words, if a British court finds that an American author has committed libel but has not conducted the trial with the same legal standards as an American court, the judgment against the author would be void in the United States. Americans who are found overseas to have committed libel can also sue in federal court to have that judgment found to be ''repugnant to the Constitution'' or American law.

These kinds of cases have come up far too often. One of the best known examples was that of Rachel Ehrenfeld, who wrote a 2003 book called ''Funding Evil: How Terrorism Is Financed—and How to Stop It,'' that accused a Saudi businessman, Khalid bin Mahfouz, of providing financial support to Al Qaeda before the Sept. 11, 2001, attacks. After Mr. Mahfouz sued for libel in Britain—a charge that Ms. Ehrenfeld refused to defend—a British judge ordered her to pay £10,000 each to Mr. Mahfouz and his two sons, and more than £100,000 in legal costs, a total equaling about $230,000 at the time. She refused to pay, and the case led the New York State Legislature to pass a bill similar to the Speech Act in 2008.

The House has already passed a similar bill and is expected shortly to support the version approved by the Senate, giving authors in the rest of the country the same protections that exist in New York. The next step is for the new British government to take the hint and follow through on the promise it made earlier this month to review and overhaul its libel laws. No one in either country wins if writers cannot express themselves freely.

I reserve the balance of my time.

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

Mr. Speaker, Thomas Jefferson observed that ''the only security of all is in a free press. The agitation it produces must be submitted to. It is necessary to keep the waters pure.''

It's safe to say that Jefferson would not take kindly to libel tourists, the subject of H.R. 2765.

In the wake of 9/11, the American media has become increasingly alarmed over a phenomenon called libel tourism. Libel tourism is the practice of suing for libel in a country with weaker free speech protections than the United States. Surprisingly, most of these suits are filed in Great Britain as its libel and slander laws provide great writers and journalists less protection than those here in the United States system.

So how do courts handle foreign judgments that clash with the American legal values?

A foreign ruling will not be enforced in a U.S. course if the ruling offends State public policy or the Constitution.

The House version of H.R. 2765, which we passed unanimously in June 2009, contains three major provisions. First, it states that a U.S. court, either State or Federal, shall not enforce a foreign judgment for defamation if the judgment is inconsistent with the First Amendment.

Second, it clarifies that a foreign ruling denying an American citizen due process guarantees will also not be enforced.

And, third, H.R. 2765 prevents enforcement of foreign rulings that conflict with the U.S. telecommunications law that protects consumers' rights to criticize corporate misconduct on Internet bulletin boards.

□ 1830

This version, as amended by the Senate, includes essential provisions to help deter libel tourists from bringing these suits in the first place. Among these is a feature that allows a U.S. citizen who loses a foreign suit to bring a declaratory action in Federal court to determine whether the foreign verdict is ''repugnant to the Constitution or the laws of the United States.''

Mr. Speaker, this bipartisan legislation provides appropriate and necessary protection for U.S. journalists and authors and represents the strongest policy response to libel tourism. The issue has been thoroughly considered by the House Judiciary Committee. I urge the Members to support H.R. 2765 as amended by the other body.

I reserve the balance of my time.

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

I just want to reflect on the fact that this bill probably couldn't have gotten as far as it had without the outstanding work of the gentleman from Massachusetts (Mr. DELAHUNT). The gentleman from Massachusetts has been an invaluable member of the Judiciary Committee for many years, contributed much to First Amendment rights, and participated as the vice chairman of the Commercial and Administrative Law subcommittee this year, an invaluable role that he actively engaged in.

On this bill in particular, he was very instrumental in its passage. I thank him for his service on this particular bill and in general. All the publishers and the authors also should know that the gentleman from Massachusetts was very involved in this bill.

With that, I would like to reserve the balance of my time for the purpose of closing.

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

Mr. COHEN. Mr. Speaker, it is with great pleasure that this bill comes to a conclusion. We passed this in the 110th Congress, we couldn't get the Senate to agree on the language, and we did it in this Congress. It was a victory for writing, said the New York Times, a rare achievement for the Senate to pass this particular bill by a unanimous vote. It was an important bill that protects Americans from the whims of foreign libel judgments. This bill will safeguard authors and publishers threatened with ruinous foreign judgments. These particular First Amendment rights have been jeopardized in places like Britain, Australia and Singapore where the burden was shifted.

So it is important, as the New York Times suggested in what is an outstanding editorial endorsing and praising the passage of this bill, mentioning Ms. Rachel Ehrenfeld who wrote a 2003 book ''Funding Evil: How Terrorism is Financed—and How to Stop It,'' where she was the object of a libel tourism action by an individual that got a judgment against her which was improper. She has been a very active and important citizen in seeing that this bill was passed along with the publishers over the years.

It's important that we pass this. The New York Times editorial was so complete, it only failed to mention Mr. DELAHUNT's role in the passage of the bill. I wish it would have. With that, I would ask for the unanimous passage of the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2765.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

NATIONAL CRIMINAL JUSTICE COMMISSION ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5143) to establish the National Criminal Justice Commission, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5143

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 ''National Criminal Justice Commission Act of 2010''.

SEC. 2. FINDINGS.

Congress finds that—

(1) it is in the interest of the Nation to establish a commission to undertake a comprehensive review of the criminal justice system;

(2) there has not been a comprehensive study since the President's Commission on Law Enforcement and Administration of Justice was established in 1965;

(3) that commission, in a span of 18 months, produced a comprehensive report entitled ''The Challenge of Crime in a Free Society,'' which contained 200 specific recommendations on all aspects of the criminal justice system involving Federal, State, tribal, and local governments, civic organizations, religious institutions, business groups, and individual citizens; and

(4) developments over the intervening 45 years require once again that Federal, State, tribal, and local governments, civic organizations, religious institutions, business groups, and individual citizens come together to review evidence and consider how to improve the criminal justice system.

SEC. 3. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the ''National Criminal Justice Commission'' (referred to in this Act as the ''Commission'').

SEC. 4. PURPOSE OF THE COMMISSION.

The Commission shall undertake a comprehensive review of the criminal justice system, encompassing current Federal, State, local, and tribal criminal justice policies and practices, and make reform recommendations for the President, Congress, State, local, and tribal governments.

SEC. 5. REVIEW AND RECOMMENDATIONS.

(a) GENERAL REVIEW.—The Commission shall undertake a comprehensive review of all areas of the criminal justice system, including Federal, State, local, and tribal governments' criminal justice costs, practices, and policies.

(b) FINDINGS AND RECOMMENDATIONS.—After conducting a review of the United States criminal justice system as required by section 5(a), the Commission shall make findings regarding such review and recommendations for changes in oversight, policies, practices, and laws designed to prevent, deter, and reduce crime and violence, reduce recidivism, improve cost-effectiveness, and ensure the interests of justice at every step of the criminal justice system.

(c) REPORT ADVISORY IN NATURE.—No finding or recommendation made by the Commission in its report shall be binding on any Federal, State, Tribal, or local unit of government. The findings and recommendations of the Commission are advisory in nature.

(d) STATE AND LOCAL GOVERNMENT.—In making its recommendations, the Commission should consider the financial and human resources of State and local governments. Recommendations shall not infringe on the legitimate rights of the States to determine their own criminal laws or the enforcement of such laws.

(e) PUBLIC HEARINGS.—The Commission shall conduct public hearings in various locations around the United States.

(f) CONSULTATION WITH GOVERNMENT AND NONGOVERNMENT REPRESENTATIVES.—

(1) IN GENERAL.—The Commission shall—

(A) closely consult with Federal, State, local, and tribal government and nongovernmental leaders, including State, local, and tribal law enforcement officials, legislators, public health officials, judges, court administrators, prosecutors, defense counsel, victims' rights organizations, probation and parole officials, criminal justice planners, criminologists, civil rights and liberties organizations, formerly incarcerated individuals, professional organizations, and corrections officials; and

(B) include in the final report required by subsection (g) summaries of the input and recommendations of these leaders.

(2) UNITED STATES SENTENCING COMMISSION.—To the extent the review and recommendations required by this section relate to sentencing policies and practices for the Federal criminal justice system, the Commission shall conduct such review and make such recommendations in consultation with the United States Sentencing Commission.

(g) REPORT.—

(1) REPORT.—Not later than 18 months after the first meeting of the Commission, the Commission shall prepare and submit a final report that contains a detailed statement of findings, conclusions, and recommendations of the Commission to Congress, the President, State, local, and tribal governments.

(2) GOAL OF UNANIMITY.—It is the sense of the Congress that, given the national importance of the matters before the Commission, the Commission should work toward unanimously supported findings and recommendations.

(3) PUBLIC AVAILABILITY.—The report submitted under this subsection shall be made available to the public.

(4) VOTES ON RECOMMENDATIONS IN REPORT.—Consistent with paragraph (2), the Commission shall state the vote total for each recommendation contained in its report to Congress.

SEC. 6. MEMBERSHIP.

(a) IN GENERAL.—The Commission shall be composed of 14 members, as follows:

(1) 1 member shall be appointed by the President, who shall serve as co-chairman of the Commission.

(2) 1 member shall be appointed by the minority leader of the Senate, in consultation with the minority leader of the House of Representatives, who shall serve as co-chairman of the Commission.

(3) 2 members appointed by the majority leader of the Senate, in consultation with the Chairman of the Committee on the Judiciary.

(4) 2 members appointed by the minority leader of the Senate, in consultation with the ranking member of the Committee on Judiciary.

(5) 2 members appointed by the Speaker of the House of Representatives, in consultation with the Chairman of the Committee on Judiciary.

(6) 2 members appointed by the minority leader of the House of Representatives, in consultation with the ranking member of the Committee on Judiciary.

(7) 2 members, who shall be State and local representatives, shall be appointed by the

President in agreement with the minority leader of the Senate and the minority leader of the House of Representatives.

(8) 2 members, who shall be State and local representatives, shall be appointed by the President in agreement with the majority leader of the Senate and the Speaker of the House of Representatives.

(b) MEMBERSHIP.—

(1) QUALIFICATIONS.—The individuals appointed from private life as members of the Commission shall be individuals with distinguished reputations for integrity and nonpartisanship who are nationally recognized for expertise, knowledge, or experience in such relevant areas as—

(A) law enforcement;

(B) criminal justice;

(C) national security;

(D) prison and jail administration;

(E) prisoner reentry;

(F) public health, including physical and sexual victimization, drug addiction and mental health;

(G) victims' rights;

(H) civil liberties;

(I) court administration;

(J) social services; and

(K) State, local, and tribal government.

(2) DISQUALIFICATION.—An individual shall not be appointed as a member of the Commission if such individual possesses any personal financial interest in the discharge of any of the duties of the Commission.

(3) TERMS.—Members shall be appointed for the life of the Commission.

(c) APPOINTMENT; FIRST MEETING.—

(1) APPOINTMENT.—Members of the Commission shall be appointed not later than 45 days after the date of the enactment of this Act.

(2) FIRST MEETING.—The Commission shall hold its first meeting on the date that is 60 days after the date of enactment of this Act, or not later than 30 days after the date on which funds are made available for the Commission, whichever is later.

(3) ETHICS.—At the first meeting of the Commission, the Commission shall draft appropriate ethics guidelines for commissioners and staff, including guidelines relating to conflict of interest and financial disclosure. The Commission shall consult with the Senate and House Committees on the Judiciary as a part of drafting the guidelines and furnish the Committees with a copy of the completed guidelines.

(d) MEETINGS; QUORUM; VACANCIES.—

(1) MEETINGS.—The Commission shall meet at the call of the co-chairs or a majority of its members.

(2) QUORUM.—Seven members of the Commission, including at least 2 members chosen by either the Senate Majority Leader, Speaker of the House, or Senate Majority Leader and Speaker of the House in agreement with the President and 2 members chosen by either the Senate Minority Leader, House Minority Leader, or Senate Minority Leader and House Minority Leader in agreement with the President, shall constitute a quorum for purposes of conducting business, except that 2 members of the Commission shall constitute a quorum for purposes of receiving testimony.

(3) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. If vacancies in the Commission occur on any day after 45 days after the date of the enactment of this Act, a quorum shall consist of a majority of the members of the Commission as of such day, so long as at least 1 Commission member chosen by a member of each party, Republican and Democratic, is present.

(e) ACTIONS OF COMMISSION.—

(1) IN GENERAL.—The Commission—

(A) shall act by resolution agreed to by a majority of the members of the Commission voting and present; and

(B) may establish panels composed of less than the full membership of the Commission for purposes of carrying out the duties of the Commission under this title—

(i) which shall be subject to the review and control of the Commission; and

(ii) any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(2) DELEGATION.—Any member, agent, or staff of the Commission may, if authorized by the co-chairs of the Commission, take any action which the Commission is authorized to take pursuant to this Act.

SEC. 7. ADMINISTRATION.

(a) STAFF.—

(1) EXECUTIVE DIRECTOR.—The Commission shall have a staff headed by an Executive Director. The Executive Director shall be paid at a rate established for the Certified Plan pay level for the Senior Executive Service under section 5382 of title 5, United States Code.

(2) APPOINTMENT AND COMPENSATION.—The co-chairs of the Commission shall designate and fix the compensation of the Executive Director and, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(4) THE COMPENSATION OF COMMISSIONERS.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level V of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States, State, or local government shall serve without compensation in addition to that received for their services as officers or employees.

(5) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(b) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(c) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement, any of the personnel of such agency to the Commission to assist in carrying out the duties of the Commission. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(d) OTHER RESOURCES.—The Commission shall have reasonable access to materials, resources, statistical data, and other information such Commission determines to be necessary to carry out its duties from the Library of Congress, the Department of Justice, the Office of National Drug Control Policy, the Department of State, and other agencies of the executive and legislative branches of the Federal Government. The co-chairs of the Commission shall make requests for such access in writing when necessary.

(e) VOLUNTEER SERVICES.—Notwithstanding the provisions of section 1342 of title 31, United States Code, the Commission is authorized to accept and utilize the services of volunteers serving without compensation. The Commission may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of Title 5, United States Code. A person providing volunteer services to the Commission shall be considered an employee of the Federal Government in performance of those services for the purposes of chapter 81 of title 5 of the United States Code, relating to compensation for work-related injuries, chapter 171 of title 28 of the United States Code, relating to tort claims, and chapter 11 of title 18 of the United States Code, relating to conflicts of interest.

(f) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any agency of the United States information necessary to enable it to carry out this Act. Upon the request of the co-chairs of the Commission, the head of that department or agency shall furnish that information to the Commission. The Commission shall not have access to sensitive information regarding ongoing investigations.

(g) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(h) ADMINISTRATIVE REPORTING.—The Commission shall issue bi-annual status reports to Congress regarding the use of resources, salaries, and all expenditures of appropriated funds.

(i) CONTRACTS.—The Commission is authorized to enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of activities necessary to the discharge of its duties and responsibilities. A contract, lease or other legal agreement entered into by the Commission may not extend beyond the date of the termination of the Commission.

(j) GIFTS.—Subject to existing law, the Commission may accept, use, and dispose of gifts or donations of services or property.

(k) ADMINISTRATIVE ASSISTANCE.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act. These administrative services may include human resource management, budget, leasing, accounting, and payroll services.

(l) NONAPPLICABILITY OF FACA AND PUBLIC ACCESS TO MEETINGS AND MINUTES.—

(1) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(2) MEETINGS AND MINUTES.—

(A) MEETINGS.—

(i) ADMINISTRATION.—All meetings of the Commission shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information described in section 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it.

(ii) NOTICE.—All open meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

(B) MINUTES AND PUBLIC AVAILABILITY.—Minutes of each open meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. The minutes and records of all open meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(m) ARCHIVING.—Not later than the date of termination of the Commission, all records and papers of the Commission shall be delivered to the Archivist of the United States for deposit in the National Archives.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for fiscal years 2011 and 2012 such sums are as necessary to carry out the purposes of this Act, not to exceed $7,000,000 per year for each fiscal year, and not more than $14,000,000 total. None of the funds appropriated under this Act may be utilized for international travel.

(b) AVAILABILITY.—Any sums appropriated under the subsection (a) shall remain available, without fiscal year limitation, until expended.

SEC. 9. SUNSET.

The Commission shall terminate 60 days after it submits its report to Congress.

SEC. 10. COMPLIANCE WITH PAYGO.

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.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, the goal of H.R. 5143 is to examine the criminal justice system in its entirety in order to make recommendations for appropriate reform to the President and Congress as well as State, local and tribal governments. The United States depends on the criminal justice system to maintain our safety and security and we expect it to be reliable, fair and effective. It must provide a sense of justice for all Americans, and must treat victims and their families with compassion.

The last comprehensive review of our criminal justice system was President Johnson's Commission on Law Enforcement and Administration of Justice conducted more than 45 years ago. Despite the progress in achieving fair and effective outcomes in the criminal justice system since President Johnson's commission was convened, there is still work that needs to be done to fulfill these objectives.

Currently, the United States has the highest reported incarceration rate in the world. Whereas most countries lock up between 50 and 200 people for every 100,000 in their population, and only a handful of countries lock up more than 300 per 100,000, the United States leads the world in over 700 per 100,000 locked up today. This number is particularly egregious when you review the recent study conducted by Pew Research Center that concluded that for any rate that exceeds 300 per 100,000, the cost of additional incarceration produced diminishing returns; and any rate over 500 per 100,000 is actually counterproductive. The United States' rate again is over 700 per 100,000. Minorities make up an alarmingly disproportionate share of the incarcerated population of adults and juveniles. In fact, the incarceration rate for African Americans approaches 4,000 per 100,000 in several States. And when you consider the Pew study that anything over 500 was counterproductive, we can see that a lot of money is being wasted in counterproductive incarceration. In fact, in those 10 States with the incarceration rate of African Americans approaching 4,000, you could spend thousands of dollars for every child in those communities with the money that's being wasted now on counterproductive incarceration. That money could be put in evidence-based programs that have been shown and proven not only to reduce crime but save more money than the programs cost. We know that those comprehensive plans work. They work everywhere you put them into effect; and we need to invest in those rather than counterproductive incarceration.

H.R. 5143 calls for a distinguished, nonpartisan group of experts to undertake a comprehensive review of the criminal justice system to promote broad reform. While this bill calls for an examination of the criminal justice system, it is intended to advance a national conversation and facilitate policy changes to complement, not replace, ongoing reform efforts.

The companion bill to this bill was introduced in the Senate by my Virginia colleague, Senator JIM WEBB, who has been a tireless and strong advocate for this study commission. This bill in the House has been introduced by a former prosecutor, the gentleman from Massachusetts (Mr. DELAHUNT), who has also been a strong advocate for intelligent criminal justice policies. For these reasons, I urge my colleagues to support this important legislation.

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, H.R. 5143 establishes a National Criminal Justice Commission consisting of a bipartisan panel of 14 experts appointed by the President, the Majority and Minority Leaders in the Senate, the Speaker and Minority Leader in the House. The commission will review all areas of the criminal justice system at the Federal, State, local and tribal levels. It will also examine national trends in criminal justice costs, practices and policies.

Further, the commission will provide recommendations for changes to prevent, defer and reduce crime and violence. The recommendations should also help to reduce recidivism, improve cost effectiveness and ensure the interests of justice at every step of the criminal justice system.

H.R. 5143 expresses the sense of Congress that the commission should work towards unanimity in making its findings and recommendations. Senator JIM WEBB of Virginia introduced legislation to establish this commission in the Senate. The bill is cosponsored by a group of 39 Senators.

In the House, my friend from Massachusetts, BILL DELAHUNT, a colleague on the Judiciary Committee and a former district attorney himself, introduced the House companion legislation to establish the commission. As a senior member of the Judiciary Committee, the gentleman from Massachusetts reached across the aisle to Republican members, including the gentleman from California (Mr. ISSA) and the gentleman from Florida (Mr. ROONEY) as well as myself to cosponsor this important piece of legislation.

□ 1840

I must confess initially to having some concerns about the bill. Why do we need another commission to do the work and consider the issues that we in Congress and on the Judiciary Committee ought to be doing? However, my friend from Massachusetts was insistent and persuasive in convincing me that the commission will be able to consider the data and underlying policy considerations without political considerations.

Another reason, Mr. Speaker, to support the measure is that it will serve as a fitting tribute to our colleague from Massachusetts, who is retiring at the end of this Congress. Passage of this bill represents an historic opportunity to undertake a bipartisan, thorough, and comprehensive review of what works and what does not work at every

level of the criminal justice system. For this, and for his many other contributions to the American people, we can thank Congressman DELAHUNT, who I know is getting ready to speak on this legislation momentarily.

I urge my colleagues to vote in favor of H.R. 5143. And before I reserve the balance of my time, I want to thank the gentleman from Massachusetts (Mr. DELAHUNT) for being such an active and effective member of the Judiciary Committee, for being a close personal friend, whose advice I clearly take.

With that, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the lead sponsor of the House bill, former prosecutor, the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Thank you, Mr. Chairman.

Before I begin, let me extend a note of gratitude to the ranking member from Texas for his kind and generous words. I also want to indicate that I am wearing a tie that has ''Cape Cod'' emblazoned on this tie that was given to me by Mr. SMITH on behalf of the Republicans on the Judiciary Committee. At the time, I didn't know whether it was a sign of respect or affection. Later, I learned it was because I continually wear Cape Cod ties, that they were concerned that I had no tie without a stain on it.

So LAMAR, thank you. Thank you for those kind words. It's been truly an honor to serve with you and the Republicans on the Judiciary Committee these past 14 years. We've done, I think, extraordinary work. We've done it together. We've had our disagreements, but those disagreements oftentimes yielded a consensus that worked for the benefit of the American people.

This bill, I guess some would consider it rare for a concept that is supported not only by the American Civil Liberties Union and the National Association of Criminal Defense Attorneys, but also the Fraternal Order of Police and the International Association of Chiefs of Police to come to this floor on the suspension calendar. That truly is extraordinary. But all of those organizations, I would suggest, share the same goal, and that is how do we deal with crime in America in a way that makes us safer, but saves us money, while still protecting fundamental American liberties and values?

The bill's been described by my good friend from Virginia and by Mr. SMITH in terms of what it does. It will result in a commission that will do a comprehensive and holistic review of our criminal justice system at all levels, Federal, state, and local, and make findings and recommendations to prevent, deter, and reduce crime and violence in our country.

It's important to note, too, that the commission will be tasked with improving the cost-effectiveness of the criminal justice system, so that tax dollars are not wasted on inefficient, ineffective programs. There are excellent programs that are working currently. And I believe that they are responsible to a large degree for the reduction that we have observed in violence in America. I think this Congress shares some of that credit. But we don't have to reinvent the wheel. We simply have to identify what works, what makes sense, and pursue it.

Because let's not forget, it's the State and local governments that bear most of the burden. That's where the action is. It's no secret that the States find themselves in profound fiscal straits. On the cover of the June 28 edition of Time magazine, a State license plate was depicted with the word ''Bankrupt'' emblazoned on it.

Now, the issues of safety, crime, and justice know no political party or geographic boundary, as evidenced by the bipartisan support that this bill has engendered. And let me pause again and thank Mr. ROONEY and Mr. ISSA, along with again, let me emphasize, the great leadership of my chairman, BOBBY SCOTT, on this matter. Along with Congresswoman FUDGE, who I am sure if she is not in the Chamber, will be running over to speak.

Again, we want to reduce crime. And everywhere we're concerned that the law enforcement agencies in this country and other groups have the resources to keep our streets safe. But they also insist that the system not needlessly waste taxpayer dollars. As Chairman SCOTT indicated, the United States currently incarcerates 2.3 million individuals. It's the highest incarceration rate in the world. More than 90 percent of the incarcerated adults in this country are incarcerated in the State and local systems, filling their prisons. And the Pew Center predicts that by 2011, continued State and local prison growth will cost taxpayers an additional $75 billion. That's simply unsustainable.

This bill will help us battle those rising, escalating figures, and hopefully continue the decline that we observe in terms of crimes of violence in this country. It will allow us to take that comprehensive national review. This is not an audit of individual State systems. It's a review. There are no mandates. And the commission will issue concrete recommendations.

Again, as the chairman of the subcommittee alluded to, it's been more than four decades since a comprehensive review of criminal justice was conducted. It was 1965 when President Johnson established the Commission on Law Enforcement and Administration of Justice, the so-called Kerner Commission. The commission examined criminal justice systems in great detail, and ultimately reported over 200 recommendations to control crime and improve justice in this country. The time to take this on is now. I predict it will lead to a safer America and a smarter, more effective criminal justice system.

□ 1850

Mr. SMITH of Texas. Mr. Speaker, I will yield 3 minutes to the gentleman from Florida (Mr. ROONEY) who is an active member of the Judiciary Committee and also a cosponsor of this legislation.

Mr. ROONEY. Thanks to the ranking member for yielding.

Mr. Speaker, I rise today in support of H.R. 5143, the National Criminal Justice Commission Act. I'm proud to have been an original cosponsor joining Mr. DELAHUNT and others on such an important bill, and I would take liberty to especially thank Mr. DELAHUNT for seeking me out, being a freshman, and letting me take a leadership role in this bill, which I think is going to do a lot of good for fighting crime in this country.

As a former prosecutor, it's important to take a close look at what works and what does not work in our criminal justice system. This bipartisan bill will create a commission to study all aspects of our criminal justice system and report back on what we can do better to prevent crime, reduce violence, and control costs.

This bill will create a blue ribbon, bipartisan commission charged with undertaking an 18-month comprehensive review of the Nation's criminal justice system. The commission will study all areas of the criminal justice system, including Federal, State, local and tribal governments, criminal justice costs, practices, and policies. After conducting the review, the commission will make the recommendations for changes in or continuation of oversight policies, practices, and laws designed to prevent, deter, and reduce crime and violence, improve cost effectiveness, and ensure the interests of justice.

This bill couldn't come at a better time. Every year Congress continues to add more and more laws to our U.S. code. Yet we haven't taken a sober look at the existing laws to find what is archaic, what is out of date, and what is duplicative.

This will be the first time in over 40 years that we will undertake such a study. I'm proud and honored to be a cosponsor of this bill along with Ms. FUDGE, Mr. ISSA, Ranking Member SMITH, and especially Mr. DELAHUNT. And I encourage all of my colleagues to support it as well.

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

Mr. SCOTT of Virginia. Mr. Speaker, in closing, this commission will study our criminal justice system to ascertain what we can do to use our resources in a more cost-effective manner to reduce crime. We know that comprehensive approaches to crime work.

In Massachusetts, they had a comprehensive approach to juvenile crime where they'd had a dozen or so murders every year. They had a comprehensive approach to the problem. They reduced juvenile murders from 13 a year to zero for 3 consecutive years.

In Pennsylvania, they invested in comprehensive programs in a hundred different localities, spent $60 million, and they counted up a few years later and figured that they had saved over $300 million, five times more than they spent, because they were so effective in reducing crime and other social problems.

In Virginia, they had an area where they had 19 murders one year. They came in with a comprehensive, evidence-based approach to crime reduction, and within a couple of years, they had two murders. And if you look at that $2½ million that was invested in that program, there is no doubt that we saved at least that much in reduced medical care at the Medical College of Virginia Trauma Unit. So we know that we can reduce crime and save money.

We know that 700,000 prisoners are being released from prison—State, local, and Federal—every year, and we know that two-thirds of them are going right back to prison without intervention. So we need this opportunity for investments.

We know that the United States' incarceration rate is number 1 in the world and is already so high that the Pew Research Center says it's counterproductive. It causes more crime than it cures. And this study will show what we can do with our resources by showing what works and what does not and how we can have an intelligent focus on crime policy.

I want to thank the gentleman from Massachusetts (Mr. DELAHUNT) and my colleague from Virginia, Senator WEBB, for their vision to create a commission to outline effective strategies to reduce crime. I would hope that we adopt the bill, create the commission, and reduce crime.

I yield back the balance of my time.

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 pass the bill, H.R. 5143, as amended.

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

A motion to reconsider was laid on the table.

REMOVAL CLARIFICATION ACT OF 2010

Mr. JOHNSON of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5281) to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5281

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 ''Removal Clarification Act of 2010''.

SEC. 2. REMOVAL OF CERTAIN LITIGATION TO FEDERAL COURTS.

(a) CLARIFICATION OF INCLUSION OF CERTAIN TYPES OF PROCEEDINGS.—Section 1442 of title 28, United States Code, is amended by adding at the end the following:

''(c) As used in subsection (a)—

''(1) the terms 'civil action' and 'criminal prosecution' include any proceeding (whether or not ancillary to another proceeding) to the extent that in such proceeding a judicial order, including a subpoena for testimony or documents, is sought or issued; and

''(2) the term 'against' when used with respect to such a proceeding includes directed to.''.

(b) CONFORMING AMENDMENTS.—Section 1442(a) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''capacity for'' and inserting ''capacity, for or relating to''; and

(B) by striking ''sued''; and

(2) in each of paragraphs (3) and (4), by inserting ''or relating to'' after ''for''.

(c) APPLICATION OF TIMING REQUIREMENT.—Section 1446 of title 28, United States Code, is amended by adding at the end the following:

''(g)(1) Where the civil action or criminal prosecution that is removable under section 1442(a) is a proceeding in which a judicial order for testimony or documents is sought or issued, the thirty-day requirement of subsections (b) and (c) is satisfied if the person or entity desiring to remove the proceeding files the notice of removal not later than thirty days after receiving, through service, notice of that proceeding.

''(2) Where the civil action or criminal prosecution that is removable under section 1442(a) is a proceeding in which a judicial order described in paragraph (1) is sought to be enforced, the thirty-day requirement of subsections (b) and (c) is satisfied if the person or entity desiring to remove the proceeding files the notice of removal not later than thirty days after receiving, through service, notice of that proceeding.''.

(d) REVIEWABILITY ON APPEAL.—Section 1447(d) of title 28, United States Code, is amended by inserting ''1442 or'' before ''1443''.

SEC. 3. PAYGO COMPLIANCE.

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 House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JOHNSON) and the gentleman from Florida (Mr. ROONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Removal Clarification Act of 2010 will enable Federal officials—Federal officers, in the words of the statute—to remove cases filed against them to Federal court in accordance with the spirit and intent of the current Federal officer removal statute.

Under the Federal officer removal statute, 28 U.S.C. 1442(a), Federal officers are able to remove a case out of State court and into Federal court when it involves the Federal officer's exercise of his or her official responsibilities. However, more than 40 States have pre-suit discovery procedures that require individuals to submit to deposition or respond to discovery requests even when a civil action has not yet been filed. Courts are split on whether the current Federal officer removal statute applies to pre-suit discovery. This means that Federal officers can be forced to litigate in State court despite the Federal statute's contrary intent.

This bill will clarify that a Federal officer may remove any legally enforceable demand for his or her testimony or documents if the basis for contesting the demand has to do with the officer's exercise of his or her official responsibilities. It will also allow for appeal to the Federal circuit court if the district court remands the matter back to the State court over objection of the Federal officer.

Some clarity issues were raised by witnesses during a Courts and Competition Policy Subcommittee hearing on the bill. Since the subcommittee markup, we have worked to address those issues, and the bill before us today clarifies the bill without making substantive changes. In particular, the addition of ''whether or not ancillary to another proceeding'' helps clarify that the bill will not result in the removal of entire State court actions to Federal court simply because a Federal officer is sent a discovery request. In this type of situation, the Federal court is to consider the discovery request as a separate proceeding from the underlying State court case so that it will now be removed and dealt with separately without removing the underlying case.

Nor will this bill lead to cases being dismissed in Federal court on the grounds that there is no Federal corollary to pre-suit discovery. Application of the State pre-suit discovery law will be considered as substantive under the Erie doctrine. The Federal court will apply the State substantive law. This legislation does not create a substantive loophole. It merely makes a procedural clarification.

Finally, the bill makes clear that the timing requirement under 28 U.S.C., section 1446 is not affected. It restates the 30-day requirement for removing the case after the judicial order is sought as well as after the judicial

order is enforced. This addition to section 1446 is limited to only the Federal officer removal under section 1442.

This bill has strong bipartisan support. I would like to thank Chairman CONYERS, Ranking Member SMITH, and the ranking member of the Court Subcommittee, HOWARD COBLE of North Carolina, for their work on this bill, and I urge my colleagues to support this important legislation.

I reserve the balance of my time.

□ 1900

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

Mr. Speaker, the Removal Clarification Act of 2010 amends the statute that allows Federal officers, under limited conditions, to remove cases filed against them in State court to the U.S. District Court for disposition. The purpose of current law is to restrict State courts' power to hold Federal officers liable for acts allegedly performed in the execution of their Federal duties. This doesn't mean Federal officers can break the law; it just means that these cases are transferred to Federal courts for determination. Federal officers and agents, even Members of Congress, should be forced to answer to Federal courts for their conduct during Federal duties.

Federal courts, however, have inconsistently interpreted the current statute, and that inconsistency can harm Federal interests. For example, this March the Court of Appeals for the Fifth Circuit upheld a district court ruling in the State of Texas that the Federal removal statute does not apply to a Texas law involving pre-suit discovery against a Federal officer. Because 46 other States have similar laws, the House general counsel's office became concerned that more Federal courts will adopt the Fifth Circuit's logic and then urge us to clarify the Federal law.

The problem occurs when a plaintiff considering a suit against a Federal officer petitions for discovery without actually filing suit in State court. Many Federal courts have held that this conduct only anticipates a suit; it isn't a cause of action as contemplated and covered by the current Federal removal statute. The problem is compounded because a separate Federal statute requires Federal courts to send any case back to State court if ''at any time before final judgment it appears that the district court lacks subject matter jurisdiction.''

Judicial review of remand orders is limited and does not apply to suits involving Federal officers. This means remanded cases brought against Federal officers under these conditions cannot find their way back to Federal court.

This result is at odds with the purpose of the Federal removal and remand statutes. The bill before us will clarify existing Federal law and overturn the recent Fifth Circuit ruling. It restores the core purpose of the removal statute by ensuring any claim against Federal officers at any stage of a proceeding or even potential proceeding will be entertained in a Federal court.

I urge my colleagues to support H.R. 5281.

I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 5281, as amended.

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

A motion to reconsider was laid on the table.

FEDERAL RESTRICTED BUILDINGS AND GROUNDS IMPROVEMENT ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2780) to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2780

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 ''Federal Restricted Buildings and Grounds Improvement Act of 2010''.

SEC. 2. RESTRICTED BUILDINGS OR GROUNDS.

Section 1752 of title 18, United States Code, is amended to read as follows:

''§ 1752. Restricted buildings or grounds

''(a) Whoever—

''(1) knowingly enters or remains in any restricted building or grounds without lawful authority to do so;

''(2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engages in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions;

''(3) knowingly, and with the intent to impede or disrupt the orderly conduct of Government business or official functions, obstructs or impedes ingress or egress to or from any restricted building or grounds; or

''(4) knowingly engages in any act of physical violence against any person or property in any restricted building or grounds;

or attempts or conspires to do so, shall be punished as provided in subsection (b).

''(b) The punishment for a violation of subsection (a) is—

''(1) a fine under this title or imprisonment for not more than 10 years, or both, if—

''(A) any person, during and in relation to the offense, uses or carries a deadly or dangerous weapon or firearm; or

''(B) the offense results in significant bodily injury as defined by section 2118(e)(3); and

''(2) a fine under this title or imprisonment for not more than one year, or both, in any other case.

''(c) In this section—

''(1) the term 'restricted buildings or grounds' means a posted, cordoned off, or otherwise restricted area of a building or grounds—

''(A) where the President or other person protected by the Secret Service is or will be temporarily visiting; or

''(B) so restricted in conjunction with an event designated as a special event of national significance; and

''(2) the term 'other person protected by the Secret Service' means any person whom the United States Secret Service is authorized to protect under section 3056 of this title when such person has not declined such protection.''.

SEC. 3. PAYGO COMPLIANCE.

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 House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Florida (Mr. ROONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2780 will assist the Secret Service to perform their protective duties.

Current Federal law prohibits individuals from entering or remaining in areas cordoned off as restricted because of protection being provided by the Secret Service. This bill would simply clarify that the prohibition under the existing statute only applies to those who do not have lawful authority to be in those areas.

The men and women of the Secret Service conduct themselves with valor and professionalism while carrying out the protective function of their agency. They provide protection for a variety of people and events, including the President of the United States and national special security events. This bill will assist the men and women of the Secret Service in doing their jobs.

I commend my colleague from Florida (Mr. ROONEY) for his work on this bill, which eliminates the ambiguity in the present law. I urge my colleagues to support the bill.

I reserve the balance of my time.

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

Mr. Speaker, the United States Secret Service began providing protective

services following the assassination of President McKinley in 1901. The Service's protection responsibilities have since expanded to include the First Family, the Vice President, former Presidents, heads of state, and others. This Service also provides protection at special events of national significance.

To address this vital responsibility, the Secret Service must anticipate, recognize, and assess threat situations and initiate strategies to eliminate and reduce threats or security vulnerabilities.

Key components to the Service's protection mission is securing the buildings and grounds where protectees work or visit. From the White House to a hotel ballroom, the Secret Service must provide a secure environment for the President and other protectees.

H.R. 2780 ensures that the Secret Service has the ability to secure all necessary areas surrounding the restricted buildings and grounds that house our leaders, their families, and foreign heads of state.

The bill clarifies section 1752 of title 18, which sets penalties for knowingly entering or remaining in any restricted building or grounds without the lawful authority to do so. Currently written, the code does not distinguish between those who are there lawfully, such as Secret Service agents and other authorized staff, and those who are there without permission.

This bill does not create any new authorities for the Secret Service and does not restrict the liberties of American citizens. H.R. 2780 simply clarifies and improves existing criminal statutes that are necessary for the Secret Service to resolve security issues and implement prevention strategies before tragedy strikes.

There have been enough climbing incidents at the White House fence for at least one Web site to dedicate itself to chronicling the escapades of ''White House fence jumpers.'' While some of these individuals are attempting a collegiate prank, other such breaches could be catastrophic.

This bill will enable the United States Secret Service to continue to deliver the highest level of protective services, consistent with their proud tradition. I urge my colleagues to join me in supporting this important legislation.

I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 2780, as amended.

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

A motion to reconsider was laid on the table.

□ 1910

SIMPLIFYING THE AMBIGUOUS LAW, KEEPING EVERYONE RELIABLY SAFE ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5662) to amend title 18, United States Code, with respect to the offense of stalking, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5662

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 ''Simplifying The Ambiguous Law, Keeping Everyone Reliably Safe Act of 2010'' or the ''STALKERS Act of 2010''.

SEC. 2. STALKING.

(a) IN GENERAL.—Section 2261A of title 18, United States Code, is amended to read as follows:

''§ 2261A. Stalking

''(a) Whoever, with intent to kill, physically injure, harass, or intimidate a person, or place under surveillance with the intent to kill, physically injure, harass, or intimidate a person, travels in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States, or enters or leaves Indian country, and in the course of, or as a result of, such travel—

''(1) causes or attempts to cause bodily injury or serious emotional distress to a person other than the person engaging in the conduct; or

''(2) engages in conduct that would be reasonably expected to cause the other person serious emotional distress;

shall be punished as provided in subsection (c).

''(b) Whoever, with intent to kill, physically injure, harass, or intimidate a person, engages in a course of conduct in or substantially affecting interstate or foreign commerce that—

''(1) causes or attempts to cause bodily injury or serious emotional distress to a person other than the person engaging in the conduct; or

''(2) occurs in circumstances where the conduct would be reasonably expected to cause the other person serious emotional distress;

shall be punished as provided in subsection (c).

''(c) The punishment for an offense under this section is the same as that for an offense under section 2261, except that—

''(1) if the offense involves conduct in violation of a protection order; and

''(2) if the victim of the offense is under the age of 18 years or over the age of 65 years, the offender has reached the age of 18 years at the time the offense was committed, and the offender knew or should have known that the victim was under the age of 18 years or over the age of 65 years;

the maximum term of imprisonment that may be imposed is increased by 5 years over the term of imprisonment otherwise provided for that offense in section 2261.''.

(b) CLERICAL AMENDMENT.—The item relating to section 2261A in the table of sections at the beginning of chapter 110A of title 18, United States Code, is amended to read as follows:

''2261A. Stalking.''.

SEC. 3. BEST PRACTICES REGARDING ENFORCEMENT OF ANTI-STALKING LAWS TO BE INCLUDED IN ANNUAL REPORT OF THE ATTORNEY GENERAL.

In the annual report under section 529 of title 28, United States Code, the Attorney General shall—

(1) include an evaluation of Federal, tribal, State, and local efforts to enforce laws relating to stalking; and

(2) identify and describe those elements of such efforts that constitute the best practices for the enforcement of such laws.

SEC. 4. PAYGO COMPLIANCE.

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 House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, the STALKERS Act of 2010 makes a number of changes in the United States Code with respect to the offense of stalking. It clarifies, strengthens, and enhances the current law.

First it allows law enforcement to intervene in cases where a victim may not be aware of the seriousness of the threat before it's too late. The existing statute requires a person have reasonable fear of bodily injury or to undergo emotional distress. These injuries are difficult to demonstrate, often frustrating both victims and prosecutors.

H.R. 5662 addresses this problem by permitting law enforcement to intervene in any event of stalking that might reasonably be expected to cause another person serious emotional distress. This small change will go a long way towards both effective law enforcement and justice for victims.

Second, the bill reaches criminals who make use of new technologies to stalk their victims. It extends the law to any course of conduct in or substantially affecting interstate commerce, which will apply to cyberstalking, acts of surveillance and other forms of stalking that employ emerging technologies.

Third, the bill takes several steps towards more effective enforcement of the Federal stalking statute and other

stalking laws. It increases the maximum term of imprisonment by 5 years if a criminal violates a protection order or if the victim is under the age of 18 or over the age of 65.

The bill also requires the Attorney General to conduct a annual study of best practices and enforcement of stalking laws nationwide. In short, this legislation updates current law to target the full range of behavior that stalkers direct towards their victims. It will help law enforcement seek justice, help victims seek closure, and increase protections of the most vulnerable amongst us.

I want to thank the gentlewoman from California (Ms. LORETTA SANCHEZ) for her hard work and advocacy on behalf of victims of stalking. I ask my colleagues to join me in supporting this bipartisan legislation.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

First, let me say, Mr. Speaker, both as a Member of Congress and as the former attorney general of the State of California, I have long been concerned with the plight of those who have been victimized by crime. The anti-stalking law we had in the State of California was one that we worked with local law enforcement on and the agents that worked for me also worked on that in coordination with the local law enforcement officers. Certainly, those who have suffered from the threats of stalkers warrant our concern and our action.

I also would like to acknowledge the work, the pioneering work, that was done by the gentleman from California (Mr. ROYCE) on this with the original Federal anti-stalking legislation.

I certainly appreciate the motivations and efforts of the gentlewoman from California who brings this bill here today in an effort to respond to this serious issue.

However, I must suggest that legislation of this magnitude is of sufficient importance that it warrants attention by our committee commensurate with the serious nature of the stalking issue. Regrettably, we have had no hearings on this bill, no markups, no legislative process of any kind. Until this evening, we did not even know the full contents of this bill, and now Members are being asked to vote on it.

Further, it's my understanding the bill was added to the suspension calendar late last night. I understand that we may need to revisit the Federal statute now if this is not adequate to protect the victims of stalking. But having just received a copy of the final version of this legislation this evening, I do wish we had had more time to devote to this important bill.

Certainly, victims of emotionally and physically devastating crimes like stalking deserve the very best this Congress can produce, rather than us perhaps making some errors in the bill that we are considering, particularly a bill that was finalized an hour before votes. Although this bill comes to the floor under suspension of the rules, the lack of process surrounding this vote seems to have suspended all of the rules, unfortunately.

Nevertheless, the proposal does address issues of legitimate concern to stalking victims.

I, therefore, support this measure, and I would argue that all Members should support this measure. However, I do feel it necessary to register strong disappointment considering the method with which this bill has been brought to the floor.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as she may consume to a strong advocate for victims of stalking, the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. I thank our chairman, BOBBY SCOTT, for bringing this forward and to Chairman CONYERS for bringing this forward.

You know, about a year and a half ago we put the first stalking legislation together for what we call the UCMJ, the Uniform Code of Military Justice. That is the code or the laws that govern our military. Since I am the ranking woman on all military issues here, I was the author of that.

Having looked at that and done that for the military code, I thought about all the issues that were still outstanding in the current Federal civil code. So I am here today to thank you, Mr. Chairman, for allowing me to bring this long overdue piece of legislation, the STALKERS Act of 2010.

Representative VIRGINIA FOXX of North Carolina and I have bridged party lines to introduce H.R. 5662, and I want to thank her for her leadership on this issue. There is also a companion bill that will be introduced in the Senate, we hope, next week.

No one can deny that the Internet is a remarkable tool, capable of connecting billions of people throughout the world. Unfortunately, it has also proven to be an effective weapon for stalkers to prey on innocent people.

Current Federal stalking statutes simply have not caught up with what is going on with the new tools and the emerging technologies that criminals have at their disposal. So the STALKERS Act would bring our lives into the 21st century by giving law enforcement the tools that it needs to combat stalking in the digital age.

The STALKERS Act would protect victims and empower prosecutors by increasing the scope of existing laws to cover acts of electronic monitoring, including spyware, bugging, video surveillance and other new technologies as they develop. Currently, Federal laws cannot be enforced unless stalking victims can demonstrate that they are in reasonable fear of physical injury. Because stalking is often a gateway to more violent acts, by the time a victim can actually demonstrate that they have ''reasonable fear,'' it may be too late.

So the STALKERS Act lowers the threshold for action by permitting law enforcement to prosecute any act of stalking that is reasonably expected to cause another person serious emotional distress. Our laws should help to protect the victims, not serve as a roadblock to their safety.

This legislation helps to do that. At its core, stalking is about power and control. It is a violation of the worst kind and our justice system needs every single tool available to combat this crime.

I am proud to have introduced this STALKERS Act, and I urge my colleague to pass this bill. It is time we fight against stalking and other forms of harassment and intimidation and be on the side of victims.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do rise in support of this bill. Anybody who has spoken with or in any way had an opportunity to meet with those who have been the victims of stalkers understands the terrible emotional impact that this illegal activity can have. Oftentimes, it is an act precedent to actual physical harm; but even when actual physical harm is not done, the emotional toll is, in fact, real and extensive.

This bill, I think, furthers the interest that we have in the Federal anti-stalking law, but at the same time I do register my reservation about the manner in which it was brought forward without full consultation with those of us on this side of the aisle on the committee.

□ 1920

Nonetheless, it's a good idea. I urge my colleagues to support it, and I hope it gets unanimous support.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I want to thank my colleague from California (Mr. DANIEL E. LUNGREN) for his support and the gentlelady from California (Ms. LORETTA SANCHEZ) for her strong advocacy on behalf of victims of stalking. I hope that we will pass the bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 5662, as amended.

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

A motion to reconsider was laid on the table.

PROTECTING GUN OWNERS IN BANKRUPTCY ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5827) to amend title 11 of the United States Code to include firearms in the types of property allowable under the alternative provision for exempting property from the estate, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5827

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 ''Protecting Gun Owners in Bankruptcy Act of 2010''.

SEC. 2. EXEMPTIONS.

Section 522 of title 11, the United States Code, is amended—

(1) in subsection (d) by adding at the end the following:

''(13) The debtor's aggregate interest, not to exceed $3,000 in value, in a single rifle, shotgun, or pistol, or any combination thereof.'', and

(2) in subsection (f)(4)(A)—

(A) in clause (xiv) by striking ''and'' at the end,

(B) in clause (xv) by striking the period at the end and inserting ''; and'', and

(C) by adding at the end the following:

''(xvi) The debtor's aggregate interest, not to exceed $3,000 in value, in a single rifle, shotgun, or pistol, or any combination thereof.''.

SEC. 3. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall apply only with respect to cases commenced under title 11 of the United States Code on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield all of the time to the sponsor of the bill, the gentleman from Ohio (Mr. BOCCIERI), and ask unanimous consent that he be allowed to control the time.

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

There was no objection.

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

Mr. Speaker, while Congress works to pull our Nation out of this economic recession, many people across our great country continue to struggle with depleted savings and financial hardship, but those financial challenges should not affect a person's individual constitutional rights and their ability to protect their family. That is why I stand here today in strong support of H.R. 5827, Protecting Gun Owners in Bankruptcy Act. My legislation ensures families hit hard by the recent economic downturn in the recession and forced to file bankruptcy do not hand over their right to protection or their right to possess a firearm.

H.R. 5827 provides an exemption in the Federal Bankruptcy Code for personal firearms. Since 2005, debtors who file bankruptcy could retain household goods such as radios, TVs, VCRs and linens, but not firearms. Currently, bankruptcy for gun owners not only means the seizure of family heirlooms, but perhaps the inability for them to protect their own family. This means that families who file bankruptcy are left without this constitutionally provided right.

H.R. 5827 ensures a person who files for bankruptcy will not lose a treasured family heirloom or sporting equipment passed down from one generation to the next.

I happen to have a weapon that was passed down that my grandfather used in the Second World War, an M1 Carbine rifle that is a family heirloom. And as a small arms expert in the United States Air Force and a hunter in Ohio, I know that firearms are not just mere possessions but family heirlooms as well.

My fellow sportsmen in Ohio want to see the protection of their constitutionally protected rights. The Protecting Gun Owners in Bankruptcy Act will ensure that families can keep these prized possessions and continue to pass them on for generations to come.

The right protected by the Second Amendment is deeply rooted in our Nation's history and tradition. One needs to look no further than the woods of Ohio during autumn to know that this is true.

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

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise in support of H.R. 5827 and yield myself such time as I may consume.

Mr. Speaker, I am pleased to support the Protecting Gun Owners in Bankruptcy Act of 2010 because the bill does recognize that an individual's Second Amendment right to lawful self-defense is not suspended during periods of financial hardship.

The Second Amendment confirms the right of every American to keep and bear arms in self-defense. Neither Federal nor any State legislature is permitted to enact a law infringing on this most basic right. In 2008, the Supreme Court confirmed in its Heller decision that ''There seems to us no doubt, on the basis of both text and history, that the Second Amendment conferred an individual right to keep and bear arms.''

This fundamental right to defend oneself and one's family with lawful and responsible gun ownership was reinforced just this year when, in McDonald, the court prohibited State and local legislatures from passing laws infringing on an individual's Second Amendment rights.

Following passage of this bill, gun owners will be protected against overreaching legislatures but also from the harsh realities of the current economic crisis. Americans need not be reminded that our Nation is still mired in some of the worst economic conditions since the Great Depression. In my home State of California, bankruptcy filings in the first quarter of 2010 have increased approximately 41 percent over the first quarter of 2009.

The bill we're considering today, recognizing that constitutional rights do not halt in the face of financial difficulty, creates a new Federal exemption that places a personal firearm beyond the reach of creditors and allows the debtor to avoid liens on the firearm if they would otherwise prohibit him from taking the new exemption.

The Bankruptcy Code already exempts a variety of other basic items like linens and household goods that a debtor needs during a bankruptcy case to live a modest life and reorganize his or her financial affairs. The bill confirms that a debtor can maintain his or her own safety while the bankruptcy case is pending. The Federal bankruptcy exemption we are creating today is consistent with the principles embodied in the Second Amendment.

I would urge my colleagues to join with me in supporting the bill.

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

Mr. BOCCIERI. Mr. Speaker, I yield 5 minutes to the gentlelady from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. I thank my colleague.

Mr. Speaker, I rise in strong opposition to H.R. 5827. I fail to see why we need to protect guns in a bankruptcy proceeding.

This bill had no hearings. It was not marked up. It only had 21 cosponsors. Suspension bills should be reserved for noncontroversial items. I know for a fact anywhere from 80 to 100 of our Members will be voting against this. This bill should have gone through regular order.

Bankruptcy is a tough time for everybody. I sympathize greatly with individuals and families who are facing a bankruptcy. But as part of a bankruptcy proceeding, personal assets are turned over to bankruptcy trustees. The trustees collect assets—cars, boats, and so on. Bankruptcy calls for all of these items.

The process is designed to provide some protections for both the bankrupt individual and the one who is owed money. Some items are exempt as they

are essential to one's livelihood. We want someone in debt to be able to have a fresh start, and therefore the law prevents some items from being turned over.

Under Federal law, assets like homes, life insurance contracts, health aids, and retirement funds are exempt, with reasonable limits. What is special about guns, though, that they should have a special carve-out? And the bill language would allow any single gun worth thousands of dollars from being turned over.

Take, for example, an engraved shotgun costing tens of thousands of dollars or a .50 caliber sniper rifle worth thousands of dollars. The bankrupt individual would get to keep these guns. I understand the committee has brought up revised text to correct this loophole, but this is another reason why the bill should have gone through the normal process of hearings and a markup.

Furthermore, studies have shown that the presence of guns in households, especially those experiencing bankruptcy, enhances the risk of suicide, or even worse, murder-suicide. According to the National Violent Death Reporting System, more than 12 percent of firearm-related murder-suicides and suicides were brought on by financial problems. Stories of murder-suicides also include descriptions of financial struggles.

In June 2010, a California couple died in a murder-suicide and their 3-year-old son was shot multiple times. The couple's 5-year-old son told authorities that his father tried to shoot him, and then shot his mother and brother. The family started missing house payments in early 2009 and had filed for bankruptcy in February 2010.

In February 2010, a Florida couple died of gunshot wounds in a murder-suicide in what the St. Petersburg Times described as ''the end of a long history of money troubles.'' They had filed for bankruptcy in December 2004, listing more than $200,000 in debt. The couple's two younger daughters hid in the bathroom during the shooting.

□ 1930

In June 2009, a Florida family of four, including two children, was shot to death in a murder-suicide. According to records filed in Federal bankruptcy court, the parents were deeply in debt and had struggled for 5 years to get out. The couple had filed chapter 13 bankruptcy in 2004, and the trustee had constructed a plan for the couple to repay their debts, but they had failed to make the payments. The case was converted to a chapter 7, which forced the couple to liquidate their assets. A status hearing on the case was scheduled to occur 2 months after the murder-suicide.

This bill wrongly puts guns before the health and safety of families.

As far as the Second Amendment rights, especially with the Keller decision, people have the right to own guns—I am not disputing that. Again, we are talking about bankruptcy, and we are also talking about those who collect guns and who have many, many guns which are worth a lot of money, and they should be paying that debt.

Mr. DANIEL E. LUNGREN of California. I yield myself such time as I may consume.

Mr. Speaker, let me just say at the very beginning that I understand the sincerity and the strength of conviction of the gentlewoman from New York on this issue. I think we have a disagreement with respect to the times when firearms have been utilized to protect people from those who would otherwise do them harm, and I think there are some other reports that would suggest that that happens in far more instances than those incidents which result in harm to an owner of a gun or to someone in his or her family.

One of the things I just would like to put on the record is the limited effect of today's amendment. When a debtor files for bankruptcy relief, he or she must choose whether to claim the package of Federal exemptions or the State exemptions available in the State of his or her residence. Frequently, debtors claim State exemptions because they are typically more generous to the debtors than are the Federal exemptions. Moreover, under current bankruptcy law, States may opt out of the Federal exemption scheme by passing a law that prohibits debtors in those States from claiming the Federal exemptions. It is my understanding that, to date, 34 States have enacted such opt-out legislation, so debtors in only 16 States will ever be able to take advantage of the new Federal firearms exemption we are considering today. I do believe it is an appropriate piece of legislation, but one should understand the limited nature of its application.

Mr. Speaker, let me just conclude by saying that, while I support the creation of this exemption, the exemptions that Americans really want right now are exemptions from unemployment and skyrocketing national debt.

When I was home in my district this past weekend, my constituents talked to me about the exemption from the crushing burden of higher taxes that is poised to be unleashed upon them by the majority of this House at the end of the year. I am bemused at times when I hear people saying, Well, you Republicans won't pay for the tax cuts that are already in existence, which is another way of saying that the government has the first call on your money, and therefore, if we have lower taxes than otherwise would be the case, somehow we have done something wrong when, in fact, what will occur if we do not extend the current rates of taxes on the Federal level will be, by some calculations, the most massive, single tax increase in the history of the United States.

That is very, very disappointing. It is sort of a play on the language I used to hear on this floor from the majority when they used to talk about tax expenditures. That's another way of talking about the impact of ''tax cuts,'' meaning that somehow the Federal Government is expending something when it allows you or I or any American to keep the money in our pockets. That does indicate a philosophical difference that does divide us, unfortunately, a philosophical difference which is based on the premise that the money you earn is not yours, that the money you earn is kept by you only at the sufferance of the government and that if, in fact, the government by its generosity allows you to keep that money there, that somehow you should genuflect in supplication because you have done something to take money that justly belongs to them.

So we are going to find out by the end of this year whether that concept of whose money it is prevails or whether it is, in my judgment, the proper viewpoint that the money you earn is, in your case, yours first and that the government ought to only exact the smallest amount of funds, that which is necessary to do those things that are required by government function.

So I must lament that fact while I do continue to support this piece of legislation.

I reserve the balance of my time.

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

Mr. Speaker, today, we are talking about what is in a family's heirlooms, their possessions. I know the Republican would like to draw this into a long debate about how we got into this mess, but I will remind the gentleman that, on day one in 2009 when the 111th Congress started, we were faced with unprecedented budget deficits that were handed over to us from the previous administration—$3.5 trillion to be exact—and an economy that was in free fall. We didn't know where it was going to land. We were faced with two undeclared, unfunded wars, unregulated greed on Wall Street, and a banking crisis that was affecting so many small businesses.

So I will remind the gentleman that, while the policies that allowed us to get into this ditch are not at the heart of this debate, certainly, he is welcome to debate us, as we proceed further, on how we got into this economic mess and on what measures we are taking to get ourselves out of this.

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

Mr. DANIEL E. LUNGREN of California. I yield myself such time as I may consume.

Mr. Speaker, I would just remind my colleague from Ohio that the last time we had a balanced budget on the Federal level was when we had a Democrat in the White House and a Republican-controlled House and a Republican-controlled Senate. Perhaps we ought to try that again after November.

I support this legislation. I hope that there will be strong support for it.

I yield back the balance of my time.

Mr. BOCCIERI. Mr. Speaker, in closing, I would remind the gentleman as well on the other side that it was a Republican-controlled Congress and a Republican President who allowed us to get $11 trillion in debt when the last Democratic-controlled White House had a $5.6 trillion projected surplus.

So, now that the facts are straight, I just want to be clear that this legislation is about amending the Federal bankruptcy codes, which have already been used to exempt furniture, musical instruments, jewelry, and other household goods, to be allowed to exempt people's heirlooms, their firearms, that have been passed on from generation to generation.

I believe that the majority of Americans agrees with the Second Amendment—the constitutional right that we have to bear arms. We have continually upheld its validity for hundreds of years because, in many cases, a family's guns are heirlooms, treasured pieces of family history, which should not be subjected to financial hardship. I spoke of my grandfather's M1 carbine that has been handed down to me now through two successive generations.

One fact, one principle this country was founded upon was the ability of our people to provide their own protection. Bearing this in mind and this historical perspective, we respect the rights of gun owners as a shared value we see amongst Democrats and some Republicans. It is not a Republican or a Democratic issue but a foundational value of American ideals. We must protect the rights guaranteed to us by our Founding Fathers no matter what financial circumstances a citizen must face.

Mr. CRITZ. Mr. Speaker, I rise today in support of H.R. 5827, the Protecting Gun Owners in Bankruptcy Act of 2010. As a strong supporter of the Second Amendment, I believe that owning a gun is a right and that this right extends to all people, including those in bankruptcy.

After declaring bankruptcy, people are often denied their Constitutionally protected rights by being forced to relinquish their firearms. While other property, such as televisions, radios, china, crockery, and appliances, is protected from repossession, firearms are not. If owning a gun is a right, shouldn't guns be protected from repossession just as other property is protected?

Right now, only 10 states have laws that protect gun owners from firearm repossession during bankruptcy. Currently, the Commonwealth of Pennsylvania is not one of these 10, so I support this bill because I believe that my constituents' Second Amendment rights, as well as the Second Amendment rights of all Americans, should be protected during bankruptcy.

This is a good bill and I urge my colleagues to vote "yes."

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 5827, 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.

Mrs. MCCARTHY of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

□ 1940

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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.)

AN END TO CHINESE HOSTILITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. CAO) is recognized for 5 minutes.

Mr. CAO. Mr. Speaker, I rise today to discuss the ongoing maritime conflict in the South China Sea and the need for the United States to support long-term sovereignty of the Vietnamese people. Given this conflict will destabilize trade and peace in this region, this is a matter of great importance for all of us in this esteemed body.

Since the summer of 2009, reports of maritime disputes in the South China Sea have risen. I continue to hear of aggression from Chinese ships and submarines interfering with the freedom of navigation of neighboring Asian countries. I also hear of aggressive actions being taken towards United States interests as well, and this is particularly troubling and unacceptable.

According to reports, China has committed aggressive maritime acts against Southeast Asian countries including Japan, the Philippines, Taiwan, Malaysia, and especially the people of Vietnam.

China claims vast ocean territory that includes many islands and extends into much of the South China Sea. If we were to look at the map of the South China Sea, we see that China is here, Vietnam is here, the Philippines is here, and Malaysia is located here. And China, being the farthest away from the Paracel Islands, as well as the Spratly Islands, claims to have dominion over all of them. These claims, along with their aggressive presence, has caused tensions between the people of Southeast Asia and China to grow.

The conflict in the South China Sea is hindering free navigation of these waters, which could negatively affect commercial interests and regional security. This would directly affect the livelihoods of peaceful people in these nations. The time has come for the United States to take a strong stance against China's harassment before these actions escalate into hostile confrontation.

China's hostile relationship has been reported to have gone so far as to commit aggressive actions towards Vietnamese citizens. As a Vietnamese American, I am especially interested in the territorial integrity of my native country. And I am concerned to hear reports outlining aggressive actions towards Vietnamese citizens, especially fishermen, that have resulted in injuries, damages to their fishing vessels and, in severe cases, death.

The goal of the United States diplomacy should be to recognize the tensions in this region and to concentrate on first alleviating this tension. The United States should strongly consider advocating for China's release of disputed territories like the Spratly and Paracel Islands and to ensure multilateral dialogue and action to resolve the ongoing maritime dispute.

What is the basis for China's aggression?

Many experts ascribe China's aggression toward its neighbors as stemming from its ever-increasing appetite for energy. There is no question China continues to seek additional sources of energy, particularly across Africa, where their influence continues to grow.

According to reports, China's oil consumption is expected to double over the next 25 years, from 7.2 million barrels per day in 2006 to 15.3 million barrels per day in 2030.

China's natural gas consumption is expected to more than triple in that same period of time, from 2 trillion cubic feet in 2006 to 6.8 trillion cubic feet in 2030.

It has been reported that, in addition to substantive fishing resources, the disputed areas contain oil and natural gas reserves. Further, the islands are in China's pathway as their economy continues to expand. This may be why China is racing to secure its maritime territory, to secure these areas for their oil and natural gas exploration, and to assist in their economic expansion.

However, credible reports indicate that China has claimed lands beyond Taiwan, which may point to China's intention of expanding its power over a much larger area, in direct conflict with the interests of its neighbors.

While some explain China's territorial behavior as strategic to secure their access to energy resources, others strongly believe China's intentions may be going further to gain territory to impose its influence.

What is certain, however, is that while China appears to be negotiating,

we cannot underestimate their appetite for influence. When we are talking about China's track record, China has a history of aggressive actions which have been the source of tension in Southeast Asia.

In 1974, China seized the Western Paracel Islands from Vietnam. In 1988, China seized six of the Spratly Islands from Vietnam and sank three Vietnamese ships, claiming 70 Vietnamese lives. In 2007, China fired upon Vietnamese fishermen in the disputed area, killing one and wounding six others.

The Vietnamese American community has denounced China's claim to territory in the Spratly and Paracel Islands as unofficial, with no legal, historical or factual basis. China, in turn, ordered a ban on all Vietnamese fishing in these disputed territories until August 1, 2009; and during this ban, approximately 50 Vietnamese fishermen were detained.

China's actions infringe upon the sovereignty of the Vietnamese people to freely navigate crucial waterways that support their livelihoods, which is a direct violation of international treaties.

China's harassment is not limited to their neighbors. China has also engaged in hostile confrontations with U.S. vessels traveling through the disputed area.

Given these violations, it is time that the United States take aggressive action against China, and to, hopefully, resolve these disputes without resorting to any force.

We must pursue a peaceful resolution to this conflict in the South China Sea, and the United States must take actions in doing so.

In 2001, a Chinese Naval vessel attacked the USNS *Bowditch*, a U.S. surveillance ship, in the Yellow Sea, and, in another occasion, a Chinese Navy F–8 fighter collided with a U.S. Navy EP–3 reconnaissance plane in international airspace over the South China Sea. China detained the 24 U.S. crew members for 11 days.

In 2009, there were reports of aggressive encounters with the Chinese Navy and unarmed U.S. ocean surveillance ships, which were freely operating in international waters in the Yellow Sea and the South China Sea. A U.S. destroyer was called to escort the surveillance ships as they continued their operations and avoid further hostility from the Chinese Navy.

China's aggression poses a threat to the U.S.-China relationship, too. And, there is no excuse for these territorial disputes potentially pitting two powerful nations against each other.

The maritime disputes over the South China Sea must be addressed immediately to protect the United States' regional relationships and agreements.

For example, the United States is involved in the U.S.-Japan Security Treaty that covers the Senkaku Islands, which are actively disputed. If tensions increase for these islands, Japan might seek assistance from the United States against China.

Likewise, the United States continues to collaborate with the Philippines, and, if regional tensions were to rise, the Philippines, too, might seek assistance from the United States against China.

China has test-fired missiles at enemies trespassing onto claimed Chinese territory. This may trigger other countries to expand their naval forces as well, which may cause more tension in these disputed waters.

I appreciate Secretary Clinton's statements on Friday that the resolution to the South China Sea dispute is a "national interest" to the United States, and I agree with her that we must seek a peaceful solution.

United officials including Secretary Clinton must demonstrate their strong concern for China's hostile actions, which are causing a disruption of free navigation.

At the same time, China needs to recognize and honor the freedom of navigation of all neighboring nations as well as the United States.

While the Chinese Foreign Minister said yesterday that the United States should not internationalize the South China Sea issue, which could worsen matters and complicate the situation, as an influential nation, we must not remain neutral and passive.

We must take action to end Chinese harassment—not only to ensure the freedom of navigation, but also to restore the respect and interests of the U.S. and these Asian nations.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. QUIGLEY) is recognized for 5 minutes.

(Mr. QUIGLEY 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 North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE of Texas 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 gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. PUTNAM) is recognized for 5 minutes.

(Mr. PUTNAM 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 gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 5 minutes.

(Mr. LINCOLN DIAZ-BALART addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE YEAR IN REVIEW

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. Mr. Speaker, I appreciate being recognized to address you here on the floor of the House of Representatives. It is always an honor and one of the reasons I try to come down here often and convey the values that emanate from the Midwest; and hopefully some of the people across the rest of the country that don't adhere to those values can index with the things that we believe in.

But what I have found out, Mr. Speaker, as I have traveled around the country is that we have a tremendous amount of common values, from corner to corner of America and up through the Midwest as well. When I think of the States that I have been to in helping other candidates in trying to convey a message, from the Northeast to the Southeast to the South, up through the Midwest, down to the Southwest and off to the West, what I have found is that the people that show up, that care about our Constitution, the constitutional conservatives, the newly energized Tea Party groups that are out there, the 912 Project people that

are there, the independents that aren't affiliated that care a lot about America and fiscal responsibility, when they show up, they show up with their American flags, they show up with their yellow Gadsden flags, the Don't Tread on Me flags; they carry a Constitution in their pocket or on their heart; and they know that if this country is going to be refurbished and put back together again, that we need to go back to the Constitution and this Congress needs to adhere to our oath to the Constitution. We have to ensure that our road map, and a road map is not someplace out there in Never-Never Land of progressivism that has always failed. We have a century and a half of progressivism that we can look at that goes clear back to the shaping of those kind of ideals in the utopian segments of non-English speaking western Europe.

We've watched what's happened. They have been at each other's throats in wars. They've killed tens of millions of each other. Their economy and their industry has collapsed over and over again. They've propped it back up. Their growth has been slower than ours. We've provided them the global defense from the enemies to enemies that are still lined up against each other. The Soviet Union imploded because Ronald Reagan was right. He was right because he decided that we could press the Soviet Union to the point where their economy would collapse before they could keep up with us economically and build themselves up militarily. All of that has taken place.

When we saw the Soviet Union go down, I thought, now it will be obvious even to the most leftist American that you can't grow and prosper and move on into the 21st century and lead the world economically, culturally, politically, militarily, every measure that there is, unless you have a free enterprise system.

Free enterprise. Free enterprise. A simple thing. It's so simple that on the flash cards that are produced by USCIS, the United States Citizenship and Immigration Services, the services that provide the path for legal immigrants to become citizens of the United States. When you're training and you're studying to become an American citizen, there are a lot of things there. You have to learn a little about our history; you have to be able to have a command of the English language in both the spoken and written English language; and there are a number of questions in the test. And the flash cards that are proposed, that stack of flash cards produced by USCIS, Citizenship and Immigration Services, glossy flash cards, red cards, about like that, they will ask questions. They would be questions such as, Who's the father of our country? You snap that card over and the other side says—you know the answer, I trust, Mr. Speaker—George Washington. Another one will be, who emancipated the slaves? Abraham Lincoln. What is the economic system of the United States of America? You flip that flash card over, if you study and you want to be a citizen of the United States, and it says free enterprise capitalism. How about that? Now that's one of the questions we would consider to be basic, rudimentary, something that any third grader—well, they may not know that, but a sixth grader will; an eighth grader will for sure, or should. It should be taught in all of our schools: The vigor and the vitality that comes from free enterprise capitalism. It is a basic question. If you want to become an American, you have to understand our economic system; free enterprise capitalism.

I wouldn't say that the President doesn't understand the system, but I am not convinced that he adheres to the free enterprise capitalism system that we have. I have yet to see a single move on the part of the President of the United States or this administration or the progressive leftists in this Congress, House or Senate, that supports the underpinnings of free enterprise capitalism as the engine of our economy. And I've seen move after move after move that undermines free enterprise, over and over again.

Nobody over here is going to stand up and say, ''You're wrong, STEVE KING. You're wrong. I'm a free enterprise capitalist.'' You can't say that. If you're going to raise taxes, if you're going to raise taxes to the tune of something in the area of $1.5 trillion? If you're going to be part of a $1.5 trillion deficit on top of it? A deficit that we have never seen in this country. And be part of punishing—they say punishing the rich. What about the job makers? What about the job givers? What about the employers in America? What happens when you punish the people that produce the jobs? What about big employers, big job givers? Do we punish them?

Yes, you guys want to do that. You're doing it every day. You're advancing regulations. You're advancing taxes. You think that the goose that lays the golden egg which is free enterprise capitalism, that somehow if you slaughter the goose, you find all of those golden eggs inside. Well, it doesn't work that way. It's one egg at a time by the economic engine that is out there struggling to make some profit. And the people over on this side of the aisle, I wish somebody would stand up and tell me that they created a job, that they signed somebody else's paycheck on the front, not the back; somebody that had invested capital to establish a business, that had a chance to make some profit. And out of that, you're only as good as the employees that you have and you're not going to make money in business if you don't have good employees. So you want to hire the best employees you can hire and get the most production out of them that you can. And in today's world it's not good enough, Mr. Speaker, to work hard. Hard workers are respected, certainly. But this is a technological era. You've got to work hard and work smart; do both of those things together. If you work hard and don't work smart, you're going to be down there in the lowest income levels in America, the under-skilled jobs. And then those folks are the ones that are receiving public benefits in greater percentages and numbers than anybody else.

Here's how this works out. And tomorrow morning, Mr. Speaker, I will have a guest at the Conservative Opportunity Society, an organization that was founded in 1984 by Vin Weber, Newt Gingrich and others for the purposes of identifying the roots of our prosperity; the Conservative Opportunity Society. I happen to be the chairman of the Conservative Opportunity Society. Over the course of the last 6 years or 5½ that I have had the honor of that task, we've had a whole variety of excellent educators and speakers that have come forward. Tomorrow morning it's Robert Rector of the Heritage Foundation.

Robert Rector is one of those guys who goes back in the back room and does that deep due diligence research to try to come up with the numbers to quantify and identify what is actually happening in America, economically, socially, culturally. Robert Rector is one of the people that I think if you take him out of the equation in 2006 or 2007, that grand coalition of the President and Teddy Kennedy—President Bush and Teddy Kennedy and others—would have passed a comprehensive amnesty piece of legislation on us. But Robert Rector gave us the facts that showed us the cost to illegal immigration in America. And now he's done a new study. This is a new study that identifies what's happening with welfare reform in America. This study goes back and looks at that time in the mid nineties when this Congress went into showdown mode on welfare reform. And for a time the government was shut down because the Republican majority in the Congress refused to knuckle under to the demands of President Bill Clinton at the time and he demanded that they spend more money and he demanded that they not reform welfare, that we let people continue to be paid not to work in the same numbers as before, because of his sense of compassion. But Republicans persisted, and we got a welfare reform bill. In the end, though, they blinked when it came down to who was going to give in. It's kind of like a street brawl when whoever's standing there when it's over is the one that won. Well, in that case Bill Clinton won the final showdown on who would give in to put the government back at work instead of leaving them shut down.

□ 2000

But we got some welfare reform. America thinks that there was a real model of welfare reform that was accomplished, and some of that was a

model that came out of Wisconsin from Governor Tommy Thompson, who's done an outstanding job in Wisconsin and set a pace here for Washington. A lot of that actually was done in the neighboring next-door Iowa without that level of fanfare, but that came here to the Capitol. That's where our federalist system that leaves the decisions as much as possible to the State had manifested itself. And the model of Wisconsin and Iowa—as some will say, it's a better program even than Wisconsin—was reflected here in Washington with welfare reform.

Well, we thought we reformed welfare in the mid-1990s. But when you track the dollars that are handed out in welfare benefits, you look and you find out it's not just that handful of welfare components that we might think of such as food stamps and rent subsidy and heat subsidy and aid to dependent children and some others, but it's 72 different programs. And these programs are so myriad in their number and disparate in their varieties that it's impossible for a citizen that's sitting at home reading the newspaper or tracking—maybe they're tracking the Internet now. If you're a student now, you could figure this out. Seventy-two different programs, many of them, most of them, maybe even all of them, growing.

And so what we've seen, if you chart the graph, is welfare spending was going up. You hit the mid-1990s, the reform came and it leveled off, dipped down just a little bit. And then it went up again at a pace that accelerated at a level greater to or equal to what it was in the mid-1990s, because they added so many programs in, blended so many in that it crept in on us before we knew what was going on. Robert Rector's nailed that down.

Now I'm looking forward to hearing him at 8 o'clock tomorrow morning, and I hope there will be a good number of Members that will arrive down at the Capitol Hill Club at that 8 o'clock breakfast, and we will get into this subject matter. This is one of the things, Mr. Speaker, that goes on in this Congress that doesn't get any press, that we're back behind those doors constantly sticking our nose, our eyes, and our ears into programs trying to find ways that we can better configure this government, ways we can save money, ways we can get more productivity out of the people in this country. And our job, our job, Mr. Speaker, is to increase the average annual productivity of our people.

Average annual productivity. That doesn't mean everybody is going to be producing. Some people are going to be in a hospital bed, some are going to be in a nursing home, some are going to be shut-ins at home. Some will be retired because of their age or maybe they've earned it. Maybe they're retired because they have earned the kind of wealth that let's them retire. Their capital is still working.

But we need to have the able-bodied people and the able-minded people in this technological era—doesn't always have to be able-bodied; able-minded—that are contributing to this economy, that are producing something on a daily basis, that are proud of what they do, that are creative. And when you add that all up, 306 million Americans. And just think, if every single one got up every day and did something that's constructive and productive in the private sector, how much difference that would make.

Think of this. If we're all on a great ship sailing out across the ocean back in the era where you had to grab ahold of the oar and pull on the oar to go anywhere, you're in the calms. Sails aren't helping you. You can man the sails when the wind is blowing. So if everybody goes down there and grabs ahold of an oar and pulls on that oar, you sail through the water without a lot of effort. But every time somebody let's go of the oar and goes up and sits in the steerage passage, in the steerage compartment and watches as the ocean goes by and watches everybody else work and pull on the oar, do you know what that does? Every time somebody lets go of an oar, it's harder to keep that ship going at the same speed. In fact, it must slow down because you've got fewer people pulling on this economic engine.

And the more people that quit and give up or are provided an incentive—let's just say it pays the same to pull on the oar as it does to sit up there in steerage. Let's just say the food is the same. The service is the same. You get a bunk that's just as good. Why would you pull on the oar? If you're living as good a life without having to go down in the hold and do your share of the work and carry your share of the load, why would you do it? Just out of good conscience because you like to row the boat?

Mr. Speaker, that's not the way it works in the real world. Some people do like to row the boat. Some people work just out of conscience. Some of them give from an altruism from within their heart. But that's not what keeps the economy going. What keeps the economy going is—it contributes. But what ensures that the economy goes is people are rewarded for their labor. People are rewarded for their creativeness, for their entrepreneurial spirit, for inventing, for producing, and for marketing.

People that add to this economy need to be rewarded for what they do in proportion to their contribution. And only the markets can determine that; not some government bureaucrat, not some pay czar, not somebody that decides this CEO should get paid X and this CEO should get paid Y. Or like the President who can decide this CEO needs to be fired.

Well, Mr. Speaker, I'm not making that up. That is a fact of history, undenied by the President of the United States or any of his spokesmen in the White House. The President fired the CEO of General Motors a year ago, a little more, fired him. Came out in the press. President eliminates the CEO. There was no denial out of the White House. He essentially took a bow.

Remember how many times he said Barack Obama or President Obama or just put ''Obama'' in there and then put in quotes in your Google search ''I'm the President.'' How many times has he said ''I'm the President'' in the last year and a half or a little more? A number that I can think of. He constantly reminds us that he's the President. But no President in America should ever have the authority to fire the CEO of a Fortune 500 company or anything else. Let him fire his own staff. Let him fire his own Cabinet. Let him fire his own executive branch right on down to the lowest person on the totem pole. That's fine with me. That's his shop.

General Motors and Chrysler were private companies taken over by the Federal Government, and the President of the United States fired the CEO of General Motors and approved the replacement hire, and he fired and replaced all but two of the board members on General Motors. And he ordered, his people ordered, the elimination of 3,400 car dealerships. Why? Because his car czar and his people in the White House had some off-balance idea that, if you eliminate dealerships, you can sell more cars.

Now, I come to this office with, I think, maybe a gift of the common sense that comes from the Midwest, and I'm sure that it exists in all of the rest of the country, too. But here's what I know from where I come from. If you want to manufacture widgets, especially if you invent a widget, but if you want to manufacture them—let's just say you go in your little shop and you go and create and you manufacture a widget, and you decide, ''I can make these things pretty good and I can mass produce them, even, so now I want to sell them.'' What would you do? Simple. You'd go to the county fairs. You'd go to all of the county fairs and you would show these widgets to all of the people walking by. And when they stopped and showed a little interest, you'd say, ''Hey, I'll tell you what. You should be a franchisee. I want to let you be my dealer, and you can take this widget home with you—pay for it, of course—stock it in your inventory. I'll give you the material and you can sell widgets out of the window of your shop or out of the implement lot'' or whatever the widget might happen to be.

And you would know that if you want to sell a million widgets, you can't stand there and sell every one of them. There's not enough time. But if you can get enough dealers out there, if you can get 3,400 dealers out there with enough widgets on the lot, you can sell a whole lot more widgets than if you don't have any dealers.

So do 3,400 less car dealers sell more cars than 3,400 car dealers? The answer

is obviously no. It is a stupid decision to believe that you can eliminate car dealers and sell more cars. And what's happened? The company that was not dictated to by the White House is the one that's selling the cars and growing and turning a profit—Ford Motor Company. And I've not been one that went out and bought a Ford as the first vehicle. In fact, it's been hard for me to buy a Ford in the past. But it's looking a little more attractive to me now because they're American cars, American made, that are not propped up by the taxpayers. And they're proving what free enterprise does. When you get out there and compete, you can build a good product.

Now, I'm not saying necessarily that I'd go out there and change the brand that I currently drive. I'm happy with that. But, Mr. Speaker, my point is the White House has been dictating to the private sector. They have nationalized and taken over General Motors and Chrysler and three banks, three large banks; AIG, the insurance company, to the tune of $180 billion; Fannie Mae and Freddie Mac—this just popped up a couple of days ago—in addition to that, the $145 billion that has been poured into Fannie Mae and Freddie Mac to prop them up.

We also have the other agencies—FHA, Federal Housing Administration—and some other loans that are rolled down through other Federal agencies. The loans that have been issued throughout those other agencies, now the no down payment and the very low down payment loans, and that means the low down payment of 3½ percent.

□ 2010

From 3½ percent down to zero, that's $1 trillion in loans that the Federal Government is the guarantor of, $1 trillion. Fannie Mae and Freddie Mac give the taxpayers a contingent liability of $5.5 trillion.

So what happens if these loans all blow up? That means the taxpayers are stuck at 5½ plus one, and I know the math on that: $6.5 trillion in contingent liability for the American taxpayers because the people that don't understand free enterprise think somehow the only reason that somebody that doesn't have an income, doesn't own their home, is because nobody's offered them a no down payment loan, and somehow they're going to figure out if they don't have any money how they're still going to pay mortgage payments on a house.

Now, that means here's your house, you have no skin in the game, and it takes at least 6 months to foreclosure in most of the States on a loan like that. Well, who wouldn't take a home? I wouldn't actually, but there are many people that would take a home for no down payment, you get to live here for 6 months without making payments before we figure out how to evict you.

We had a bankruptcy clawback bill that was brought through the Judiciary Committee and here to the floor of the House that exempted some people and gave them breaks in whose homes are being foreclosed on. And I offered just a simple amendment in the Judiciary Committee, and it was this. If someone had defrauded their lender or attempted to defraud their lender, they wouldn't be able to take advantage of the special provisions in this special bankruptcy clawback law. That amendment passed the Judiciary Committee, Mr. Speaker, by a vote of 23–3.

But guess what happened? The will of the committee was reflected in the vote, the recorded vote, but by the time the bill got to the floor the language was changed miraculously. By whom? Well, maybe the staff of the Judiciary Committee, with the consent of the chairman of the Judiciary Committee, JOHN CONYERS, with the complicity of the Rules Committee chaired by LOUISE SLAUGHTER, and I think that at least in the silence of it all, within the arrangement of the Speaker of the House's method of running this place, Speaker PELOSI.

So this franchise that as every Member of Congress, each of us that represents about 700,000 people in this Congress, we come here to carry the values of our constituents, and out among our districts we have all the solutions for America. We have all the answers that man and woman can devise out there among our constituents, 700,000, I have the privilege to represent, added to the other 305.3 million or so that are represented by the other 435 Members of Congress.

We have an information network. We gather input, we gather data, and we have those voices coming into my office constantly. That's what we do, and it's part of my job to weigh those ideas, place them in the right place, get them to the subcommittees, get information before the hearings, get them to the subcommittees for the markups, and get them to the full committee for the secondary markup, get them to the floor with amendments, before the Rules Committee, if it's just that they go there, and get this into the debate. If we don't get it solved, we want to go down the hallway to the Senate and weigh in over there and use whatever kind of influence we have because it's so important that we collect the wisdom of the 300-plus million Americans. That's what a constitutional republic does. That's what it's designed to do, Mr. Speaker.

But we have a draconian House of Representatives that has shut off the input from the citizens of the United States, has shut down the process to the point where an amendment can be offered and passed in a markup of a bill before a full committee like the Judiciary Committee, or the Energy and Commerce Committee would be another example, Mr. Speaker, where this has happened on ObamaCare, on cap-and-tax as well, where the will of the committee is just ignored and they go rewrite the bill and bring it to the floor. They don't say anything to anybody. They don't ask permission. They don't ask for a signoff or a consent from the people that recorded their vote in support of those amendments. They just simply ignore the entire will of the committee or defy it and rewrite the bill after the fact and send it to the floor without notice.

And when caught red-handed, their answer is, well, it was so obvious we knew you'd catch us. That really gives me a feeling of comfort. How many were not obvious, how many didn't we catch when they changed a little word like a ''may'' to a ''shall'' or vice versa, something that can completely transform the meaning of an entire piece of legislation. If you're looking at every word, I suppose you would catch it, it's obvious a ''may'' to a ''shall'' or a ''shall'' to a ''may'' or a ''notwithstanding'' slipped in somewhere or was taken out.

But it should have the integrity that the will of the group as brought out by the chairman of the committee and that decision of the committee must be sacrosanct and honored, and it should not ever be changed unless it's changed by a vote, not of the Rules Committee, to change the language of a bill that goes up there. If there's something that's been a mistake or there's a change of opinion, then whoever wants to change that conclusion of a committee should have to bring an amendment to the floor of the House of Representatives and debate it here. That's how a constitutional republic is supposed to work. That's how it was designed to work, and in fact, it's dysfunctional if it's not run that way. This is a dysfunctional Congress, Mr. Speaker. The will of the people is not being reflected in this Congress in many, many ways. So this takes me to a couple of issues.

Cap-and-tax passed this House almost very close to a year ago today. Looks like it's balled up in the Senate, and I hope that it stays buried there. They will keep trying. That didn't reflect the will of the people. That was a high-handed leverage operation, and I won't go so deeply into that because I actually don't expect we will see that at least before the election.

And after the election, if there's a lame duck session—and there likely will be—it better be just pro forma activity of this Congress to get the business done that must be done so this country can function, because the people in November will have spoken, Mr. Speaker, and their will needs to be reflected after the election. A lame duck session that brings transformative pieces of legislation breaks with the trust of the American people. It would be a defiant action, and it should be met with the defiance of the American people, and anything they should try to do in that kind of environment should be repealed, and the President of the United States ought to say so. He ought to say no transformative legislation should be brought before this

Congress in a lame duck session. A President that honored the Constitution and the will of the people would reinforce that position right now and do it today, Mr. Speaker.

But another one of those pieces of legislation that was brought before this Congress that defied the will of the people is ObamaCare, and I will just tell you what ObamaCare is. It is what the President has identified it. He's referred to it as ObamaCare. I happen to remember February 25 at the Blair House this year when President Obama talked about this health care plan as ObamaCare. That's the moniker he would like to have on it, and that's what he would like to have for his legacy. The American people can't have ObamaCare and have freedom too. It has to be one or the other. It cannot be both. They are not compatible with each other. Freedom and liberty cannot coexist side by side with ObamaCare, Mr. Speaker.

This ObamaCare that was contrived and recontrived and manipulated and remanipulated and sent up to the Congressional Budget Office for another CBO scoring after another CBO scoring turned logical contortionism inside out to get to a conclusion that ObamaCare wasn't going to be expensive, and the assumptions that were made defied rational thought.

One of them was, well, we'll save $532 billion by cutting Medicare $532 billion. Think of it. Here we are, the senior citizens are now the baby boomers arriving at retirement age, and in my district—I have Iowa—Iowa has the highest percentage of its population over age 85 of all the States, and there are 99 counties in Iowa. Ten of the 12 most senior counties in Iowa are in my district, western Iowa, the Fifth District of Iowa, which is 32 counties. Draw a line from Minnesota and Missouri and put a third of the State on the west side of that, that's the Fifth District.

In those 32 counties, we have 10 of the 12 most senior counties in the most senior State in America. So I will submit by that standard that I represent the most senior congressional district in America, a district that would have most likely the highest percentage of its people on Medicare and Social Security.

□ 2020

This President and his administration proposed and force fed legislation on the American people that would slash the already tight undercompensated budget of Medicare by $532 billion because of a couple of things. One is they allege that there is fraud and corruption and waste, fraud and abuse in ObamaCare. We don't know whether that's true everywhere in America, but we know or I am confident that it's not true in the small towns in the rural areas, especially in the Midwest where I happen to have the privilege to serve. And so the idea is slash the budget of Medicare and then if you do that it will magically find the corruption and the waste and chop it out.

Well, the people that are involved in gaming the system are the best at gaming the system. So those that are simply working on a stable budget providing services that aren't waste, fraud and abuse, they are likely the ones that get their budget cut because they are not going to be gaming the system. They are just honest people that are trying to provide services to senior citizens that need the help.

A $532 billion cut, now here is where we find out also that ObamaCare, if you look at the real numbers, the numbers that are emerging, it's a trillion-dollar deficit, a trillion dollars over the budget projections. We are also seeing that they are putting things in place to ration our care; they are putting a CEO in place who is convinced that the United Kingdom, their socialized medicine is the best plan, worships at the altar of socialized medicine.

It looks like the British are starting to repeal their socialized medicine plan, and we have just adopted one in the form of ObamaCare. The American people don't yet know what all of this means.

The Speaker tells the Americans we have to pass ObamaCare, we have to pass the bill, she said, in order for you to learn what's in it. As if we can't read 2,300 or 2,400 pages and figure it out. Well, it's true, it isn't possible to read the bill and figure it out because you have to be able to understand and predict what the bureaucrats will do to write the rules in the aftermath, and that is just beginning.

But here are some things that I have seen and things that I know, Mr. Speaker, and that is that the President said he wanted to provide some competition into the health insurance industry and the problem was there wasn't enough competition for health insurance. So he wants to set up a public option. Do you remember that public option?

His public option would be Federal Government setting up an insurance company that would compete with the private sector health insurance companies. All right, so if there isn't enough competition, the first question the President should have asked and the first question that the pundits should have asked would be, Mr. President, do you have any idea how many insurance companies, health insurance companies there are in the United States?

If you want one more company to provide more competition, wouldn't you at least, before you came to such a conclusion, as the President has, wouldn't you ask the simple question, this is like the dumb question, how many insurance companies are there in America selling health insurance? I know it sounds a little dumb, Mr. Speaker, but there are a whole lot of people out there that made decisions on this that don't know the answer to this question.

So I checked it out: 1,300 health insurance companies in America, 1,300; 1,300 health insurance companies selling insurance in America and the President says we need more competition, so let's have a government company to compete against—I don't know what's in his head, one or three or five or so health insurance companies—1,300, Mr. President. That's a far cry from not having enough companies, I would say. And if you add one more and it's a government company, it's 1,301 companies. Is that really the bright, perfect balance number?

His motive isn't to provide more competition. His motive is to replace the private sector. He campaigned early on for the public option and also for a single-payer. The President is on record being for a single-payer. Single-payer is the government takes care of everything. They take care of providing all of the health insurance and all of the health care that there is.

By the way, where they get to the point where they would have a monopoly, it would wipe out the insurance component of this by arguing that we are wasting money administratively by helping people's health insurance policies. Why don't we just give them the health care? Why would we tell them you have to own your own policy, carry your own insurance card, pay your premium and we will back-fill your account. We will subsidize your premium if you aren't making enough money. We will tax you if you are making too much money.

This is a share-the-wealth Robin Hood strategy. The only thing is the President's idea that we are not going to increase taxes on anybody that is making less than $250,000 a year turns out not to be true. It turns out to be false.

The question that needs to be asked there with the President is, Was it a mistake, Mr. President, or was it a willful misinformation to the American people? That's the question.

I remember during the campaign in 1996, when Charlton Heston at the time was the president of the National Rifle Association, ran commercials against Bill Clinton, the President. Charlton Heston said, you know, the question was did President Clinton tell the truth or did he lie, Mr. Speaker?

Charlton Heston's comment was this. He said, Mr. President, if you say something that's wrong and you don't know that it's wrong, that's called a mistake. If you say something that's wrong and you know that it's wrong, that's a lie.

The question becomes what did the President believe when he repeated to the American people that he would not raise taxes on the American people if you made less than $250,000 a year?

ObamaCare raises taxes on many people that make less than $250,000 a year. It imposes an individual mandate that requires everybody to buy insurance or be fined and punished and penalized for doing the same. That's never been a requirement by the Federal Government

in the history of this country that the Federal Government would produce a product or approve a product and compel the American people to buy it.

So if they are going to approve the health insurance policies that are produced by, let's say, Wellmark or some other company, we say, we like your policy and your policy and your policy and our health choices health administration czar, I call him the commaczarishioner, will pick some of these 1,300 companies that exist when ObamaCare was passed and say, I anoint these policies but you have got to adjust them all to match the demand of the rules to be written by the Health Choices Administration commaczarishioner.

Once we approve all this, then it will be a decision of how many companies will be left to do business and the Federal Government injecting themselves to compete directly against that, and then every health insurance policy in America under those standards—well, actually, every health insurance policy that is effective today will be effectively canceled by the Federal Government under the law and under the rule.

They will have to requalify. Actually, they will have to qualify under Federal standards yet to be written.

There is not a single policy in America that the President of the United States himself, even if it was at a beer summit back in the South Lawn of the White House, of all 100,000 policies in America, Mr. Speaker, there is not one that the President of the United States himself could pull out of that stack of 100,000 policies. That's a pretty deep stack, maybe that high, and point to it and say this policy, Mr. or Mrs. American, is your policy and you get to keep it, and the substance of the benefits on it will not be changed, and your premiums will not increase or be altered dramatically different than the markets would normally move it. Not one policy out of any one of the millions of Americans that are insured and not one policy out of the 100,000 varieties that are out there to be sold can be guaranteed, even by the President of the United States.

The man who fired the CEO of General Motors, replaced the board of directors, all but two, reminded us that he is the President and he gets to do these things. Maybe he is also the one that has brought about the firing or the elimination, the replacement of the CEO of BP. I think he would be pretty proud of that if he could get right down to the inner soul of who he is.

But there is not one policy in America that he can point to and say this is yours, you get to keep it; the premium is not going to be altered substantively and neither will the terms of the benefits that are in it, not one. They will all get canceled. All of them that will be viable on the other side of the implementation of ObamaCare after 2014, all have to qualify.

You know, that's like, that's like going to the racetrack and having the fastest car and you have been around and around the racetrack, and you set your standards. And when you pull on there with that nice, fastest car, and you have got to go back and you have got to run the laps and go again and qualify again and again and again, that's what it is.

□ 2030

That's what it is. Everybody's got to qualify. Many won't. Many companies will be broke. They will be driven down. A lot of these policies will have to be rewritten, premiums will go up, but that's also part of the equation. There's more to that. Employers will look at the penalty, the 8 percent penalty on payroll, those that employ 50 or more, and they will decide, many of them, I can pay the 8 percent penalty for not insuring my employees cheaper than I can pay their premiums, so why would I knuckle under and comply with a Federal mandate when it's cheaper to do something else?

And then you will have individuals that will be self-employed, those who will be working for companies that don't have 50 or more employees. Those companies are going to be providing health insurance less and less, and those employees that don't have health insurance are going to be more likely to just pay the penalty because they know this: They've got guarantee issue. They've got preexisting condition language that's there. So why would you buy insurance if you could just simply buy the insurance when you get sick, on your way to the hospital, in the hospital, from intensive care? Sign the application, pay the premium like somebody that's completely robustly healthy and pay the same premium.

This is the myopic thinking that comes from the White House and from the other side of the aisle. They don't understand how business works. They don't understand how insurance works. They understand how socialism works, and they're seeking to drag us there.

Now, I used to refrain from saying such things, Mr. Speaker, but the evidence is so replete, and it's a constant out there among the American people. They understand this. Some of this actually began at the end of the Bush administration—all of this, though, with the blessing of now President Obama. But we had a $700 billion TARP program that was a mistake; $350 billion of that was passed in the lame duck of the Bush administration. And then there was the nationalization of three large investment banks, AIG, Fannie Mae/Freddie Mac, General Motors/Chrysler, a takeover of the student loan program in the United States that not that many years ago was all private. Now it's all run by the Department of Education, every bit of it. And if you're wondering about this pattern, this isn't something that they don't understand. They know what they're doing.

Back in 1960, 1960, 1961 and 1962, in that era, the only flood insurance that you could buy in America was sold at the private sector, property and casualty flood insurance. So if you lived in a floodplain, you could pay the premium to a private sector company and you could protect yourself from floods. But the Federal Government decided they would get involved in the Federal flood insurance program and they passed that. Just a few years later, there was no longer any private sector property and casualty flood insurance in America. There hasn't been any for almost 50 years. Almost 50 years since we've had private sector property and casualty insurance, because the Federal Government got in the business and they couldn't compete well enough in the beginning, but then they passed legislation that required that anybody that had a loan through a national bank had to buy flood insurance. So the flood insurance premiums were compelled as a condition of the loan, and so they imposed a requirement to pay those premiums. And over time, they pushed out the property and casualty people, the private property and casualty people, and the flood insurance program became 100 percent Federal Government.

Now, you can't go out in the market—and for years you have not been able to go out in the market—and buy flood insurance. You have to buy that through the Federal flood insurance program. And curiously, that program is $19.2 billion in the red, Mr. Speaker, and they're looking for ways to compel more people to pay premiums because the value of those premiums hasn't reflected the risk or else they paid out the benefits in such a way. I think it's a combination of the two, but mostly the premiums haven't reflected the value of the risk. They haven't run their insurance company very well. They're the government, after all. And if they fail to meet a casualty, they don't go broke. They just run deficit spending or come back to this Congress and ask us to borrow money from the Chinese to backfill their business inefficiencies, and that's the model.

So we've got a Federal flood insurance program that is a bust—$19.2 billion. We've got the student loan program now taken over by the Department of Education and done so in the dark of the night as part of a reconciliation package that circumvented the filibuster rules in the Senate and was attached to the last-minute deals that were made in place on ObamaCare. And now we've got ObamaCare, and it will move itself towards the nationalization of our health care. In fact, I'd say it is the nationalization of our health care, because there isn't anybody in America that will be able to manage their health care anymore at their own choice.

The markets will not establish the demand. You will not be able to go to an insurance company and, say, if you and a million other people in America want to be able to buy low-premium catastrophic insurance—let's just say

you're 22 or 23 years old, in robust health and you've got an income where you're making $25,000 a year and your employer is not providing your health insurance, but you want to be responsible and you want to pay for catastrophic insurance and you say, I want to have a $2,500 deductible premium that only pays catastrophic.

You should be able to buy that really cheaply in the marketplace. And what's going to happen? I guarantee you, it will not exist. It will not exist because the community ratings at 3–1 already eliminate catastrophic, low-premium health insurance for young people, which means they have to pay a disproportionate share of the premium.

And when they look at that, they wonder, What am I getting back for my money? Well, they're getting the privilege of paying somebody else's health insurance premium that levels this out a little bit, as if the generations has an equal shot at it.

But here's what happens. Young people that are healthy don't have very many health insurance and health care claims. Their premiums generally have reflected the risk in the States where the States allow them to do that, and it's many—in fact, it's most. But under ObamaCare, with the 3–1 community rating, now that premium can't be anything less than one-third of the highest premium that's charged out there.

So if you have somebody with, let's say, a bad health record that you would charge a high premium to, your low-income guy has got to subsidize the high-claims guy. And the world doesn't sit there just so that a younger person with low health care claims can't afford to pay a lot more premium than that. Well, they're not a lot more risk than that either. But somebody that gets on upwards to their income peak earning level—I don't know what that number is but I'm just going to say 55 just to pick a number. Your income earning capacity increases throughout your lifetime to a certain point and then it tends to level off as people start to retire. So let's just say mid-fifties. That's the time also that health tends to cost more, in the aftermath of the mid-fifties. So the premiums go up, and that's a higher income time of life.

Why would we go down to the younger people and discourage them from buying insurance, people that will drop off and pay the penalty instead of the premium because we've rigged the game in favor of the people at the upper age group and the upper claims group of this? Again, it defies logic.

We could go on and on about how bad ObamaCare is, Mr. Speaker, but I just want to make this point. I brought legislation to repeal ObamaCare. I could not sleep the night this passed. I typed up a request for the bill draft and I sent it to leg. counsel at the opening of business that morning. It was a Monday morning. That draft came back to me completed in legislative form within 3 minutes of the time that Congresswoman MICHELE BACHMANN's repeal bill also came down. Within 3 minutes. Each of them were 40 words. They were verbatim to each other, pieces of legislation that were pure in their simplicity, 2,000-plus pages of ObamaCare ripped out by the roots, lock, stock and barrel if we pass this legislation that is so simple that repeals all of ObamaCare, 100 percent of ObamaCare, lock, stock and barrel, not one vestige of it left behind, not one particle of ObamaCare DNA left behind.

It has become a malignant tumor in our society. It is metastasizing as we speak, and it has got to be repealed. Every single word of it, every component of ObamaCare has got to be repealed. MICHELE BACHMANN's legislation does that. Mine does that. CONNIE MACK's of Florida repeals it. Also, Parker Griffith's of Alabama, BOB INGLIS of South Carolina, all—those are the ones I can think of. I think JERRY MORAN will be another one—have introduced legislation that repeals ObamaCare, all of it, lock, stock and barrel. That needs to happen, Mr. Speaker, if we're to have our liberty back, if we're to have our freedom back. If we're to have our American vitality back, it's got to go, all of it.

Now, what I have done is worked that legislation pretty hard. I ended up with 89 signatures, and I'm still taking more if they will sign them on, to the repeal legislation.

□ 2040

Most of those people who signed onto my bill I asked to sign onto the bills of the others, especially onto MICHELE BACHMANN's, because she had worked it so hard, but it ended up there were a few more signatures on my bill than on the others, so I introduced a discharge petition some 5 or 6 weeks ago.

A discharge petition, Mr. Speaker, is the one single tool that the disenfranchised majority opinion in this Congress can use to bring legislation to the floor over the will of the Speaker of the House, NANCY PELOSI. Any other method that we might have to move legislation here in the House is blocked by the iron fist of the Speaker. Any legislation we try to move through committee will go nowhere. No matter what the support is for a bill, if the Speaker doesn't want it to move, it doesn't move. If you want a hearing for a piece of legislation before a committee, you will not get that hearing. If you want a markup before a subcommittee or a full committee, you will not get that markup. The Speaker will decide whether it moves or whether it doesn't. It is an iron fist, a draconian hand, that shuts down the opportunity for the will of the people to be manifested in a recorded vote on the floor of the House of Representatives.

There is only one tool—only one tool, Mr. Speaker—and that is a discharge petition. It is there to give relief for the will of the people in America reflected in this republican form of government that is guaranteed to us in the United States Constitution.

It is a discharge petition.

When a bill has been introduced here into the House and has been allowed to cure for a minimum of 30 legislative days, then it can be converted into a discharge petition on file right over here with the Clerk of the House, and that requires a signature on that document and an initial of the Members of Congress who support it. Now, those signatures are accumulated here on this discharge petition, Mr. Speaker, and it is discharge petition No. 11 that repeals 100 percent of ObamaCare. That discharge petition that is on file has my signature at the top. It has MICHELE BACHMANN's right there with mine and with CONNIE MACK's at the top, and it goes right on down the line.

When I first filed it, some of the critics out there in America said, Well, there's an act of frustration. He won't be able to get anything done on this. They aren't going to sign onto that discharge petition.

Well, we can take a look and see what has happened today, Mr. Speaker. In fact, we can check it currently, and I might be able to do that, actually, on the fly. We are at least at 159—I think at 160—on the discharge petition. When we get to 218, then we will be able to bring that bill to the floor for an up-or-down vote. No amendments. It cannot be blocked by the Speaker of the House. That is what a discharge petition does.

Let me see. There we go. I'll get this going and try to give you a report, Mr. Speaker.

This discharge petition No. 11 is here in the well. Republicans have lined up to sign that petition, and they have done so repeatedly and consistently. It is a logistical difficulty to get that many people to go to the well and sign a discharge petition, but we are up to 159 or 160 on this petition, and there are others who have agreed to sign.

Of the Republicans, Mr. Speaker, there are only 14, by current count, who haven't either signed this discharge petition or haven't agreed to sign the discharge petition. All of the elected leadership has signed. In fact, I am seeing a notice here that all of the appointed leadership has signed. The entire leadership team has agreed to sign the discharge petition. Actually, the entire leadership team on the Republican side has signed the discharge petition. That's 100 percent support by the leadership team and by the Republican Conference. That is Leader BOEHNER. That is Whip ERIC CANTOR. That is Republican Conference Chair and master communicator MIKE PENCE. That is everybody along the line who you will see who line up at the microphones to lay out our Republican policy.

One hundred sixty of us altogether have signed. There is at least another four who have agreed to who haven't quite made it down here to put their John Henrys on the discharge petition. That is very, very close to a full court effort here in the House, and I think

that the Republican numbers have an opportunity, by the end of this week, to be signatories on the discharge petition, totaling perhaps all but maybe four who have a little difficulty getting there. I'm expecting that we'll have a chance to get to that point, and maybe, just maybe, on the best day, every Republican will have signed the discharge petition. I hope we get there because here is what it is about, Mr. Speaker.

Thirty-four Democrats voted ''no'' on ObamaCare. Every single Republican voted ''no'' on ObamaCare. It was universal. Every Republican opposed it and 34 Democrats opposed it. Why did they vote ''no''? That question is out there. The American people are wondering this, Mr. Speaker. Why? Did they oppose ObamaCare? Did they do so on a philosophical basis? Was it a policy question?

Every one of them would like to tell you it's a policy question. Well, is it ever a policy question in some of their cases? I think we're going to find out. Were they voting ''no'' on ObamaCare because the Speaker of the House said, ''I don't have to have your vote. Go ahead and vote 'no,' and then you can posture yourself back in your district as someone who is against ObamaCare and as someone who is not necessarily doing the bidding of the Speaker of the House from San Francisco''?

Well, this San Francisco agenda has been driven through this House because every single Democrat voted for NANCY PELOSI as Speaker—every one. All 34 of those Democrats who voted ''no'' on ObamaCare voted for NANCY PELOSI.

So, when you think about how this fits together, if they voted for NANCY PELOSI for Speaker, they enabled the San Francisco agenda to be driven through this House of Representatives. That includes cap-and-tax. It includes ObamaCare. It includes Barney Frank's financial reform legislation that sets the Federal Government up to be in a position to take over our lending institutions, or at least the larger ones if they decide to do so. All of that agenda and more has been driven by the Speaker of the House—NANCY PELOSI from San Francisco, a San Francisco agenda imposed upon America—because every Democrat voted for NANCY PELOSI for Speaker.

Now they'll be going back home at the end of this week, and they're going to say, I voted ''no'' on ObamaCare. It was a tough vote on cap-and-tax. I was doing something because I had a little nuance here.

I know one Member of Congress, who is part of the Iowa delegation, who said, Well, I think the bill has gotten better here in the House, and I'm going to vote for cap-and-tax because I think they're going to fix it down the hall in the Senate.

You'd sell out your franchise like that? If you had any leverage to fix anything, you just lost it when you voted for it and sent the bill down to the Senate. You stand here, and you hold your vote ''no.'' You don't hold your nose and vote ''yes'' and say you've done something responsible.

Where we are, Mr. Speaker, is this: ObamaCare has got to be repealed. There are 34 Democrats who said they were opposed to it who will have an opportunity to prove it right here at the well by signing discharge petition No. 11. Thirty-four Democrats voted ''no'' on ObamaCare. If they are sincere, they will sign the discharge petition. They will be added to the Republicans who have signed it and to those who will. There will be more tomorrow, and there will be more the next day. I can guarantee that, Mr. Speaker. When we get to this point, we will find out the separation between the women and the girls and the men and the boys.

Were they for the repeal of ObamaCare? If they opposed it in their votes, they shouldn't be for it in policy today. If they are going to duck and cover and try to have it both ways, a discharge petition will help separate that. In fact, it will separate it, and the American people will know the difference. We will gavel out of here perhaps on Thursday night, and most every Republican will have signed the discharge petition. I am hopeful there will be a handful of Democrats who will step up to it, who will take a stand and say, I really meant it when I voted ''no'' on ObamaCare, and I'm going to put my signature down here on this discharge petition, which commits them to voting for the repeal of ObamaCare if we get 218 signatures and it comes to the floor.

That is being honest with America. That is sending a message out across America. It is giving the constituents in each of these congressional districts an opportunity to take a look at the real record, an opportunity to evaluate the real positions of the Members of Congress—not the smoke and mirrors version, not the duplicity, not the straddle-the-fence version, but the real version, which is, if you voted ''no'' on ObamaCare, you'd better be for the repeal of ObamaCare. If you voted ''yes'' on ObamaCare, you might want to reconsider and sign the discharge petition anyway because it is bad policy. It is lousy policy. It can't be afforded. In no way can it be calculated to fit within anything that we might be able to sustain. It is unsustainable.

It is unforgivable to do this to the American people and to take away our freedom to manage our health care—to go out in the market and buy the health insurance policy that we want.

There are many things we can do for reform. There are many things we have tried to do for reform. We sent some of them over to the Senate when the Republicans were in charge here in the majority, and they got locked up with the trial lawyers in the Senate. We are going to have to roll the trial lawyers. That has to happen in this next Congress and in the Congress after that, Mr. Speaker, but we cannot tolerate a Congress that drives up the spending in America, one that runs in a $1.4 trillion or $1.5 trillion deficit. That is 10 times the average deficit under George Bush.

□ 2050

And still they stand up and say, Bush's fault, Bush's fault. Bush's fault?

$140 billion deficit under Bush. Now, I'd like to have balanced the budget, and I voted for a number of balanced budgets and I'll keep doing that. And I'm an original cosponsor of the balanced budget amendment.

But, Mr. Speaker, to equate a $1.4 trillion deficit and $1.8 trillion deficit coming the year behind that, and to equate that to a $140 billion deficit, it defies any rational thought, Mr. Speaker.

And I hope that I have conveyed some rational thought for you tonight, and I'm glad that you paid attention.

CORRECTING THE RECORD

The SPEAKER pro tempore (Mr. MAFFEI). Under the Speaker's announced policy of January 6, 2009, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes as the designee of the majority leader.

Mr. RYAN of Ohio. Mr. Speaker, I'm going to rise this evening with some of my colleagues to repudiate some of the comments that have been made here tonight, to correct some of the record, and to provide, I think, the real story, Mr. Speaker, of what is going on in America and compare that—and my friend from Iowa, who was up here prior to me stated that it's about the record. And I would 100 percent agree: it is about the record.

And if you look at the past few years prior to the Democrats taking over, our friends on the other side had complete control of the entire Federal Government. And in States like Ohio, they had control of the whole Ohio Government.

And with President Bush, Republican House, Republican Senate, they had an opportunity to implement their economic policy. They had an opportunity to implement their foreign policy. They had an opportunity to implement their energy policy. They had an opportunity to implement their health care policy.

All across the board, our friends on the other side had an opportunity to govern this great country. And the end result, we saw just a few short years ago with deregulation of Wall Street, turning a blind eye to what was going on, hoping that the health care problem would go away, hoping that the energy policy, the energy problems we had in this country would go away.

And the end result was what happened just a couple of years ago with the complete collapse of the American economy, with trillions and trillions and trillions of dollars lost by American families and American businesses, with millions of people losing their homes due to foreclosure, with the Federal Government down here saying that government never works, it has no

role, no place in our society, let the free market work, let Wall Street run the show, let the multinational corporations run the show.

And we will do everything in our power, while President Bush was in office, to completely denigrate the responsibilities of having a referee on the field to monitor Wall Street shenanigans, Mr. Speaker, to make sure, learning from history, that if you let Wall Street go without any regulation, that they will run free and, for a short time, monitor themselves. But then after a while, they will get greedy and they will cheat, and it will become inherent in the system. And at some point, as we saw many economists predict the collapse that they said maybe would happen in '08, maybe '09, or maybe '06, they thought it would come a little bit earlier. But there were economists out there that could see what was going to happen. And it did. The unregulated free market Wall Street collapsed and took Main Street with it.

For example, our friends on the other side, just in the last week or so, when this Congress and this President passed a complete overhaul of the regulations of Wall Street to make sure that this doesn't happen again, our friends on the other side voted against it, Mr. Speaker, voted against regulating Wall Street after we all just watched, as a country, and as the world watched, this system collapse because people just started moving money around.

You want to talk about family values and taking responsibility?

We are now holding Wall Street's feet to the fire, and our friends on the other side said, nope, we're going to side with the big banks. We're going to side with Wall Street. We're going to side with the status quo. And to me, Mr. Speaker, that's unacceptable. That's unacceptable.

And we have a bogey man America now. Oh, we've got to hold up. A San Francisco agenda's coming. Or here comes socialism. It's coming at you.

This time in our country's history requires very sober, mature analysis of the facts and an attempt to build a consensus around solutions. And our friends on the other side have consistently said no, no, no, no to everything that we've done.

Now, you can't disagree with everything. My goodness gracious. Everything?

Regulating Wall Street, saying we need a referee on the field to keep an eye on the big banks and the big-time money firms on Wall Street, to say they need regulated and you say, no?

To say that we wanted to pass unemployment insurance at this very difficult time, and the Republicans put up procedural block after procedural block saying no?

They come out and readily admit we've got to pay for $30 billion in unemployment insurance, but we don't have to pay for $650 billion worth of tax cuts that go primarily to the top 1 percent of the people in the United States of America, millionaires? That doesn't need to be paid for?

So what we're here tonight to do, Mr. Speaker, is to provide for this Chamber and for the American people, and to put into the CONGRESSIONAL RECORD, the choice, the difference between the party that is now governing the country, and the party of George W. Bush, who left us this mess.

Now, no one's saying that we can fix this overnight; but, basically, what happened is that we were in a football game, and President Bush was the quarterback. And when they took President Bush out as quarterback, we were down 50–0. And now President Obama is in as the quarterback; Democrats are now in on the team. And we may not have won the game yet, but we're still in the second quarter, and the score is now 50–21. But we're moving in the right direction.

And when you look at where the Bush economic policies that everyone on the other side of the aisle, Mr. Speaker, rubber stamped, those policies cost our country millions and millions of jobs; 8 million jobs were lost because of the economic collapse on Wall Street, which was the final result of the Bush economic policies.

Millions of people and their homes went into foreclosure because of the Bush economic policies. Trillions of dollars in wealth were lost because of the Bush economic policies.

We were bleeding jobs. The January that President Obama came into office, we were losing almost 800,000 jobs in that month alone, in that month alone.

And so this President and this Congress took a series of bold measures that weren't necessarily the most popular measures to take, but definitely needed, mature measures to help stabilize our economy and turn it around.

□ 2100

And that, Mr. Speaker, beyond all facts to be presented, worked. Now, as I said, we are not anywhere near where we need to be, but it worked. The stimulus package worked. Did it work well enough? Probably not.

But I can only imagine what would have happened if our friends on the other side were in charge and there wasn't any stimulus package at all. How many thousands and thousands of teachers would have been laid off? How many thousands and thousands of State workers would have been laid off? Police and fire would have been laid off because our friends on the other side said, No, we're going to implement a political strategy that means we have to repudiate everything that President Obama does. We have to hope that he does poorly. We have to root against the President. We have to root for the President to fail. We have to root for the country to fail so that we could maybe benefit politically in the next election.

And that's what's happened.

''No'' to the stimulus. ''No'' to unemployment compensation. ''No'' on reducing dependency on foreign oil. ''No'' to taking on the insurance companies. ''No'' to Wall Street reform. ''No'' to the banks. ''No'' to providing more credit for small businesses. ''No'' to tax credits. This is the one I really like. Our friends on the other side voted against getting rid of the tax credits that incentivized moving jobs offshore.

Now, can you imagine saying that, you know, there are some things I'm for and some things I'm against. Our friends on the other side voted against a closing of a loophole to disincentivize jobs moving offshore where Democrats are closing that loophole and incentivizing American manufacturing. Things made in the United States again, making things in the United States again, those times where our parents and grandparents grew up where we made things as a country, where we built things.

And that's what the energy revolution is all about. We send a billion dollars a day offshore. A billion a day, Mr. Speaker, offshore to oil-producing countries that don't like us all that much, and in many instances take our money and fund terroristic acts, try to in the United States and across the world. And then we have to spend money in our military to combat the global terrorist acts.

So if we come up with the idea of can't we produce our own energy here with nuclear, natural gas, wind, solar and put people back to work in the United States making the 8,000 component parts that go into a windmill, making the 400 tons of steel that go into a windmill, making the component parts that go into a solar panel, this is the idea of putting America back to work. And our friends on the other side, Mr. Speaker, are saying, No. Let's keep giving tax cuts to the oil companies so that they can keep drilling when we only have 2 percent of the world's oil in the United States of America.

There's a real choice here. There's a real difference here. And it's important for all of us to recognize the choices that have been made down here and the differences between the two parties.

So we stabilized things. We went from losing 750,000 jobs in that first month in January, and now we have an average monthly job growth of 170,000 jobs a month here in the United States. Not nearly enough. We need more. And we're working on more by helping small businesses, eight-plus small business tax credits to help create jobs, including a tax credit to create jobs here in the United States—as opposed to a tax credit that our friends on the other side support to move jobs overseas—so that we can put Americans back to work making things, manufacturing things, and taking on China. That's what these policies are all about. A green revolution in the United States is about resuscitating manufacturing in the United States.

And let me say that if you had a 401(k) or if you have a retirement plan,

it looks a heck of a lot better today than it did when our friends threw us the keys. Most families have gained about 60 percent of their wealth back because of the increase in the stock market because of the policies of this administration, the bold policies of this administration.

We have seen 98 percent of families in the United States in this past year see a reduced level of taxation.

Again, it's in vogue today in America, especially if you're a part of the neoconservative radical right wing that has taken control of the Republican Party, quite frankly, Mr. Speaker, to put up another bogeyman to say, They're raising your taxes. Well, we haven't. Ninety-eight percent of Americans have seen a reduction in taxes.

And so we are doing what we need to do to get us out of this economic catastrophe that President Bush and his Republican Party left this country. Deregulated Wall Street, looked the other way; let the insurance companies run crazy over the health insurance industry. And we've seen skyrocketing costs, incentivized ''drill baby drill,'' continue down that road while oil-producing countries take our money and fund terrorism when we could be investing that money in the United States and manufacturing renewable energy products here.

So we have seen, Mr. Speaker, a dramatic change over the course of the last 2 years.

So the choice is quite clear. Do we return back to the failed tried and tested policies, the worn-out, trite policies of the Bush administration? Do we trot those back out after we saw where they took us?

You know, here's the thing that I love.

Our friends on the other side say, Well, if we just cut taxes for the people that make all the money, it will trickle down and it will benefit everybody else. We tried that, Mr. Speaker. Those were the policies of the first 6 years of this decade. Bush came in, passed his tax cuts, and we didn't see extreme economic growth. We didn't see the middle class rise. We didn't see wages go up. We saw more offshoring of jobs to China and foreign countries. We saw the tax burden pushed off on the middle class. We saw health care costs skyrocket and go through the roof, continuing to take money out of the pockets of middle class families. We saw tuition costs go up all across the country, 9 percent a year.

And Pell Grant, because our friends said, Well, you're on your own; we don't even want to invest in education. You know, Pell Grants did not keep pace with where they needed to be. And our friend who was here earlier was talking about the student loans, how the Department of Education took over the student loan program and the free market. Yeah. Because the banks were charging our kids 8, 9 percent.

You want to keep that system going where you've got to take out a student loan and you get out of college and you owe $20,000 or $30,000 to get a college education? Or heaven forbid you get a master's degree or go to medical school and you come out with hundreds of thousands of dollars in debt so that banks could make a profit off of trying to educate our kids so we could be globally competitive? That's what the other side wants to do, Mr. Speaker. They want to keep that system in place.

□ 2110

They like it just the way it was. Everybody was happy. The insurance companies were happy. The multinationals were happy. The banks were happy. Wall Street was happy, but we weren't happy as a country. And not only did the banks charge 8 or 9 percent for a student loan, check this out. The government said, if a student defaults on that loan, we'll pick up the tab. Jesus, I mean, wouldn't it be nice to be a bank under George Bush. You mean I get to loan this student and this family a student loan at 8 percent and if they default on it, the government will come in and pick up the tab? Hey, we should all go into banking and be that lucky.

They set up a system, Wall Street did, that if there were lots of profits and lots of economic activity, they reaped all the benefits and the wealth was not spread throughout society. They would benefit. And that if it failed and collapsed, they would bring the whole country down with them, Main Street included. And then President Obama gets in and we pass the most sweeping Wall Street reforms since the Great Depression and our friends on the other side voted against it, just to keep the status quo.

So let's recap a little bit. Bush comes in, Republicans rubberstamp his agenda, they cut taxes for the top 1 percent. They try to privatize Social Security and Medicare. Their policies are implemented across the board, economic, energy, foreign policy, right down the line. After they're all implemented, the economy completely collapses and shuts down.

And then the Democrats come in. We get the keys to the car. The wheels are spinning, wobbling. There's cracks in the windshield. There's steam coming out of the engine. The tailpipe's dragging on the ground. There's no back window. It's like the car from ''The Big Lebowski'' that the Dude used to drive. So this thing's just wobbling down the aisle, wobbling down the street. We get the keys to the car. We take some bold needed actions, and our friends on the other side don't even try to solve the problem, don't even try to solve the problem.

But what has happened is we went from losing 700,000 jobs a month to creating on average 170,000 jobs a month. We saw the stock market go from a little over 6,000 up to 11,000, and 60 percent of the wealth returned to American families. We have seen a reduction in student loans, an increase in Pell grants, an increase in the minimum wage, making sure everybody in the country has health care. We tried to provide, and we have provided, tax incentives for businesses who create jobs here in the United States of America as opposed to our friends on the other side who voted against closing the loophole to bring jobs to the U.S. They wanted to keep the status quo which incentivized people and businesses moving their companies offshore. And our friends on the other side don't want us to reduce our dependency on foreign oil and have consistently voted against initiatives to resuscitate manufacturing here in the United States and invest in green technologies and green energy here in the United States. So on and on and on.

In addition to that, Mr. Speaker, which I think really highlights the difference between the two parties is, if you look at the alternative budget provided by the Republican Party here in the House of Representatives, it privatizes Social Security and it attempts to turn Medicare into a voucher system for our senior citizens. Again, a leap back to the Bush-era policies. Do we really want to go back there?

I'm the first to say, Mr. Speaker, we haven't done everything right. I could talk about my disagreements I have with some of what the President has done, or everything we're not all in agreement here. But clearly, there's a difference between what we have done and what our friends on the other side handed us after full implementation of their agenda.

I'd like to yield to the gentlelady from Florida.

Ms. WASSERMAN SCHULTZ. Thank you so much.

Mr. RYAN of Ohio. Who has her Florida orange on tonight.

Ms. WASSERMAN SCHULTZ. I do, that's because I bleed orange and blue, and Mr. RYAN knows that, and I appreciate the recognition.

And we're also joined by our good friend who has been a weekly staple of these important message hours where we're trying to communicate to our constituents and to people across the country and to our colleagues about the progress that we've been able to make that has been so significant and evident.

One of the things that I wanted to highlight—Mr. RYAN, I'm not sure if you have gone over any of this—but I think an important chart that we usually begin with when we talk about the private sector that has been made, the private-sector employment increases over the past year and a half.

And if you look December of 2007 all the way through to June of 2010, you can see the dramatic job losses that occurred during the Bush administration. The Bush administration ended right about here in January of 2009, and when President Obama took over, we at this point in the year passed the Recovery Act, the stimulus package that

injected $787 billion into our economy, both in terms of an infusion of spending as well as tax cuts, 98 percent of Americans received a tax cut, mostly focused on tax cuts for small businesses and working families. And then at that point, that's when you see the job growth curve start to shift from almost 800,000 job losses a month in the month before President Bush left office and President Obama was inaugurated, then you begin starting to gain jobs to today where you look in June of 2010 where we have added jobs for six straight months, an average of 100,000 jobs per month, almost 600,000 jobs created this year alone. And if we keep on this pace, by the end of this year we will have created under President Obama's leadership and the Democratic leadership in this Congress more private-sector jobs in this year than the entire Bush presidency. I mean, that's just the facts, and it's an unbelievable fact.

We have turned the economy around, and we've begun to go in the right direction. We have a long way to go but look at the other indicators. Look at the stock market. Look at the three straight quarters of growth in the GDP. Look at the 11 straight months of growth in the manufacturing sector. America has always been about making things. Mr. TONKO and Mr. RYAN are from communities where your constituents, the people that sent you here to represent them, they're used to rolling up their sleeves, doing a hard day's work for a hard day's pay and making stuff, and we want to make sure that we can get America back to work making things again. And that's why we have our Making it in America agenda that we're going to be talking about over the next few weeks as we enter the August recess period.

And we're so pleased to be joined by our good friend Mr. TONKO, a new Member who has been doing a fantastic job.

Mr. TONKO. Thank you, Representative WASSERMAN SCHULTZ. It's a pleasure to join with you and Representative RYAN on the floor here to talk about what's happening.

You talked about Representative RYAN's district and mine being about making things. I thought tonight I would share some numbers that personalize it to the 21st Congressional District in New York, the greater capital region. Let's look at some of the numbers.

Beechnut, which produces baby foods, a tremendously powerful economic engine in our Mohawk Valley. Their total jobs right now, new positions, are at 106; 52 in the management position and some 54 in new factory positions. These are workers that will be producing on the line. It is a strength to our region.

X-ray Optical. The X-ray Optical system says that they need to share with the world that throughout this recession they have maintained their workforce. In their order of business, they believe this is a monumental feat.

□ 2120

So we are thrilled that they are able to survive throughout this economic climate without any layoffs, any firings. Certainly the jobs in the capital region are plentiful, or becoming more plentiful. The Albany Medical Center has more than 400 openings, including nurses, technicians and other specializations. General Electric company needs some 200 engineers, researchers and financial analysts. Certainly GlobalFoundries is hiring some 69 people, mostly engineers and technicians. Comfortex has hired 40 people since May and is looking for 15 additional workers.

This time last year the State Labor Department in New York reported that there were some 3,800 registered job openings in our area. Now it's reporting that there are some 6,000 job openings.

The unemployment in the Albany area is down to some 6.6 percent, and just recently 2,900 jobs were added to the regional private job sector this past June. So these are numbers personalized to one congressional district in one State.

As we continue to see this sort of increase in jobs across the country, we begin to understand that the dynamics of the Recovery Act are indeed important. There are those who might bemoan that investment. We stop the bleeding of the recession; and for slightly less than a trillion dollars of investment, we see factors now like $18.5 trillion lost in the last 18 months of the Bush administration in household income that was just lost in that 18-month period. We have recovered some $6 trillion of that household income as a result of the Recovery Act. So when we talk about that, a down payment of under a trillion dollars has recovered some $6 trillion household wealth.

I think that's an amazing return for the dollar. That's an amazing recovery, and so the Recovery Act is not only producing that private sector job growth, as my two colleagues indicated this evening with the chart that they have presented; it's also recovered some $6 trillion in household income and for a down payment, again, of under a trillion dollars. That's a great return.

So I think America is poised for greatness. This cleansing process has been painful; but it allows us to go forward with the sense of commitment to innovation, to a clean energy economy, to the sort of emerging technologies and the innovative genius that is uniquely American.

If we can move forward and take a number of these success stories, success stories in our R&D centers, in our basic research and allow them to be deployed into manufacturing sectors and into the workforce by taking those passions and making the investment that we need to make, we cannot only respond with a jobs agenda but respond to some socioeconomic ills out there.

Our energy crises in this country, several crises under the umbrella of energy, can be addressed by investment in technology, investment in R&D and, certainly, job growth that comes into a new dimension that allows jobs to be created from the trades on up to the PhDs. It covers the full gamut, and I think that's the sort of investment we are talking about here.

We are talking about advanced battery manufacturing. We are talking about smart meters, smart grids, smart thermostats. These are the investments that could be made, people that will install energy efficiency improvements in homes and make businesses more productive, maintaining homes at a cheaper cost by using less electricity and creating jobs in the process.

I am thrilled to join you both as colleagues here this evening because we have a message, we have a great message to share and people need to know. The public needs to know that this investment was made in a very deliberative, laser-sharp focus-type manner that allows us now to begin to see the improvements that are taking hold. Had nothing been done, had the previous administration been allowed its way, we would have seen that straight-line decline continue until we hit the Great Depression.

So I think we are on the right course; we are now bearing northward with that V formation and we are going to continue to grow north to make certain that we continue to grow the private sector economy.

Mr. RYAN of Ohio. I think it's important for us to say we have tried the old way, and this is what we have been trying and attempting to fix. Here you will see, again—or even a rise in manufacturing. What the Democrats are saying here, and you see 2, 4, 6 months of job growth in the manufacturing sector, and what Democrats are saying is that is part of the economic stimulus package, that is part of moving towards a green economy where our people in our country have always made things, have always gone to the factory and made things.

Not everybody can be in an ivory tower; not everyone can do the research. If we are going to succeed as a country, we need the middle class of our country to make things.

You can see that our policies are beginning to work, beginning to take hold; and the idea of taking a billion dollars a day that leaves our country and goes to oil-producing countries that don't like us all that much, that fund terrorism, and then we have got to fund the military to chase them all around the world, is an ignorant policy. It's a frivolous policy that doesn't work.

So what we have done is made investments in wind and solar and the batteries and things that the gentleman stated earlier so that we can do the cutting-edge research, but then we can make it here.

We could manufacture those products here; 8,000 component parts go into a

windmill, 400 tons of steel. Solar panels are filled with different components. In Toledo, for example, they are doing a lot of different solar panels, in Toledo, Ohio.

Let's make this stuff in the United States of America again so we can get back to a time when our parents and grandparents throughout the country could go to work and make something and watch it ride down the road or look at the steel in a building, in the concrete and the windows and the framing and everything that goes into it.

That's what we are moving back to. We have broken with the past, we have broken with the Bush economic policies that our friends on the other side have rubber stamped. We are now moving in a new direction, not nearly as quickly or with the celerity that we all want, but we are going in that direction.

Ms. WASSERMAN SCHULTZ. Mr. RYAN, a couple of years ago, when we would be out here each night with the 30-something Working Group, our symbol was the Republican rubber stamp that was emblematic of the philosophy of our friends on the other side of the aisle.

I think we should take a walk down memory lane. Maybe we want to bring the rubber stamp back because it does appear that they have not shed those tendencies, and that's evidenced in the choice that Americans are going to have over the next few months.

Let's go through some of those choices. You are talking about how important it is that we go back to making things in America, that we revitalize the economies that had manufacturing as the backbone of cities and towns throughout this country, throughout the Northeast and the Rust Belt and even—I don't even like the term ''Rust Belt'' because it implies something that's irretrievable. You know, once something is rusted out, your perception is it's not able to be regained.

I know we don't believe that, and we believe in investing in the concept of making America and that it's more than just a concept, that we are going to put resources into making sure that when we have a choice that we choose to make sure that it's Americans that are doing the manufacturing for the things that we need here, and we are doing that by backing that up with action when it comes to our policy decisions as well.

So are the Republicans. Their actions are vastly different than ours. We propose to close tax loopholes that allow outsourcing U.S. jobs overseas and use the savings to pay for hometown tax credits for small businesses to expand manufacturing jobs. And what do they do? They vote, ''they'' being the Republicans, vote 170–1, 170 Republicans voted ''no,'' to 1 that votes ''yes'' to protecting tax breaks for companies that shipped jobs overseas; 170–1 they voted to keep that tax loophole intact so that we could continue to allow companies to get tax breaks when they ship jobs overseas.

Mr. RYAN of Ohio. Could I make a point real quickly. That vote is such an example that the other side seems to just be playing politics. They want Obama to fail, and they want to be able to say——

Ms. WASSERMAN SCHULTZ. They have said it.

Mr. RYAN of Ohio. Yes, they have said it. And they want to be able to say, see, we had nothing to do with any of that. So being so ideological that they vote against getting rid of tax cuts that incentivize off-shoring business. I mean, that says it all. It's one thing to say you are against some of this stuff, but that too?

Ms. WASSERMAN SCHULTZ. Let's take it one step further. It's not just bad enough, okay, to say they voted to protect the tax break. On top of that, 95 percent of House Republicans have signed a pledge to protect those tax breaks, signed a pledge, put their name on the line and said, I am going to protect tax breaks for companies that ship jobs overseas.

□ 2130

It's absolutely mind-boggling. We want to make sure that we protect companies and give tax breaks and incentivize companies that make decisions to create jobs here in the United States, in your district in New York, in your district in Ohio, in districts across this country. And they would rather have those jobs created in China and in other countries and boost up their economy.

Mr. TONKO. If the gentlelady would yield, you talk about telling statements on the floor or the behavior in and around Washington that proves very telling, actions sometimes speaking louder than words. The activity that has taken place on this floor as it dealt with America COMPETES, here was a major bill invested in by the Science and Tech Committee, a number of groups overviewing this legislation, monumental to the future of America's workforce, to manufacturing, to investment in basic research, in R&D. And there were all sorts of efforts made to hear everyone, to be totally inclusive about that final package that was developed and then presented on this floor, approved in committees and travels to the floor, and then the game of ''gotcha'' politics takes hold.

We use all kinds of stall tactics, all sorts of gimmicks to embarrass, to trap people, to really circumvent the real issue of how do you strengthen manufacturing, how do you put together a package that invests in the research monies that are required. How do you invest in the training of the future workforce, beginning in the educational networks, so that STEM—the science, technology, engineering, and math—concepts can all be learned in a way that will enable us to have the workforce of the future? That effort was so very important. It almost went to defeat. It was pulled as a bill on the floor, and a few weeks later we figured out how to get around the politics spirit that existed.

Ms. WASSERMAN SCHULTZ. Will the gentleman yield on that point?

Mr. TONKO. Yes, I will.

Ms. WASSERMAN SCHULTZ. And your point is very well taken. We had to use a procedural motion just to be able to get around there being an obstacle to the America COMPETES Act coming to the floor and being able to get a straight-up vote. And when it came right down to it, we were for it and most of them were against it.

Mr. TONKO. And I think the actions taken by the majority in this House—Speaker PELOSI and members of the Democratic majority—have been about job creation, private sector growth. What I don't think the other side realizes is that what we have out there is middle-class anxiety and uncertainty that's at an all-time high. They're concerned about paying their mortgage. They're concerned about paying for education, for credit card bills that they have, for medical bills. And they are impacted. They are losing jobs through no fault of their own, and now finally they will see hope growing as we grow that private sector situation. That is the dynamic that has really been avoided and not addressed by the minority in this House.

When they asked to have control back—I think what we need to look at is the contrast, and we've mentioned this, Representative WASSERMAN SCHULTZ, several times over in our frequent visits to the floor. But what we need to do is take the big picture, the big frame here and allow people to see the contrast.

We're looking at a group that drove the car out of the ditch. We towed that car out of the ditch. When the minority in this House was in the majority working with the previous administration, they drove this car right into the ditch and couldn't get it out. And then up comes the new team, and what we have done, working with the President and with the leadership in this House, is towed that car out of the ditch, and now they want the keys back to drive. And we say ''no'' because we need to go forward, not backward. We need to continue to pursue a progressive agenda.

I think when we look at those big picture issues, Social Security—and where they are with that issue? They want to privatize. They want to put it at risk. Imagine the trillions of dollars that would have been lost had we enabled them in 2005 to have their way. I wasn't yet in Congress, but fortunately the Republicans did not get their way and they did not privatize Social Security. We are now here attempting to keep that out of their wish list of privatization.

They also wanted to voucher out the Medicare program, a very successful program for our seniors. They want to put a voucher system in. We're trying

to keep it and maintain it, develop the security of that system into the future.

They liken our work on Wall Street reform akin to attacking an ant with an atom bomb. Well, nothing could be further from the truth. It's a deception that they're proud of. And a number of other things.

They asked our President to apologize for coming down hard on BP for not responding effectively and efficiently and in rapid pace to make certain that we save our environment in the Gulf States area.

So there are all these snapshots that we need to look at. And there is a contrast. There is a team that wants to go back to the failed policies of the past. There is a team that wants to promote an agenda for the future. I firmly believe that what we need to remind them is that there is this anxiety level, this uncertainty with our middle-income Americans, with middle-class America that is at an all-time high. And they are now beginning to see that there is a difference between the former majority and now this Democratic majority. I think we have a track record of history that will show that when we're in control, we deliver for America's working families. I think that's a record for which we can be very proud and which really speaks to the strengthening of America, her families, and her economy.

Ms. WASSERMAN SCHULTZ. Absolutely. Thank you very much, Mr. TONKO.

Just to veer a little bit in a different direction towards, again, the choice that Americans are going to be facing, because your facts are stubborn things. You can run away from a lot of different things. Facts are just persistent in chasing you. They've been chasing the Republicans, those stubborn facts, for a long time. One of the facts is that Republicans are consistently on the record of voting against statutory pay-as-you-go legislation.

Now, back in the Clinton administration when PAYGO was first established—and that was a tough, tough vote that Democrats led the way on, made sure happened under President Clinton's leadership—the country finished his Presidency with a record surplus, which was handed to President Bush and he promptly squandered in just a few short years.

If you look at this chart, we will start back in the Reagan administration. And I want to start back in the Reagan administration because—walk with me down memory lane, shall we?

Mr. TONKO. Do we have to?

Ms. WASSERMAN SCHULTZ. I know it's painful, but I think it's instructive.

As you walk with me down memory lane, let's look at under which Presidents we operated on a deficit and under which Presidents we operated at a surplus. President Reagan, $1.4 trillion deficit. President Bush, didn't get any better, got worse, $3.3 trillion deficit. Go to President Clinton, we went from a record deficit at the time to a record surplus of $5.6 trillion. And then when President Bush finished office after being handed a record surplus, he finished office with an $11.5 trillion deficit, handing that record to President Obama. And, as you said, after having driven our economy off a cliff, now the Republicans are asking for the keys once again.

Facts being stubborn things, as I mentioned, the Republicans consistently voted against statutory PAYGO. In fact, under the Bush administration, they allowed statutory PAYGO to lapse, which is, in large part, why we ended up in a deficit situation. They deficit-spent like drunken sailors—two wars not paid for, the Medicare prescription drug part D program. As good and as pleased as we are that seniors have their prescription drugs paid for, we know that program was deeply flawed, could have been a thousand times better. Ultimately, we were able to fix it in the Affordable Care Act.

But they blindly spent, through tax cuts and spending, and now suddenly seem to have found religion when it comes to spending and deficits.

Mr. TONKO. Representative WASSERMAN SCHULTZ, if you will allow me to just make a comment here.

Ms. WASSERMAN SCHULTZ. Sure.

Mr. TONKO. When you talk about the $11.5 trillion deficit, when the Bush administration ended is when I arrived in Washington as a freshman, several months ago now, in my first term. I distinctly recall that economists of all stripes, from far right thinking to far left, found unanimity in that they thought we needed to invest in solving this deficit situation because the time had long but passed since something like that needed to be done.

□ 2140

The denial under the deficit growth, which became a record proportion, could have been resolved if they had changed their policies, if they had looked at the failure and tried to turn it around. So, by the time the new administration took hold in January of 2009, the requirement was there. It was basic. Every economist was suggesting and was strongly urging that it took investing. So we really had to take additional moneys that drove the deficit a little larger, but it was to stop the bleeding of the recession because the likelihood of disaster was tremendous, so there was no choice but to further invest.

That deficit really drove additional investment requirements, but because of the track record we are showing this evening, it did have its corresponding results. There were lucrative dividends that came from those investments, but they were the smart investments that, yes, grew the deficit slightly, but they finally stopped the bleeding and now show the growth.

Ms. WASSERMAN SCHULTZ. One of the things that is important to note, Mr. RYAN, is that, when we became the majority once again in 2006 and over the last several years, we reestablished statutory PAYGO. First, we established it in rule. Then we passed it in statute. One hundred percent of the Republicans in this body voted ''no.'' They voted against making sure that we made a commitment in the law to not spend more than we take in, to pay for the legislation other than in emergency spending, and obviously, we've been in an emergency. We've been, you know, pretty careful about what we declare as an emergency, making sure that we have covered the legislation with pay-fors. They haven't believed in pay-fors in years and years, if ever.

Let's keep in mind the tax-cutting policy that they had, which was exclusively focused on the wealthiest 1 percent of Americans, which also wasn't paid for. I mean tax cuts are spending, and there is nothing wrong with tax cuts. We have to balance tax cuts with our spending policy, but when you don't collect revenue, that is less revenue that we have in the Treasury, which affects the deficit as well. So I mean their total disregard for balancing the books is not something that they're going to be able to run away from, and we are not going to let them run away from it.

Mr. RYAN of Ohio. I'm just standing here, listening to you both.

When you piece this all together, their philosophy, which obviously didn't work because we saw how it ended, is to cut taxes for primarily the top 1 percent of the people—millionaires and multi-, multimillionaires—and expect that money to get reinvested. We all saw that the money was reinvested, for the most part, abroad in China and in other countries, so that was part of the offshoring.

Then their philosophy was to completely look the other way. It was to take the referee off the field on Wall Street, and let those people who are making all this money continue to find out all these other schemes to make more money—that's how that ran—even to the tune of the student loans where they let banks give student loans and charge 8, 9 percent. Then the government would back the loan if somebody defaulted. So the system was set up to allow just the wealthiest people in the country to keep making money any way they saw fit.

Mr. TONKO. If I might add to that, I think also—and history will show—that it was a partnership with big interests. It was with Big Oil, with big banks and with the big insurance industry. In the beginning stages of the Bush Presidency, we saw some of the attempts there for trade contracts, for contracts with China. When we look at the investment, when we look at the job market, it can be broken down into three elements—agriculture, manufacturing, and financial services.

Well, it appeared as though the manufacturing was kind of pushed aside. We didn't see the kind of execution of these trade contracts to favor manufacturing. Instead, somehow, they were

gripped by the special interests of big banks, and they ruled in these contracts that were developed.

So I think that, you know, history will show that manufacturing didn't have a high priority with these groups. When you see the emerging technologies, when you see the innovation, the American innovation, there were many small businesses that were continuing to grow, which could have prospered with the appropriate treatment from Washington—policies, programs, resources—and that just didn't happen. Then we saw the further relaxation of regulation with the financial services sector.

So tools were being developed to intentionally circumvent regulation, to relax regulation—perhaps avoiding an aggressive approach with drilling deeper in the Gulf States. All of this created a failure that brought America's economy to its knees, and it was all about partnerships with special interests—big companies, big industries—that really had a grip on what was happening here, and it has caused a lot of failure.

Ms. WASSERMAN SCHULTZ. Mr. TONKO, I want to bring us back to the choice, to the choice of going in the direction that we have been taking the country, which is a new direction to reinvest in America, to make sure that we can create jobs here and not give tax breaks to companies that send jobs overseas, to reestablish statutory pay-as-you-go rules so that we can make sure we pay for the legislation we pass and so that we don't spend more money than we take in.

Let's walk through some of the other bills that we have passed here to make sure we can focus on our own economy and can compare the record because, again, this is going to be about a choice that Americans are making.

How about the Small Business Jobs and Credit Act? That was legislation that provided loans to small businesses and access to capital for small business start-ups to help support the economic recovery and to create jobs. Ninety-eight percent of Republicans voted against that legislation.

How about the Small Business Jobs Tax Relief Act? That was a bill that provided tax incentives to spur investment in small businesses and that granted small businesses some tax penalty relief. Ninety-seven percent of Republicans voted against that legislation.

How about the American Jobs and Closing Tax Loopholes Act? It is legislation that would help create or save more than 1 million American jobs and prevent corporations from shipping jobs overseas and sticking American taxpayers with the bill. Eighty-three percent of Republicans voted against that legislation.

There is the HIRE Act. That bill would give small businesses tax incentives to hire jobless Americans. Between February and May of 2010, an estimated 4.5 million new workers were hired, making American businesses eligible for up to $8.5 billion in tax exemptions and credits under the HIRE Act. Ninety-seven percent of Republicans voted against that legislation.

I could keep going. I mean, really, this is an unbelievably long list of job-creating legislation that we have passed, that we have put out here on the floor of this House.

Mr. TONKO. Oh, absolutely.

Ms. WASSERMAN SCHULTZ. Over 95 percent of Republicans voted against it.

So we could continue to move in the direction in which we have been going—job creation, spurring the economy, investing in America—or we could backslide toward the Bush era and go back to the exact same agenda as they have committed to focusing on, but I'm not sure that I've met anybody who wants to go back to that agenda.

Mr. RYAN of Ohio. Right. I think what we are proposing and have been investing in is a pro-growth agenda for our country, and that is not as simple as cutting taxes for rich people and hoping and praying that they somehow will invest in the manufacturing in the U.S., you know, and in other investments in the U.S.

We need to rebuild our infrastructure in this country—roads, bridges, waterlines, sewer lines, and combined sewer in all of our big cities. We've got to invest. That's going to put people to work, and that's going to rebuild our country. Our highways and our bridges, we're going to invest in those. We're going to rebuild our country, and that's going to lead to economic development and to economic growth. We're going to invest in technology—green technology—and in National Institutes of Health biotechnology, which is ultimately going to make us healthier and create more jobs.

Those investments aren't made by the private sector, and we need to make those investments which will directly put people back to work. So we want to go back to the philosophy we had in this country in the 1950s, in the 1960s and a little bit in the 1970s, when we had balanced growth, a rising middle class, strong wage growth, and increases in productivity. This is as opposed to what started in the 1980s, except for the blip during the Clinton administration, which was deregulation and letting the big dogs, as you said earlier—big insurance, Big Oil, big banks, and multinational corporations—come into Washington, D.C., and run this show, too. That doesn't work for Main Street.

Ultimately, I think, as difficult as these last couple of years have been, we have gotten to see the supply side economic policy and what really happens once it is fully implemented. We saw the end result of that.

□ 2150

Mr. TONKO. To my colleague from Florida and my colleague from Ohio, I would say this: I believe, the sense I get is that there's a very thoughtful process now to provide the strong incentives to grow small business, to grow private sector jobs, done in a way that really shows respect, respect for the taxpayers' dollar, and wanting to pull us out of this recession that was so deep and so long. And I think it's happening.

I know that the innovative genius will be inspired by the legislative route we're taking, by the priorities we're establishing, with the budget priorities that we have put into play.

And it's about growing jobs. It's about giving people the chance again to feel the greatness of America, the greatness of America that allows us to know that we have it within our potential, we have it within our grasp.

And I firmly believe that we will do our manufacturing, and our jobs will grow in the manufacturing sector because we do it smarter. We do it smarter.

And, Representative WASSERMAN SCHULTZ, thank you for the opportunity to share with you and Representative RYAN thoughts that I have and that we all share on how we're going down the right course.

Ms. WASSERMAN SCHULTZ. Thank you. And I look forward, as we go into the August recess, talking with our constituents about how we've begun to turn this economy around.

I want to close out the last couple of seconds with the focus on tax cuts, remind people that tax bills in 2009 were at their lowest level since 1950, and we look forward to continuing to work on that, striking that balance.

And Mr. RYAN, we'll turn it over to you to close us out.

Mr. RYAN of Ohio. We're going to continue to go down the road. We're not going to turn back. We've had too much success. We've got a long way to go.

STUDENT LOANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes.

Mr. GOHMERT. Mr. Speaker, it's always an honor to be on this floor. But at times it gets very difficult hearing positions put as being mine which were not mine.

I would like to point out, for example, about student loans. I have student loans. We gave up—well, I won't even get into that. The only asset my wife and I have left is our home so that we could have the honor of being public servants.

We've got a lot of student loans, and I cannot imagine a worse scenario than having to come begging to an administration that we already see punishes Republican States, Republican communities, and beg the administration for a student loan, because there is no one else that makes student loans besides the government.

There were people that fought a revolution to avoid having the government, the King, make all the calls on who got to be educated, well-educated, that is, and who got to be property owners, who got to be well-to-do. They fought a revolution so that we would have the chance, the opportunity to at least succeed ourselves without having a government pick the winners and losers. That was the last thing they wanted.

Patrick Henry talked about that. Is life so dear and peace so sweet that it can be purchased at the price of chains and slavery? Forbid it, Almighty God.

They did not want the government to tell them what they could have and not have, what they could do and not do, who could have their children educated and who couldn't. And we have grown into a government that tells everybody everything they have to do.

And now, though some of us read those disastrous health care bills, others are just now finding out the things we tried to warn about: that it was not about health care, it was about the GRE, the Government Running Everything.

So now we find out in the news what some of us already knew. Gee, people are surprised to find out the government, under that disastrous health care bill, so-called, will keep everybody's records.

And then people were surprised to find out that the health care czar says we may require everyone to have a body mass index, so we know who all is fat in this country and who isn't, who's more fat than others. That's the government's business? It wasn't after the revolution.

They didn't want the government to say who could eat what and who couldn't eat this and that. My gracious. They got upset over a tea tax. If they could only see what's happened now.

But, my friends are honorable people. So are they all, all honorable people. Come not to praise this country. Apparently, we're coming to bury it and to start with a new country where the government controls everything.

Boy, Shakespeare could have a day with what's going on now.

The government, our friend the government, is going to tell us who gets health care. We tried to warn people that if this health care bill passed, it would mean rationing. It passes, signed into law, all kinds of joyous occasions, and then we find out the President puts in charge the ration king. It shouldn't have surprised anybody. The President himself said to that dear lady at the White House, tea party precedent, whatever they tried to bill it as, when she said, what about my mother? She had a pacemaker put in, and she's had all these additional years of really quality life. And the President ends up, after stammering around for a while saying, maybe we'd been better off to just tell your mom to take a pain pill. Those were his words. Maybe we'd have been better off telling her to take a pain pill.

I don't want the government to have that kind of power. Your mom lives, your mom dies. You live, you die.

Was the revolution for nothing but 200 years?

And now we've left all personal responsibility. We don't want personal responsibility. We're going to let the government tell us who can have a college-educated child and who can't.

We've seen what happened under this majority with the African Americans who had come begging in this city saying, please don't end the voucher program that was started under the Republicans. We weren't sure about it.

One dear lady was talking about her children, how one had been brutalized, but others had been able to go to a good school, a private school because they got a voucher, and it allowed them the freedom to have their child as educated as any rich Democrat in this city.

But apparently, as Clarence Thomas points out, and I can't do his book justice, ''My Grandfather's Son,'' he talked about being raised in a poor, poor African American community by loving grandparents who had very little. And he talked about his grandfather pointing out that some snakes, you don't have to worry so much about because you see them. They make a big deal if they're going to try to bite you from the front. But you have to worry about those that will sneak up on you, act like they're no big deal, just kind of blend in, and all of a sudden they bite you.

And that's what he talks about, as I understood him to talk about this soft form of discrimination. You know, we're going to help you. We're going to provide for you. We're going to take care of you. But don't have a thought of your own because if you dare, as a minority, to have a thought of your own and try to rise above your circumstances on your own, we're going to slap you down. And that, as he talks about in his book, is the kind of discrimination that can hurt worse than any kind.

The liberals who would talk to him, and you could tell they only wanted to talk about sports, or how he had been mistreated as a poor black growing up in America; whereas others, he began to notice, as a radical liberal himself, Clarence Thomas in the early days, bitter about what he had been through, began to notice that conservatives would talk to him and wanted to know his opinion about a lot of different things, including politics.

And he began to see that soft discrimination from liberals. Yeah, we'll help you. We'll provide for you, but you've got to do what we tell you, because if you dare to have a thought of your own, if you dare to think for yourself, if you dare to try to rise above your circumstances, we'll slap you down.

□ 2200

As he said during those hearings, it was an electronic lynching that he got.

And what's tragic through it all, when you go back and review his incredible school record, growing up with the poverty he did, the man had and has a brilliant intellect, but you wouldn't know it from the liberals. They were out to slap him down.

And here you have African American mothers coming to Congress saying, Please, don't let the voucher program go. Allow us not to have our kids educated where they can be shot and be part of gangs, but where they can go and have a uniform and get a great education and end up being very wealthy or very powerful down the road, much like the President himself did.

Why wouldn't you want that for every child. Regardless of the race, creed, color, nationality, why wouldn't you want that for the child? Give them a voucher. Let them chose what school they can go to so they don't have to worry about their child being shot, killed, brutalized by gangs.

You want to talk about what this majority did? They struck that program down and condemned minorities in this city back to the poor schools from which they came. Don't you dare try to rise above your circumstances. We want you back in the poor schools where you will have to rely totally on us. Why not let them reach their God-given potential? Slapping them down.

And our friends across the aisle want to come in here and trash-mouth Republicans because we had concerns about the government taking over all of the student loan business. Yes, I do, and I always will. The government gets to tell us who's going to get a loan, whose child gets a college education? Yes, I've got a problem with that.

One of our friends across the aisle says it's like a car wobbling down the aisle or the street, he said. And people on our side of the aisle, he says, don't even want to try to fix it. Well, guess who set it to wobbling? Our friends across the aisle. And guess what? I am so sick and tired about hearing all of this trash mouth of the last 2 years of the Bush Presidency and how terrible the last year of the Bush Presidency was and how bad the last 2 years of the Bush Presidency was, because guess who was in charge? It sure wasn't George W. Bush. He was over there in the executive branch. But the Constitution makes clear that the people who run the country will be the Congress. That the President down at the other end of Pennsylvania Avenue, right down that way, he can't appropriate one dime for any program. It has to come from the Congress.

So what happened? Our friends across the aisle appropriately complained that during the Bush early years the Republicans got giddy and began spending too much, began to have a $160 billion annual deficit in their budget. And so our friends across the aisle said, Throw them out. Put us in. They're overspending. We'll fix things.

And so the voters appropriately said, Republicans, you have been overspending. We loved you in 1995, 1996, 1997, 1998, 1999, 2000, when you, not President Clinton—he was in the office. He fought the Republican Congress kicking and screaming. But when they would have enough votes over here, he couldn't stop them, vetoed a few things. When he couldn't stop the Congress, they had folks across the aisle that realized they wouldn't get reelected if they didn't vote for balanced budgets, then the Republican Congress brought President Clinton around.

And that's why I love the comment from my colleague across the aisle about the Clinton administration. He said, There were problems except for the blip during the Clinton administration. That's right. There was 4 years of Democrat control in this House as they brought our financial situation closer and closer to the day we are now. And as my Democratic colleague pointed out, there was a blip during the Clinton administration after the Contract with America when Republicans took over, and they balanced the budget. The President can't do that. This Congress has to do that.

And what do we have to show this year? No budget. As one of our Democratic colleagues said back in 2006, If you can't put together a budget, you can't govern. This year, they didn't put together a budget. So according to our Democratic friend, they cannot govern.

I'm proud to be joined by my friend, Congresswoman VIRGINIA FOXX, and I'll be proud to yield to her such time that she needs.

Ms. FOXX. Thank you, Congressman GOHMERT. I wasn't subjected to listening to the entire last hour, but I am responding to your email.

We know for a long time that our colleagues who just preceded us have often been on the floor and made some really outrageous comments where they rewrite history and present things as facts that just can't be backed up with facts. And in response to your plea to come share some of the truth telling with you, I'm glad to join you this evening. I did bring a few facts with me that I want to share.

But I heard the last 5 minutes or so of our colleagues, and I was really astounded at some of the words that they used, like their ''pro-growth agenda'' and how our tax-cutting policy was not paid for and how they did everything under PAYGO except very, very rare emergencies where they had to go outside of PAYGO and that we were so irresponsible that we would just not vote for the PAYGO bill.

I find it really like the book ''1984.'' I would say to people, if you haven't read the book ''1984'' or if you haven't read it in a long time, take some time to read it, because what you're seeing here from our colleagues on the other side of the aisle is ''1984'' being played out in the year 2010.

I do want to bring some facts to it, and I'm glad, Madam Speaker, that Congressman GOHMERT is explaining the fact that under the Clinton years, which we hear so much about and which I, on the Rules Committee, am often having to correct various chairmen, such as the chairman of the Budget Committee when he came to the Rules Committee who bragged about the surplus at the end of the Clinton years. And I asked him, well, who was in charge of the Congress the last 6 years of President Clinton's administration? And he really didn't want to have to say, but he had to finally admit it was Republicans.

And then he talked about the terrible situation under the last 2 years of the Bush administration. I had to again say, Now, remind me again who was in charge of the Congress under the last 2 years of the Bush administration. And of course it was our colleagues across the aisle, the Democrats.

And we have to constantly remind them, as my colleague from Texas has done, that the President is not able to spend money. The President doesn't set up the appropriations bills. It's the House of Representatives that's charged with that in the Constitution. The President can veto a bill, and the Congress can override the veto.

But, you know, our colleagues across the aisle wouldn't even put in an appropriations bill in the last year of President Bush's administration because they were afraid that President Bush would veto those bills, and they wouldn't be able to override them.

□ 2210

And they wouldn't be able to override them because I agree with Mr. GOHMERT that Republicans did lose their way for a short period of time when President Bush was President and the Republicans were in control of Congress. They spent too much money. When I came here and Mr. GOHMERT came here in 2005, we brought that message from our districts and our colleagues from all across the country brought that message, and actually what a lot of people don't know is that we actually cut spending in 2005 and 2006, but we get absolutely no credit for it.

Let me say, contrary to what our colleagues were saying, I did hear them talk about what the deficit was when President Bush left office. The little piece of fact that they left out was they were in charge of the Congress the last 2 years of Mr. Bush's administration. When they took over the Congress in January 2007, the deficit happened to be $458 billion and was on a trajectory to go to zero again. That would have been wonderful.

Now, let me say, that's more of a deficit than I wanted to see, but it was not the trillion dollar deficit that they talk about which they created in the last 2 years of President Bush's administration. At the end of 2008, the deficit was $1.4 trillion. In 2 years, the deficit quadrupled. It went from $458 billion to $1.4 trillion, the largest deficit ever. And what is it going to be this year? It's going to be the largest deficit ever again and be even larger than the deficit that they created in 2008.

My colleague was talking about the health care bill that passed with only one Republican voting for it in the House, and we're all very proud of that. Republicans are very proud of the fact that we all voted against the health care bill the first time. The second time, no Republicans voted for it. And what does that health care bill do exactly? It's been extolled as such a virtuous thing but it imposes $569 billion in new and higher taxes on businesses and individuals, and the cost for this health care overall bill jumps to more than $1.2 trillion.

The American people are very concerned about where these folks who are in control—I will not say anything about leadership on their side—but they're in control, they're in charge, and they are leading us down a path of ruin in this country.

Mr. GOHMERT talked about the education situation in Washington. Basically, the trend of these folks, the student loans, what to do about education in Washington, the health care bill, everything that has been done by our colleagues across the aisle, Mr. Speaker, has been to put the government in control of our lives. Republicans don't believe in that. That's not an American ideal. We're the freest country in the world. That's what's made us the greatest country in the world over the years, and we will remain the greatest country in the world as soon as we can replace our colleagues across the aisle and put this government on a sound footing economically.

What's threatening our freedom is the control and the bills that have been passed that say government knows best. The government bureaucracy is what they believe in. We believe in the American people. We believe in government of, by, and for the American people, not government to control the American people.

So we have to do something to stop this slide that is occurring, and I want to give just one little example, if my colleague from Texas would let me. There is a Web site called republicanwhip.house.gov which has many of these items on it, and I would invite people watching to go to this Web site. I'm just going to share with you something that our Republican whip has put out called Weekly Waste Watch; Week 52 is this one:

''$2 Million to Hire Goats (not people) and Fight Weeds.

''Benewah County, Idaho, recently received a $2 million Stimulus grant for weed control. Heyburn State Park, located within the county, will use a portion of the $2 million to fight weeds across Plummer Creek. Their solution? Renting 540 goats to graze on the weeds.

''The South African Boer goat is the 'latest weapon' in Benewah County's fight against invasive weeds. The goats

have already been put to work munching on weeds like knapweed, tansy, and St. John's wort. Each goat eats about 3½ pounds of weeds per day and should be finished pruning the creek shoreline within the next 2 weeks.''

Now, this is the cost of the dollar per goat per day, and with 2 weeks and the taxpayer expenditure on goat employment, it should come to roughly $7,560.

''Idaho's unemployment rate is currently at 8.8 percent. While invasive weeds on State park land may be a problem, it is unclear how fighting their growth by employing 540 goats and two foreign herders''—by the way, the herders are not Americans—''will get Americans back to work.''

This is the way they think you should spend money. They're out of touch with reality. Most of them have never worked a job in their lives. Many of them have been in Washington 40-plus years. They have no idea what the average American is doing out there. They don't go home. They won't hold town hall meetings. They're out of touch. And to provide this kind of money to take goats to eat weeds, when we have a 9.5 percent unemployment rate—it is probably closer to 16 percent—is really a shame.

I'd be embarrassed. I would be embarrassed if I had voted for that stimulus package. I'd be embarrassed if I'd voted for the health care bill. I'd be embarrassed if I'd voted for the bailouts of the automobile companies. I'd be embarrassed if I'd done any of the things that our colleagues across the aisle have done in the last 3½ years, almost 4 years that they've been in control while our economy has been going in the ditch. Talk about things going in the ditch. They've taken the economy in the ditch, and they're totally out of touch with the American people.

Mr. GOHMERT. If I could reclaim my time, going to the June employment numbers, I have an article here. I call him a friend. I hope he would. Mallory Factor had written an article entitled, ''The Truth About June Employment Numbers,'' and Mallory talks about the spin that our friends across the aisle are creating, trying to make it sound great about the unemployment numbers.

And as he says, ''All this spin is supposed to make us respond positively: 'Wow! Happy days are here again. The recovery must be really gaining steam.' And we are supposed to conclude that maybe we don't need to throw out the Democrats in the midterm elections after all.''

Mallory goes on and says, ''The June jobs numbers show unemployment falling .2 percent to 9.5 percent.

□ 2220

This may sound, or this may seem, like an improvement until you realize that this decrease is almost all caused by an additional 611,000 Americans giving up on finding jobs last month. When people stop looking for work, unemployment percentages go down even though the economy has not improved and may have even gotten worse.''

He goes on and says, ''Not only is unemployment the lowest in the government sector of all industry sectors in America, Federal civilian employees make a stunning 30 to 40 percent more in total compensation than similarly skilled private workers, according to the Heritage Foundation.''

Now, further, he says, basically, at the end of 2007, ''The Federal Government's civilian payroll has actually increased by 240,000 to 2.2 million workers, excluding Census and postal workers.''

We know last month, in June, there was all this hoop-de-do about 431,000 new jobs; and that would ordinarily be fantastic, except that 411,000 of them were temporary Census workers. Anyway, Mallory goes on and says, ''This leaves a smaller private sector supporting an ever larger public sector. And that can't be good for the recovery.''

I yield to the gentlewoman.

Ms. FOXX. Well, I happen to have here a piece put out by the Joint Economic Committee. This is a committee made up of Democrats and Republicans, and I am sorry I don't have a chart to show it. I know there is one somewhere around here, but there is a figure here that Federal Government jobs from February 2009, when President Obama became President, to June 2010, the number of jobs in the Federal Government increased by 405,000. The number of private sector jobs decreased by 3,261.

When the stimulus package was passed, Dr. Christina Romer, who is his economic adviser, chief economic adviser, promised that the unemployment rate would not go above 8 percent and that a tremendous number of private sector jobs would be created.

I do have this, and I want to try to show it if I can here, it shows that under a fully controlled Republican government, Federal Government, that is with Republicans in charge of Congress and a Republican President, 6,690,000 million jobs were created. Under a fully Democrat-controlled Congress, we have lost 6,403,000 jobs.

You know, again, facts are stubborn things. These are coming from the Obama administration's own Labor Department. And what caused this to happen? It's cutting taxes and letting the American people keep more of the money they have earned.

Our colleagues across the aisle believe that the money, all the money in the economy belongs to the government; and that if you have a tax cut, it is the government giving something to the citizens. The government does create money in the sense it prints money. However, the government doesn't create wealth. The government destroys wealth.

Regulations and government spending destroy wealth. It's only when you allow the American people to keep their money do you see job growth, and we are talking about the lapsing of tax cuts that were passed in 2001, 2003, occurring January 1; and those tax increases are going to hit every American. They keep saying, oh, it's only going to hit the wealthiest; they are going to hit every American. It's going to destroy even more jobs.

And as you have pointed out, and our friend TOM MCCLINTOCK from California does so eloquently, he points out the similarities between what's happening now with this Democratic administration and what happened under Franklin Roosevelt in the Depression, how these policies made the Depression worse. What they are doing at every stage is making things worse.

Mr. GOHMERT. I appreciate the point of the gentlewoman.

I would submit that it appeared that after the Republicans not only had Congress, as they took over in January of 2005, but then also had the White House beginning January of 2001, that there apparently is a giddiness from controlling both Houses of Congress and the White House. Because when there was a Democratic President, Bill Clinton, the economy was going to Hades in a hand basket, and that's when the Republicans took the majority, November in 1994.

So Republicans took over, and they fought tooth and nail against the Clinton administration. They succeeded, despite the best efforts of the Clinton administration, in balancing the budget and bringing us to the point where things were balanced despite the President's desire to spend out of control.

But then once the White House was obtained, January 2001, the Republican Congress quit being as diligent. It was as if the Republicans did not want to tell the President ''no.'' From the other standpoint, the Bush administration didn't want to say ''no'' to Democrats or Republicans so there were no vetoes for, I think, at least 6 years or more of President Bush's two terms.

But what we have seen since our friends across the aisle had the House, the Senate and the White House, is giddiness, dizziness beyond anything anybody could have ever have imagined. Where we got beat up where it was $160 billion deficit in a year, our friends think nothing of having 10 times that deficit in a year.

I am just shocked because I remember so vividly people on the other side of the aisle complaining, appropriately, about not having a balanced budget, that I am shocked that they could stand up and act like they haven't created the biggest deficits in American history in a year and a half, and going back the 2 years before that. It shocked me that once our friends across the aisle took the majority November of 2006, that their runaway budgets and deficits were far more than anything we had done in our first 2 years here in 2005 and 2006, and I am talking about my friend, Ms. FOXX, having both been elected in 2004.

So I don't want to return to the same overspending from 2001 through 2006,

but I absolutely know we have got to stop the craziness from the last 3½ years of spending with our Democrat friends in charge. I would just have to submit, with the runaway spending, and the damage that was done to our energy programs, beginning in 2007 and 2008, as the Democrats took control, to our economy, to our private sector, the additional requirements that were rammed down from this Congress down the private sector's throat, when they took over in January of 2007 and, again, in 2008, that I would submit to you that either our Democratic friends who took the majority in January of 2007 need to stand up and take credit for what they did in 2007 and 2008, or they need to admit that they were the most incompetent Congress in the history of the country.

Because you can't have it any way but one of those two ways. Either you intentionally cause what you did in 2007 and 2008, or you were just so incompetent you need to be put out of your misery, let out of the majority, so that we can go on and try to straighten things up.

□ 2230

But to sit here, and having heard friends across the aisle say, gee—and I believe this is the quote—Republicans don't want to reduce dependency on foreign oil, it just flies all over me. How could anybody have ears and think that. All the people I know on this side of the aisle want to end dependency on foreign oil. We want to end dependency on our enemies.

And let me just add, I'm tired of paying our enemies, not only through oil purchases—heck, the New England area just made a 20-year contract this year with Yemen to provide liquefied natural gas that will come rolling up in Boston Harbor. And they're hoping—and I imagine there are a few people praying—that there will not be a stowaway from Yemen, one of those terrorists that they were able to get released from Guantanamo that went back to terrorism in Yemen. They're hoping they won't be onboard that ship to blow it up and take half the city with it.

Now, that does not make sense. I want to end any dependency on foreign oil because I know, having been a member of the military, having had years of military history, having been in the military 4 years, I know if you cannot produce, as a country, everything you need in war, and especially energy, you can't win a serious war, you can't.

Some people are not aware of how dangerous the Battle of the Bulge was at the end of World War II. Some think it was all over. That was not true. Many historians believe, and there is evidence to support it, that if the Germans had had enough gasoline, the Battle of the Bulge, the bulge that was being pushed to the west through the American front—good old Montgomery said, I've got the back back here. I'll stay in the rear in case they break through. It would have been too late if they had gotten Montgomery, but they ran out of gas.

My personal belief, those incidences when the German Army got so close to American supplies of gasoline and through different flukes did not go ahead and take the supply depots I think were acts of God. As a result, they didn't have the gasoline they needed. Patton was able to move in, others were able to move in, and they stopped the bulge. But the intent was working to drive Americans back to the Atlantic Ocean, and they ran out of gasoline.

Now we're to the point where we are so dependent on foreign oil, if we had a major war we had to win, we would need steel. We would need energy, gasoline, things to power our jets, the ability to make jets like we used to. You would need wood products. You would be amazed at how much the military requires in the way of wood product. But all of those things you need to produce yourself—the plastics, all those things—in order to sustain an attack against your own soil, and we're not in a very good position right now.

It also was so infuriating to hear a colleague across the aisle say Republicans are constantly voting against efforts to build back manufacturing jobs in this country. I know that so many of my friends across the aisle never met a tax they didn't like, but some of us, in a bipartisan group, went across to China some years back, and one of the purposes was to talk to manufacturers about, Why did you pick up your industry and move it to China? I figured, in advance, the number one answer we would probably get was the labor was so much cheaper, you don't have to deal with labor unions, that kind of thing. That was an attraction, as was fewer regulations, but the number one reason we heard why whole industries left, took manufacturing jobs from the United States and went to China, was how much cheaper the corporate tax was, less than half of what we have here.

I talked to major injuries—industries—they have been injured—about what would happen if we cut our corporate tax down to 17 percent like China. I've heard repeatedly, We would be back in America in no time. And yet, what do our friends across the aisle talk about? Let's heap more and more and more tax on these mean, nasty corporations. There are corporations like BP who have done wrong and deserve to suffer the consequences, but corporations provide jobs, small businesses provide jobs.

Small businesses, so many of them are subchapter S corporations, and yet we hear from both the majority and from the President that they want to hammer those people with higher taxes. Those are the people that create the jobs. And the insidious thing about corporate tax—apparently it's a secret that the other side does not want people to know—is no corporation stays in business if they cannot pass that corporate tax onto their customers or clients, no corporation. So it's an insidious tax because it's paid by the folks we're trying to help, who are the working folks, the working poor in America who are getting those prices heaped higher and higher on them. And they're told, Oh, don't worry, we'll make the corporations pay. And the corporations, to stay in business, have to keep passing it down to those poor folks that can't pay anymore.

And so in talking to folks, some people across the aisle say let's erect trade barriers, and yet that would trigger so many problems internationally in trade, so many punitive measures against the United States, when what we could do is eliminate corporate taxes, and nobody in the world could compete with how cheap our prices would be produced. That would explode the economy upward. And as Art Laffer, Ronald Reagan's economic advisor—boy, I sure wish he were advising this President. As he pointed out, you can only increase the percentage of taxes so far, and each increase, to a certain extent, will increase the revenues in the Federal Treasury. But if you increase it too far, then you start hurting the economy, which then, in turn, starts decreasing the revenues into the Federal Treasury.

So if you want to maximize the tax dollars coming into the government so our friends across the aisle can continue to buy safe havens in China for rare dogs and cats, continue to buy safe havens for cranes in foreign countries, continue to pay billions to Pakistan so they can turn around and reward the Taliban that we had pretty much defeated but they're on the rise again, if we want to keep paying enemies of our friends, like the enemies of Israel, all this money, then we need to have higher revenues by the Federal Treasury. And that's going to require not raising taxes—we're too high already—but lowering.

And I know this is going to offend some of my friends across the aisle, but you're going to have to lower taxes on the people that are actually paying them. I know that's an affront to some people. They think, well, the people that are paying taxes must be wealthy or they wouldn't be paying taxes, so they should not be entitled to tax cuts. We should give the tax cuts to people that aren't paying them. So I know it's serious. I know it's an affront to some of my friends, but you have to lower taxes on the people paying the taxes or the tax cuts don't explode the economy and create new jobs.

I yield to my friend, Ms. FOXX.

Ms. FOXX. Well, I want to give a little statistic from the Small Business Committee, which has put out a packet of material that I think is very useful.

Since January of 2009, President Obama and Congressional Democrats have enacted into law gross tax increases totaling more than $670 billion, or more than $2,100 for every man,

woman and child in the United States. The list of tax increases includes at least 14 violations of the President's pledge not to raise taxes on Americans earning less than $200,000 for singles and $250,000 for married couples.

□ 2240

To back up what you were saying, according to the Congressional Budget Office, the nonpartisan Congressional Budget Office, if we could have a full repeal of the death tax, we could create 1.5 million jobs and increase small business investment capital by more than $1.6 trillion each year.

Now, you're talking about the fact that, again, our colleagues across the aisle don't really understand that people don't have to be wealthy to be paying these high taxes, and we know that, if they allow the tax cuts from 2001, 2003 to expire, it is going to be the largest tax increase in the history of this country, and that is where we are going to hurt the economy tremendously because of that, and these are the people actually paying taxes, as you said.

The President wants to say he gave a tax cut to 95 percent of the American people. Well, it wasn't a cut. It was a little rebate, as I recall, and the tax rates were not cut at all. But people can be persuaded to think that they were given a tax cut when it was only a rebate, and it is their money to begin with. It also went to people who paid no taxes, as you said, and had no tax liability, and we have things that actually give people more money back than they have actually paid in taxes.

Where is that coming from? From the people who pay the taxes.

Mr. GOHMERT. If I could reclaim my time on that point, apparently, my friends across the aisle do not want to recall, but the truth is that the rebate that was $40 billion of the stimulus package, of the Democratic Congress stimulus package of January 2008, which I did not support and was totally against. It was $40 billion out of $160 billion, and it was going as so-called ''rebates'' to people who didn't pay any taxes.

Yes, President Bush was in office, but the Democratic majority in the House and Senate passed that stimulus bill with my fussing about it and complaining about it. In fact, after President Bush's State of the Union Address, he was coming up the aisle over here, and I asked him a question. I didn't realize the microphone was picking my question up, but I asked:

By the way, Mr. President, how do you give a rebate to people who didn't put any ''bate'' in?

The question still stands. How do you give a rebate to somebody who didn't put something in to begin with? It's not a rebate. It's a giveaway. You are redistributing wealth from people who have worked hard, who have earned it and who have paid taxes on it so that people here in our majority party could give it away to others who they wanted to give it to.

That does not encourage job growth. It does something that encouraged me to leave the bench and run for Congress, and that is because this Congress was incentivizing people to never achieve their God-given potential, and Congress should never be in that business. We should incentivize people to do their best and to become all they can be.

I know my friend Ms. FOXX, having been president of a university, has spent a lifetime working to try to help people reach their potential. That's what we all ought to be doing. You know, when you have 30, 40 percent of high school students dropping out and never finishing high school, those kids are going to be condemned to never reaching the potential that they have.

Why wouldn't you want to give vouchers to kids and say, ''Go get the very best education you can possibly get''?

''We don't care how poor the neighborhood is that you're growing up in. If you want to go where the rich Democrats' children go to school, here is a voucher. Go there. Get as good an education as they have. Don't let people try to push you down as they did Clarence Thomas when he was growing up. Let's help you reach your God-given potential. Go where you can get the best education.''

What happens when you do that?

Schools know they've got to get better because, if they don't get better, no one is going to choose to go to their schools. So they have to be more picky about the teachers they hire. They have to be really good teachers or nobody is going to want to have those teachers. That's kind of the American way, and that is kind of the way America became the greatest nation in the history of the world. We are in danger of losing that. It is a dangerous time.

My friends across the aisle have continued to say that Republicans hope President Obama fails. I hope President Obama succeeds. I would love it if he became the most successful President in helping people reach the great American dream of any President in our history, but if he continues to try to have the government take over all of the private sector, if he continues to take over health care so that his czar, who is unaccountable to the Congress, can tell people which person lives and which person dies, I sure don't want that to succeed. I want him to succeed as a great President.

There are the words of George Washington when he resigned his commission. It was the only time in history anybody has ever led a revolution as the head of the military, has ever won the revolution as the head of the military, and has resigned and gone home. He sent this beautiful resignation letter.

In it, at the end, he says, ''I now make it my earnest prayer that God would have you and the state over which you preside in his holy protection.''

He goes down toward the end and says, in talking about God, ''And finally, that He would most graciously be pleased to dispose us all to do justice, to love mercy and to demean ourselves with that charity, humility, and specific temper of mind which were the characteristics of the Divine Author of our blessed religion, and without a humble imitation of whose example in these things we can never hope to be a happy nation.''

George Washington says, if President Obama wants to have a happy nation, he needs to inspire this nation to have the characteristics of the ''Divine Author'' of our blessed religion and without a humble imitation of whose example in these things we can never hope to be a happy nation.

We are in trouble. We are in big trouble in this country, and it does not help when the government takes over health care.

There is an article here, dated July 24, in the New York Times: ''Britain Plans to Decentralize Health Care.'' It talks about the aim now is clear ''to shift control of England's $160 billion annual health budget from a centralized bureaucracy to doctors at the local level.''

Do you want to talk about Republicans not being in support of education? I am not in support of this educational bureaucracy. Think about what individual school districts in America could do if you took the billions of dollars that this Education Department has lavished on itself over the years and if you put that money to work hiring good teachers, not administrators who are simply going to have to respond to all of the bureaucratic redtape put out by the Federal Government, which requires bureaucratic redtape and bureaucratic jobs in each State capital, which require bureaucratic redtape and new administrators in every school district.

It is time for the madness to stop. It is time to put the money where it will do the most good and to quit spending the rest of it.

I have a bill, the U.N. Voting Accountability bill, that I will bring to the floor with a discharge petition in September, when we come back. I am hoping my friends on the other side of the aisle, as well as friends on this side of the aisle, will sign on. It is very simple. It will end what has happened as to our apparently having given, according to the recent reports, billions of dollars to Pakistan, billions of dollars which have found their way into helping the people who are killing American soldiers.

□ 2250

We're paying people indirectly to kill American soldiers. As I've said repeatedly, you don't have to pay people to hate you. They'll do it for free.

My U.N. Voting Accountability Act says any nation that votes against the U.S. position on a contested vote more than half the time will receive no financial assistance from the United

States the following year. Very simple. It eliminates those problems, because Pakistan's made very clear in the U.N. they're going to fight us and oppose everything we believe and hold dear.

I don't hope President Obama fails. I hope he will reach the stage of enlightenment that will allow him to see that every government that's tried these socialized efforts to take over car industries, manufacturing, banking, health care, always results in failure.

And it's time to get back to what George Washington described as the characteristic of the divine author of our blessed religion, without a humble imitation of whose example in these things we can never hope to be a happy nation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. POE of Texas (at the request of Mr. BOEHNER) for today until 5 p.m. on account of attending the signing ceremony of the Cruise Vessel Security and Safety Act at the White House.

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. BOCCIERI) to revise and extend their remarks and include extraneous material:)

Mr. QUIGLEY, for 5 minutes, today.
Ms. WOOLSEY, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 725. An act to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes.

H.R. 4684. An act to require the Secretary of the Treasury to strike medals in commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National September 11 Memorial and Museum at the World Trade Center.

ADJOURNMENT

Mr. GOHMERT. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 28, 2010, at 10 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 the bill H.R. 2780, the Federal Restricted Buildings and Grounds Improvement Act, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 2780, THE FEDERAL RESTRICTED BUILDINGS AND GROUNDS IMPROVEMENT ACT OF 2010 WITH AN AMENDMENT PROVIDED TO CBO ON JULY 24, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Net Increase or Decrease (−) in the Deficit													
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

H.R. 2780 would modify the current laws that prohibit access to certain federal property. Thus, the government might be able to pursue cases that it otherwise would not be able to prosecute. Because those prosecuted and convicted under H.R. 2780 could be subject to criminal fines, the federal government might collect additional amounts if the legislation is enacted. Criminal fines are recorded as revenues, deposited in the Crime Victims Fund, and later spent. CBO estimates that any additional revenues and direct spending would not be significant because of the small number of cases likely to be affected.

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5138, the International Megan's Law of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 5138, AS AMENDED

	By fiscal year in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Net Increase or Decrease (-) in the Deficit													
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

Note: H.R. 5138 would authorize jurisdictions to collect fees from sex offenders who provide notice of international travel and would impose new criminal penalties on certain sex offenders. CBO expects those penalties and fees would total less than $500,000 each year and would be spent in the same year in which they are collected. CBO estimates the direct spending and revenue effects of H.R. 5138 would not be significant over the 2010–2015 period or the 2010–2020 period.

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5143, the National Criminal Justice Commission Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 5143, THE NATIONAL CRIMINAL JUSTICE COMMISSION ACT OF 2010, WITH AN AMENDMENT PROVIDED BY THE HOUSE COMMITTEE ON THE BUDGET ON JULY 27, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Net Increase or Decrease (−) in the Deficit													
Statutory Pay-As-You-Go Impact [1a]	0	0	0	0	0	0	0	0	0	0	0	0	0

[a] H.R. 5143 would establish the National Criminal Justice Commission to review the criminal justice system in the United States. Because the legislation would authorize the commission to accept and spend gifts, enacting the legislation could have a negligible impact on offsetting receipts and associated direct spending.

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5281, the Removal Clarification Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 5281, THE REMOVAL CLARIFICATION ACT OF 2010, WITH AN AMENDMENT PROVIDED TO CBO ON JULY 24, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Net Increase or Decrease (−) in the Deficit													
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

H.R. 5281 would clarify when certain litigation is moved to federal courts. This legislation would affect a small number of federal court cases, and CBO estimates that it would have no significant effect on direct spending by the federal court system.

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5662, the Simplifying the Ambiguous Law, Keeping Everyone Reliably Safe Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 5662, THE STALKERS ACT OF 2010 WITH AN AMENDMENT PROVIDED TO CBO ON JULY 24, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Net Increase or Decrease (−) in the Deficit													
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

H.R. 5662 would modify the current laws that prohibit stalking. Thus, the government might be able to pursue cases that it otherwise would not be able to prosecute. Because those prosecuted and convicted under H.R. 5662 could be subject to criminal fines, the federal government might collect additional amounts if the legislation is enacted. Criminal fines are recorded as revenues, deposited in the Crime Victims Fund, and later spent. CBO estimates that any additional revenues and direct spending would not be significant because of the small number of cases likely to be affected.

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5681, To improve certain administrative operations of the Library of Congress, and for other purposes, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 5681, A BILL TO IMPROVE CERTAIN ADMINISTRATIVE OPERATIONS AT THE LIBRARY OF CONGRESS, AND FOR OTHER PURPOSES, AS AMENDED

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Net Increase or Decrease (−) in the Deficit													
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

NOTE: H.R. 5681 would allow the Librarian of Congress to sell or dispose of obsolete property and use the proceeds of any sale to acquire new, replacement property.
Source: Congressional Budget Office.

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5682, To improve the operation of certain facilities and programs of the House of Representatives, and for other purposes, as amended, for printing in the CONGRESSIONAL RECORD.

CBO Estimate of Pay-As-You-Go Effects for H.R. 5682, a bill to improve the operation of certain facilities and programs of the House of Representatives, and for other purposes, as provided by the House Committee on the Budget on July 23, 2010

	By fiscal year in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Net Increase or Decrease (−) in the Deficit													
Statutory Pay-As-You-Go Impact [a]	0	0	0	0	0	0	0	0	0	0	0	0	0

[a] The legislation would make changes how the exercise facilities and child care center of the U.S. House of Representatives operate, and make other technical changes to House operations. CBO estimates those changes would have no significant net impact on direct spending.

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5810, the Securing Aircraft Cockpits Against Lasers Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

CBO Estimate of the Statutory Pay-As-You-Go Effects for H.R. 5810, the Securing Aircraft Cockpits Against Lasers Act of 2010 with an Amendment Provided to CBO on July 27, 2010

	By fiscal year in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Net Increase or Decrease (−) in the Deficit													
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

H.R. 5810 would establish a new federal crime for aiming the beam of a laser pointer at an aircraft or at the aircraft's flight path. Thus, the government might be able to pursue cases that it otherwise would not be able to prosecute. Because those prosecuted and convicted under H.R. 5810 could be subject to criminal fines, the federal government might collect additional amounts if the legislation is enacted. Criminal fines are recorded as revenues, deposited in the Crime Victims Fund, and later spent. CBO estimates that any additional revenues and direct spending would not be significant because of the small number of cases likely to be affected.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8566. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Voluntary Public Access and Habitat Incentive Program (RIN: 0560-AH98) received July 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8567. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Health Information Technology: Initial Set of Standards, Implementation Specifications, and Certification Criteria for Electronic Health Record Technology (RIN: 0991-AB58) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8568. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period April 1, 2010 through June 30, 2010 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a Public Law 88-454; (H. Doc. No. 111—135); to the Committee on House Administration and ordered to be printed.

8569. A letter from the FMCSA Regulatory Ombudsman, Department of Transportation, transmitting the Department's final rule — Minimum Level of Financial Responsibility for Motor Carriers [Docket No.: FMCSA-2006-26262] (RIN: 2126-AB05) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8570. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-802 and AT-802A Airplanes [Docket No.: FAA-2009-0707; Directorate Identifier 2009-CE-035-AD; Amendment 39-16339; AD 2010-13-08] (RIN: 2120-AA64) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8571. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Cherokee, IA [Docket No.: FAA-2010-0085; Airspace Docket No. 10-ACE-1] received July 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8572. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30731; Amdt. No. 3380] received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8573. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures,

and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30732; Amdt. No. 3381] received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8574. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Low Altitude Area Navigation Route (T-284); Houston, TX [Docket No.: FAA-2009-0878; Airspace Docket No. 09-ASW-7] (RIN: 2120-AA66) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8575. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Osceola, AR [Docket No.: FAA-2009-1183; Airspace Docket No. 09-ASW-38] received July 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8576. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Kelso, WA [Docket No.: FAA-2009-1135; Airspace Docket No. 09-ANM-20] received July 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8577. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Hamilton, TX [Docket No.: FAA-2009-0190; Airspace Docket No. 09-ASW-5] received July 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8578. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CFM International S.A. CFM56-5, -5B, and -7B Series Turbofan Engines [Docket No.: FAA-2010-0026; Directorate Identifier 2010-NE-03-AD; Amendment 39-16340; AD 2010-13-09] (RIN: 2120-AA64) received July 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8579. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of VOR Federal Airway V-625; Arizona (Docket No.: FAA-2009-0248; Airspace Docket No. 09-AWP-2] (RIN: 2120-AA66) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8580. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class C Airspace; Flint, MI [Docket No.: FAA-2010-0599; Airspace Docket No. 10-AWA-3] (RIN: 2120-AA66) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8581. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and E Airspace; Yuma, AZ [Docket No.: FAA-2009-1141; Airspace Docket No. 09-AWP-13] received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8582. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lucin, UT [Docket No.: FAA-2009-1134; Airspace Docket No. 09-ANM-25] received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8583. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace, Bryce Canyon, UT [Docket No.: FAA-2009-1011; Airspace Docket No. 09-ANM-19] received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8584. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Kemmerer, WY [Docket No.: FAA-2009-1190; Airspace Docket No. 09-ANM-27] received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8585. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — Bridge Safety Standards [Docket No.: FRA 2009-0014, Notice No. 2] (RIN: 2130-AC04) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8586. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 777-200LR and -300ER Series Airplanes [Docket No.: FAA-2010-0280; Directorate Identifier 2009-NM-259-AD; Amendment 39-16334; AD 2010-13-03] (RIN: 2120-AA64) received July 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8587. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Services B.V. Model F.27 Mark 500 and 600 Airplanes [Docket No.: FAA-2010-0551; Directorate Identifier 2009-NM-202-AD; Amendment 39-16333; AD 2010-13-02] (RIN: 2120-AA64) received July 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8588. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Services B.V. Model F.28 Mark 0070 and 0100 Airplanes [Docket No.: FAA-2010-0220; Directorate Identifier 2008-NM-166-AD; Amendment 39-16342; AD 2010-13-11] (RIN: 2120-AA64) received July 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8589. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series Airplanes [Docket No.: FAA-2010-0273; Directorate Identifier 2009-NM-134-AD; Amendment 39-16355; AD 2010-13-04] (RIN: 2120-AA64) received July 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8590. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Corporation Model DC-10-10, DC-10-10F, and MD-10-10F Airplanes [Docket No.: FAA-2010-0043; Directorate Identifier 2009-NM-128-AD; Amendment 39-16337; AD 2010-13-06] (RIN: 2120-AA64) received July 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8591. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2C10 (Regional Jet Series 700 & 701) Airplanes, Model CL-600-2D15 (Regional Jet Series 705) Airplanes, and Model CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No.: FAA-2009-0995; Directorate Identifier 2009-NM-123-AD; Amendment 39-16336; AD 2010-13-05] (RIN: 2120-AA64) received July 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8592. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Piper Aircraft, Inc. Models PA-32R-301T and PA-46-350P Airplanes [Docket No.: FAA-2010-0122; Directorate Identifier 2009-CE-067-AD; Amendment 39-16338; AD 2010-13-07] (RIN: 2120-AA64) received July 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8593. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No.: FAA-2009-1029; Directorate Identifier 2009-NM-103-AD; Amendment 39-16348; AD 2010-14-03] (RIN: 2120-AA64) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8594. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-100B, 747-200B, 747-200F, 747-300, 747-400, 747-400F and 747SP Series Airplanes Equipped with Rolls-Royce RB211-524 Series Engines [Docket No.: FAA-2010-0614; Directorate Identifier 2010-NM-130-AD; Amendment 39-16354; AD 2010-14-09] (RIN: 2120-AA64) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8595. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-400, 747-400D, and 747-400F Series Airplanes [Docket No.: FAA-2009-0454; Directorate Identifier 2008-NM-156-AD; Amendment 39-16353; AD 2010-14-08] (RIN: 2120-AA64) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8596. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-100, -200B, and -200F Series Airplanes [Docket No.: FAA-2010-0132; Directorate Identifier 2009-NM-096-AD; Amendment 39-16355; AD 2010-14-10] (RIN: 2120-AA64) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8597. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A33-243, -341, -342, and -343 Airplanes; and Model A340-541 and -642 Airplanes; Equipped with Rolls-Royce Trent 500 and Trent 700 Series Engines [Docket No.: FAA-2010-0177; Directorate Identifier 2009-NM-222-AD; Amendment 39-16349; AD 2010-14-04] (RIN: 2120-AA64) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8598. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2B16 (CL-604 Variant) Airplanes [Docket No.: FAA-2009-1227; Directorate Identifier 2009-NM-119-AD; Amendment 39-16347; AD 2010-14-02] (RIN: 2120-AA64) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8599. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), CL-600-2B16 (CL-601-3A, CL-601-3R, AND CL-604

Variants (Including CL-605 Marketing)) Airplanes [Docket No.: FAA-2010-0039; Directorate Identifier 2009-NM-239-AD; Amendment 39-16350; AD 2010-14-05] (RIN: 2120-AA64) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8600. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-200, -300, -400, and -500 Series Airplanes [Docket No.: FAA-2009-1224; Directorate Identifier 2009-NM-118-AD; Amendment 39-16351; AD 2010-14-06] (RIN: 2120-AA64) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8601. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-200, -300, -400, -500, -600, -700, -800, and -900 Series Airplanes; Model 747-400 Series Airplanes; Model 757-200 and 757-300 Series Airplanes; Model 767-200, 767-300, and 767-400ER Series Airplanes; and Model 777-200 Series Airplanes [Docket No.: FAA-2010-0638; Directorate Identifier 2007-NM-333-AD; Amendment 39-16346; AD 2008-01-01] (RIN: 2120-AA64) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8602. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400F, 747SR, and 747SP Series Airplanes [Docket No.: FAA-2010-0275; Directorate Identifier 2009-NM-231-AD; Amendment 39-16344; AD 2010-14-01] (RIN: 2120-AA64) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8603. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747 Airplanes [Docket No.: FAA-2008-0981; Directorate Identifier 2008-NM-073-AD; Amendment 39-16352; AD 2010-14-07] (RIN: 2120-AA64) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8604. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Corporation Model DC-9-10 Series Airplanes, DC-9-30 Series Airplanes, DC-9-81 (MD-81) Airplanes DC-9-82 (MD-82) Airplanes, DC-9-83 (MD-83) Airplanes, DC-9-87 (MD-87) Airplanes, MD-88 Airplanes, and MD-90-30 Airplanes [Docket No.: FAA-2010-0637; Directorate Identifier 2009-NM-062-AD; Amendment 39-16345; AD 2009-15-16] (RIN: 2120-AA64) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8605. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, 747SR, and 747SP Series Airplanes [Docket No.: FAA-2009-0906; Directorate Identifier 2009-NM-075-AD; Amendment 39-16343; AD 2010-13-12] (RIN: 2120-AA64) received July 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 5629. A bill to ensure full recovery from responsible parties of damages for physical and economic injuries, adverse effects on the environment, and clean up of oil spill pollution, to improve the safety of vessels and pipelines supporting offshore oil drilling, to ensure that there are adequate response plans to prevent environmental damage from oil spills, and for other purposes; with amendment (Rept. 111–567, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. BERMAN: Committee on Foreign Affairs. H.R. 5138. A bill to protect children from sexual exploitation by mandating reporting requirements for convicted sex traffickers and other registered sex offenders against minors intending to engage in international travel, providing advance notice of intended travel by high interest registered sex offenders outside the United States to the government of the country of destination, requesting foreign governments to notify the United States when a known child sex offender is seeking to enter the United States, and for other purposes (Rept. 111–568, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 5682. A bill to improve the operation of certain facilities and programs of the House of Representatives, and for other purposes (Rept. 111–569). Referred to the Committee of the Whole House on the State of the Union.

Ms. PINGREE of Maine: Committee on Rules. House Resolution 1559. Resolution providing for consideration of the bill (H.R. 5822) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2011, and for other purposes and providing for consideration of motions to suspend the rules (Rept. 111–570). Referred to the House Calendar.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 2480. A bill to improve the accuracy of fur product labeling, and for other purposes; with an amendment (Rept. 111–571). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 5156. A bill to provide for the establishment of a Clean Energy Technology Manufacturing and Export Assistance Fund to assist United States businesses with exporting clean energy technology products and services; with an amendment (Rept. 111–572, Pt. 1). Ordered to be printed.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 1796. A bill to amend the Consumer Product Safety Act to require residential carbon monoxide detectors to meet the applicable ANSI/UL standard by treating that standard as a consumer product safety rule, to encourage States to require the installation of such detectors in homes, and for other purposes; with an amendment (Rept. 111–573). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on the Judiciary discharged from further consideration. H.R. 5138 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

Pursuant to clause 2 of rule XIII the Committees on the Judiciary and Natural Resources discharged from further consideration. H.R. 5629 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

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. CHAFFETZ (for himself, Mr. SCHOCK, Mr. FLAKE, Mr. ISSA, Mr. WILSON of South Carolina, Mr. BARTLETT, Mr. FRANKS of Arizona, Mr. COFFMAN of Colorado, and Mr. BILBRAY):

H.R. 5865. A bill to amend title 44, United States Code, to prohibit the Archivist of the United States from making grants to preserve or publish non-Federal records; to the Committee on Oversight and Government Reform.

By Mr. GORDON of Tennessee (for himself, Mr. HALL of Texas, Mr. BAIRD, and Mr. INGLIS):

H.R. 5866. A bill to amend the Energy Policy Act of 2005 requiring the Secretary of Energy to carry out initiatives to advance innovation in nuclear energy technologies, to make nuclear energy systems more competitive, to increase efficiency and safety of civilian nuclear power, and for other purposes; to the Committee on Science and Technology.

By Mr. NYE:

H.R. 5867. A bill to amend title 23, United States Code, to authorize States to allow vehicles operated by members of the Armed Forces, law enforcement officers, and emergency response personnel to use HOV facilities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HALL of New York:

H.R. 5868. A bill to amend the Outer Continental Shelf Lands Act to establish conditions for the issuance of oil and gas leases under that Act to prevent discharges of oil in operations under such leases, and for other purposes; to the Committee on Natural Resources.

By Mr. LEWIS of Georgia:

H.R. 5869. A bill to direct the Secretary of the Interior to conduct a special resource study of the West Hunter Street Baptist Church in Atlanta, Georgia, and for other purposes; to the Committee on Natural Resources.

By Mr. POE of Texas (for himself and Mr. COSTA):

H.R. 5870. A bill to restrict passports of certain sex offenders, and for other purposes; to the Committee on Foreign Affairs.

By Mr. CARNAHAN:

H.R. 5871. A bill to amend the Public Works and Economic Development Act of 1965 to allow non-debt financing for for-profit companies in business incubators; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts:

H.R. 5872. A bill to provide adequate commitment authority for fiscal year 2010 for guaranteed loans that are obligations of the General and Special Risk Insurance Funds of the Department of Housing and Urban Development; to the Committee on Financial Services.

By Mr. RYAN of Wisconsin (for himself, Ms. BALDWIN, Mr. KIND, Ms. MOORE of Wisconsin, Mr. SENSENBRENNER, Mr. PETRI, Mr. OBEY, and Mr. KAGEN):

H.R. 5873. A bill to designate the facility of the United States Postal Service located at 218 North Milwaukee Street in Waterford, Wisconsin, as the ''Captain Rhett W. Schiller Post Office''; to the Committee on Oversight and Government Reform.

By Mr. MOLLOHAN (for himself and Mr. PATRICK J. MURPHY of Pennsylvania):

H.R. 5874. A bill making supplemental appropriations for the United States Patent and Trademark Office for the fiscal year ending September 30, 2010, and for other purposes; to the Committee on Appropriations.

By Mr. PRICE of North Carolina (for himself, Mr. MOLLOHAN, Mr. RODRIGUEZ, Ms. GIFFORDS, Mr. TEAGUE, Mrs. DAVIS of California, Mr. ORTIZ, Mr. CUELLAR, Mr. GENE GREEN of Texas, Mr. REYES, and Mrs. KIRKPATRICK of Arizona):

H.R. 5875. A bill making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes; to the Committee on Appropriations, 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 Mr. BISHOP of New York (for himself, Mr. KING of New York, Mr. HIMES, Mr. MURPHY of Connecticut, Mr. ACKERMAN, Mr. SERRANO, Mr. COURTNEY, Ms. DELAURO, Mr. ISRAEL, Mr. CROWLEY, Mr. ENGEL, Mr. HALL of New York, Mrs. LOWEY, and Mr. OLVER):

H.R. 5876. A bill to amend the Federal Water Pollution Control Act to reauthorize and improve activities for the protection of the Long Island Sound watershed, and for other purposes; to the Committee on Transportation and Infrastructure, 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 Mr. CAPUANO:

H.R. 5877. A bill to designate the facility of the United States Postal Service located at 655 Centre Street in Jamaica Plain, Massachusetts, as the ''Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. CLYBURN:

H.R. 5878. A bill to amend the American Recovery and Reinvestment Act of 2009 and the Internal Revenue Code of 1986 to make funds and tax benefit available to assist job creation and workforce diversification in the golf industry, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COSTA (for himself, Mr. CARDOZA, Mr. HONDA, Mr. KAGEN, Mr. LANGEVIN, Mr. HOLDEN, Ms. BORDALLO, Mr. KENNEDY, Mr. KIND, Mr. DELAHUNT, Mr. PIERLUISI, Mr. PETERSON, Ms. BALDWIN, Mr. STARK, Mr. MCNERNEY, Mr. NUNES, Mr. WOLF, Mr. RADANOVICH, Mr. MCHENRY, Mr. CAO, Mrs. MYRICK, Mr. MCCOTTER, and Mr. PETRI):

H.R. 5879. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to inter in national cemeteries individuals who supported the United States in Laos during the Vietnam War era; to the Committee on Veterans' Affairs.

By Mr. DJOU:

H.R. 5880. A bill to amend the Immigration and Nationality Act to provide for nonimmigrant visas for certain aliens whose petitions or applications are pending or who have not received immigrant visas; to the Committee on the Judiciary.

By Mr. FORTENBERRY:

H.R. 5881. A bill to amend section 520 of the Housing Act of 1949 to revise the requirements for areas to be considered as rural areas for purposes of such Act; to the Committee on Financial Services.

By Mr. GRAVES of Georgia (for himself, Mr. PRICE of Georgia, Mr. WESTMORELAND, Mr. GINGREY of Georgia, Mr. KINGSTON, and Mr. BROUN of Georgia):

H.R. 5882. A bill to deauthorize appropriation of funds to carry out the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, the Judiciary, Natural Resources, and House Administration, 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. INSLEE (for himself, Mr. DELAHUNT, Mr. HONDA, Ms. MCCOLLUM, and Mr. GRIJALVA):

H.R. 5883. A bill to spur rapid and sustainable growth in renewable electricity generation in the United States through priority interconnection and renewable energy payments, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science and Technology, and 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. KLEIN of Florida:

H.R. 5884. A bill to establish a separate office within the Federal Trade Commission to prevent fraud targeting seniors, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LINDER:

H.R. 5885. A bill to amend the Internal Revenue Code of 1986 to terminate the advance payment of the earned income tax credit; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 5886. A bill to provide grants to eligible consortia to provide professional development to superintendents, principals, and prospective superintendents and principals; to the Committee on Education and Labor.

By Mrs. LOWEY:

H.R. 5887. A bill to amend the Federal Hazardous Substances Act to require the inclusion of warning labels on Internet and catalogue advertising of certain toys and games; to the Committee on Energy and Commerce.

By Mr. MICHAUD (for himself, Ms. PINGREE of Maine, and Mr. GRIJALVA):

H.R. 5888. A bill to establish an America Rx program to establish fairer pricing for prescription drugs for individuals without access to prescription drugs at discounted prices; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska:

H.R. 5889. A bill to amend the Public Health Service Act and title XVIII of the Social Security Act to increase the number of primary care physicians and medical residents serving health professional shortage areas, and for other purposes; 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 Mrs. LOWEY:

H. Con. Res. 305. Concurrent resolution expressing the sense of the Congress concerning contraceptives for women; to the Committee on Energy and Commerce.

By Mr. EHLERS (for himself and Mr. POLIS):

H. Res. 1560. A resolution supporting the increased understanding of, and interest in, computer science and computing careers among the public and in schools, and to ensure an ample and diverse future technology workforce through the designation of National Computer Science Education Week; to the Committee on Science and Technology, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURGESS:

H. Res. 1561. A resolution directing the Secretary of Health and Human Services to transmit to the House of Representatives copies of each portion of any document, record, or communication in her possession consisting of or relating to documents prepared by or for the Centers for Medicare & Medicaid Services regarding the Patient Protection and Affordable Care Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MINNICK (for himself, Mr. CUELLAR, Mr. MORAN of Virginia, Mr. KIND, Mr. CAO, Mr. OLSON, Mr. BOOZMAN, and Mr. REYES):

H. Res. 1562. A resolution recognizing the importance of trade to job creation and the United States economy and calling for the immediate implementation of the United States-Colombia Trade Promotion Agreement, United States-Panama Free Trade Agreement, and United States-Korea Free Trade Agreement; to the Committee on Ways and Means.

By Mr. ROTHMAN of New Jersey:

H. Res. 1563. A resolution commending the New York Giants, the New York Jets, the New Meadowlands Stadium Project, and the people of the State of New Jersey for creating one of the most energy-efficient and environmentally sustainable sports complexes in the world; to the Committee on Energy and Commerce.

By Mr. STUPAK (for himself, Mr. DINGELL, Mr. CONYERS, Mr. KILDEE, Mr. LEVIN, Mr. UPTON, Mr. CAMP, Mr. HOEKSTRA, Mr. EHLERS, Ms. KILPATRICK of Michigan, Mr. ROGERS of Michigan, Mrs. MILLER of Michigan, Mr. MCCOTTER, Mr. PETERS, Mr. SCHAUER, Mr. DOYLE, Mr. MELANCON, Mr. BOREN, Mr. LIPINSKI, Mr. HOLDEN, Mr. KIND, Ms. SUTTON, Mr. BRALEY of Iowa, Mr. BARROW, Mr. KAGEN, and Mr. MILLER of North Carolina):

H. Res. 1564. A resolution commending and congratulating Michigan Technological University on the occasion of its 125th anniversary; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. FLAKE.

H.R. 197: Mr. MCKEON, Mr. DEFAZIO, and Mr. KINGSTON.

H.R. 208: Mr. TIBERI.

H.R. 213: Mr. KAGEN.

H.R. 336: Mr. SCHIFF.

H.R. 571: Ms. LORETTA SANCHEZ of California.
H.R. 614: Mr. SCHOCK.
H.R. 673: Mr. MORAN of Virginia.
H.R. 949: Mr. KISSELL.
H.R. 1124: Mr. GRIJALVA, Ms. SCHAKOWSKY, Ms. MOORE of Wisconsin, Ms. ROYBAL-ALLARD, and Mr. COHEN.
H.R. 1126: Mr. WU and Mr. MCCOTTER.
H.R. 1179: Mr. SPRATT.
H.R. 1205: Ms. LINDA T. SÁNCHEZ of California, Mr. PUTNAM, and Mrs. MALONEY.
H.R. 1277: Mr. GARY G. MILLER of California.
H.R. 1294: Mr. DENT.
H.R. 1340: Mr. MCGOVERN.
H.R. 1594: Mr. VISCLOSKY.
H.R. 1806: Mr. LARSON of Connecticut.
H.R. 1875: Mr. LIPINSKI.
H.R. 1884: Mr. MINNICK and Mr. CHILDERS.
H.R. 1972: Mr. HEINRICH.
H.R. 2000: Mr. CALVERT, Mrs. CHRISTENSEN, Mr. KANJORSKI, Mr. MOLLOHAN, Mr. MURPHY of Connecticut, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. SPRATT, Mr. THOMPSON of California, Mr. VAN HOLLEN, and Ms. WASSERMAN SCHULTZ.
H.R. 2016: Mr. BISHOP of New York.
H.R. 2428: Mr. FILNER.
H.R. 2575: Ms. SHEA-PORTER.
H.R. 2579: Mr. CUMMINGS.
H.R. 2648: Mrs. LOWEY.
H.R. 2855: Mr. OLVER.
H.R. 2866: Mr. DAVIS of Kentucky.
H.R. 2932: Mr. CLAY.
H.R. 3024: Mr. SCHRADER.
H.R. 3315: Mr. HODES.
H.R. 3421: Mr. GENE GREEN of Texas.
H.R. 3488: Ms. GIFFORDS and Ms. MATSUI.
H.R. 3729: Ms. SCHAKOWSKY, Ms. TSONGAS, and Mr. SCOTT of Virginia.
H.R. 3734: Mr. WATT.
H.R. 3752: Mr. HEINRICH.
H.R. 3786: Mr. KAGEN.
H.R. 3856: Mr. WU.
H.R. 3920: Mr. THORNBERRY.
H.R. 4109: Mr. GRIJALVA.
H.R. 4116: Mr. MICHAUD.
H.R. 4123: Mr. CONNOLLY of Virginia.
H.R. 4195: Mrs. LUMMIS.
H.R. 4197: Mr. CALVERT.
H.R. 4226: Mr. FILNER and Mr. CLEAVER.
H.R. 4266: Mr. NEUGEBAUER, Mr. MCCAUL, and Mr. CARTER.
H.R. 4306: Mr. JORDAN of Ohio.
H.R. 4427: Mr. PUTNAM.
H.R. 4536: Mr. DRIEHAUS, Mr. LATOURETTE, Ms. KILROY, Mr. RYAN of Ohio, Mr. SPACE, and Mr. WILSON of Ohio.
H.R. 4541: Mr. MILLER of Florida.
H.R. 4594: Mr. DENT and Mr. LANCE.
H.R. 4599: Ms. TITUS.
H.R. 4689: Mr. BLUMENAUER and Mr. HERGER.
H.R. 4692: Mr. KIND.
H.R. 4693: Mr. PUTNAM and Mr. MARKEY of Massachusetts.
H.R. 4722: Ms. SHEA-PORTER.
H.R. 4800: Mr. WEINER.
H.R. 4844: Ms. FUDGE.
H.R. 4856: Mr. BOSWELL and Mr. ARCURI.
H.R. 4882: Mr. CALVERT.
H.R. 4890: Ms. ZOE LOFGREN of California.
H.R. 4891: Mr. STARK.
H.R. 4914: Ms. JACKSON LEE of Texas.
H.R. 4925: Ms. ZOE LOFGREN of California.
H.R. 4986: Mr. CUMMINGS, Mr. HONDA, Mr. WILSON of South Carolina, and Mr. TURNER.
H.R. 4993: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 5016: Mr. BLUNT.
H.R. 5040: Mr. MICHAUD.
H.R. 5058: Ms. BERKLEY, Mrs. MYRICK, and Mr. MILLER of North Carolina.
H.R. 5081: Mr. MICA and Mr. HEINRICH.
H.R. 5101: Mr. PRICE of North Carolina and Mr. CONNOLLY of Virginia.
H.R. 5134: Ms. DEGETTE.
H.R. 5137: Mr. MINNICK and Mrs. SCHMIDT.
H.R. 5138: Mr. POMEROY.
H.R. 5141: Mr. CASSIDY and Mr. BOUSTANY.
H.R. 5162: Mr. POE of Texas, Mr. ROONEY, Mr. HALL of Texas, Mr. BILIRAKIS, Mr. WITTMAN, and Mrs. LUMMIS.
H.R. 5174: Mr. LOEBSACK and Mr. ISRAEL.
H.R. 5178: Mr. PASTOR of Arizona, Mr. COSTELLO, Mr. DINGELL, Mr. FALEOMAVAEGA, and Mr. KING of New York.
H.R. 5180: Mr. SABLAN.
H.R. 5214: Mr. JACKSON of Illinois.
H.R. 5244: Mr. GUTHRIE.
H. R 5369: Mr. CALVERT.
H.R. 5404: Mr. MARSHALL.
H.R. 5426: Mr. MURPHY of New York.
H.R. 5462: Mr. TOWNS and Mr. MCCAUL.
H.R. 5470: Mr. BOUCHER.
H.R. 5473: Mr. DICKS.
H.R. 5475: Ms. BERKLEY.
H.R. 5504: Mr. ARCURI and Mr. DEUTCH.
H.R. 5527: Mr. REICHERT.
H.R. 5536: Mr. HERGER.
H.R. 5537: Mr. BISHOP of New York and Mr. MURPHY of Connecticut.
H.R. 5540: Mr. STEARNS.
H.R. 5541: Mr. STEARNS.
H.R. 5554: Mr. EHLERS.
H.R. 5565: Mr. GONZALEZ and Ms. JACKSON LEE of Texas.
H.R. 5577: Mr. FILNER.
H.R. 5612: Mr. SIMPSON.
H.R. 5615: Mr. MCKEON.
H.R. 5625: Mr. LATOURETTE, Mr. KAGEN, Mr. KUCINICH, Ms. SUTTON, and Ms. FUDGE.
H.R. 5643: Ms. WOOLSEY and Mr. COHEN.
H.R. 5644: Ms. MATSUI.
H.R. 5647: Mr. MCKEON.
H.R. 5663: Mr. CHANDLER, Mrs. MALONEY, and Mr. GENE GREEN of Texas.
H.R. 5664: Mr. HARE.
H.R. 5677: Ms. GINNY BROWN-WAITE of Florida.
H.R. 5680: Mr. CALVERT.
H.R. 5714: Mr. ALEXANDER and Mr. DEUTCH.
H.R. 5729: Mr. MURPHY of New York and Ms. LORETTA SANCHEZ of California.
H.R. 5738: Ms. NORTON.
H.R. 5753: Ms. KILPATRICK of Michigan and Mr. MEEKS of New York.
H.R. 5766: Mr. LIPINSKI.
H.R. 5769: Ms. GIFFORDS, Mr. HALL of Texas, Mr. CALVERT, and Mr. BERRY.
H.R. 5778: Mr. MATHESON, Mr. ROYCE, and Mr. BOUCHER.
H.R. 5779: Ms. TITUS.
H.R. 5783: Ms. LEE of California, Mr. JACKSON of Illinois, and Mr. GRIJALVA.
H.R. 5825: Mr. SESTAK.
H.R. 5827: Mr. CRITZ, Mr. GRAYSON, Mr. POMEROY, Mr. COOPER, and Mr. PERRIELLO.
H.R. 5829: Mr. MILLER of North Carolina and Mr. FATTAH.
H.R. 5831: Mr. CARTER, Mr. DOGGETT, Mr. EDWARDS of Texas, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. HALL of Texas, Mr. HINOJOSA, Ms. JACKSON LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCCAUL, Mr. NEUGEBAUER, Mr. OLSON, Mr. ORTIZ, Mr. REYES, and Mr. RODRIGUEZ.
H.J. Res. 94: Mr. KINGSTON, Mr. THORNBERRY, Mr. ALEXANDER, Mr. MITCHELL, Mr. BILIRAKIS, Mr. TANNER, and Mr. SPRATT.
H. Con. Res. 29: Mr. TIAHRT.
H. Con. Res. 97: Mr. FRANK of Massachusetts.
H. Con. Res. 259: Mr. ENGEL.
H. Con. Res. 266: Mr. BILIRAKIS, Mr. DEUTCH, Mr. HERGER, Mr. HASTINGS of Florida, Mr. RYAN of Wisconsin, Mr. BILBRAY, Mr. COFFMAN of Colorado, and Mr. WILSON of South Carolina.
H. Con. Res. 281: Mr. SCALISE.
H. Con. Res. 298: Mr. GRIJALVA.
H. Res. 111: Mr. PETERS and Mr. THOMPSON of Mississippi.
H. Res. 241: Mr. PASTOR of Arizona.
H. Res. 637: Mr. BURGESS, Mr. DANIEL E. LUNGREN of California, Mr. HARPER, and Mr. MCCAUL.
H. Res. 899: Mr. BOREN and Mr. HOLT.
H. Res. 953: Ms. WATERS and Mr. MORAN of Virginia.
H. Res. 1207: Mrs. MYRICK and Mr. GALLEGLY.
H. Res. 1217: Ms. SHEA-PORTER and Mr. MAFFEI.
H. Res. 1319: Mr. HINOJOSA.
H. Res. 1326: Mr. COFFMAN of Colorado.
H. Res. 1355: Ms. NORTON.
H. Res. 1371: Mr. LATTA.
H. Res. 1390: Ms. WOOLSEY.
H. Res. 1431: Mrs. SCHMIDT, Mr. ALEXANDER, Mr. PRICE of North Carolina, and Mr. ROONEY.
H. Res. 1441: Mr. BARTLETT, Mr. OLSON, and Mr. LAMBORN.
H. Res. 1442: Mr. TANNER, Mr. ROGERS of Alabama, Mr. LINDER, and Ms. GIFFORDS.
H. Res. 1449: Mr. TURNER, Mr. RUPPERSBERGER, Mr. ALEXANDER, Mr. WOLF, and Mr. BUTTERFIELD.
H. Res. 1479: Mr. INGLIS, Mr. MICA, Ms. NORTON, Mr. KING of New York, Mr. POLIS, Mr. WOLF, Mr. PAULSEN, Ms. JENKINS, Mr. POSEY, Mrs. BIGGERT, Mr. MCHENRY, Mr. KIRK, Mr. GARRETT of New Jersey, Ms. KOSMAS, Mr. HOLT, Mr. HALL of New York, Mrs. CAPITO, Ms. ROS-LEHTINEN, Mr. DENT, Mr. SCHOCK, Mr. GUTHRIE, Mr. THOMPSON of Pennsylvania, Mr. MANZULLO, Mr. HIMES, Mr. PAYNE, and Mr. PENCE.
H. Res. 1515: Mr. ROYCE and Ms. CHU.
H. Res. 1522: Mr. RYAN of Ohio, Mr. MCMAHON, Mr. ISRAEL, Mr. BARROW, Mr. DAVIS of Illinois, Mr. GRIJALVA, Mr. BURTON of Indiana, Mr. BOUCHER, Mr. WU, Mrs. CHRISTENSEN, Ms. KILROY, and Mr. MARIO DIAZ-BALART of Florida.
H. Res. 1527: Mr. SESSIONS and Ms. HARMAN.
H. Res. 1528: Ms. ROYBAL-ALLARD.
H. Res. 1529: Mr. RANGEL, Mrs. LOWEY, and Mr. ENGEL.
H. Res. 1554: Mr. SABLAN.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

H.R. 5851, the Offshore Oil and Gas Worker Whistleblower Protection Act of 2010, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

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Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, center of our joy, give to the Members of this body the gifts of grace, compassion, and kindness. May Your gift of grace prompt them to exemplify civility. May Your gift of compassion motivate them to become voices for the voiceless. May Your gift of kindness empower them to treat others as they themselves desire to be treated, to forgive those who may have wronged them, and to cultivate renewed trust in those with whom they labor. Lord, renew them this day by the power of Your spirit that they may walk in unity for the good of this land we love.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN 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. INOUYE).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 27, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Madam President, I note 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. REID. 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.

SCHEDULE

Mr. REID. Madam President, there will be a period of morning business, with Senators permitted to speak for up to 10 minutes each. The time until 12:30 will be equally divided and controlled between the two leaders or their designees. The majority will control the first 30 minutes and the Republicans will control the next 30 minutes.

The Senate will be in recess from 12:30 until 2:15 today for the weekly caucus meetings.

Following the caucus, the time between 2:15 and 2:45 will be equally divided and controlled between the two leaders or their designees, with the majority controlling the final 15 minutes. At 2:45, the Senate will proceed to a rollcall vote on the motion to invoke cloture on the motion to proceed to S. 3628, the DISCLOSE Act.

CORRECTING ENROLLMENT OF H.R. 725

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to H. Con. Res. 304.

The ACTING PRESIDENT pro tempore. The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 304) directing the Clerk of the House of Representatives to correct the enrollment of H.R. 725.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 304) was agreed to.

Mr. REID. Would the Chair announce the business for the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 12:30 p.m., with Senators permitted to speak for up to 10 minutes each and with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes.

The Senator from Illinois.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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THANKING TOM FALETTI

Mr. DURBIN. Madam President, I come to the floor to say thank you to someone who has, for more than 20 years, been my right hand on Capitol Hill. Tom Faletti is one of the most decent, honest, and caring persons I have ever known. Tom came to work for me 24 years ago, when I was an unknown second-term Congressman from downstate Illinois and he was a 20-something idealist with a master's degree in public policy and a determination to change the world. We have been a team for 24 years.

Now Tom is preparing to leave Capitol Hill for a new career—not to cash in as a K Street lobbyist but to work at an inner-city high school as a teacher. I know he is going to be an excellent teacher because I know how much he has taught me about how to turn noble ideas into good laws. Among the legislative accomplishments of which I am most proud, almost all of them bear Tom's fingerprints.

Tom Faletti is a quiet, effective person, who has achieved more than many of the most celebrated on Capitol Hill. He is a profoundly good person, too—deeply spiritual, with a deep devotion to his faith, and he is a remarkably patient man. How else could he have survived 24 years with me? One of his greatest personal qualities is his persistence. He has great staying power, and when you consider that many of the historic bills he has worked on require that kind of patience, you understand that is the key to his success.

Tom Faletti grew up in Antioch, CA, about an hour east of San Francisco. He was one of six kids, all boys. His father worked in the accounting department of a steel mill. His mom was mostly a stay-at-home mom who sometimes did child care to help make ends meet. He grew up in a neighborhood surrounded by aunts, uncles, cousins, and grandparents, all living within blocks of each other. It was the Faletti equivalent to Hyannis Port. He met his wife Sonia in the freshman dorm at Stanford University and they have been inseparable ever since. In fact, July 26 was their 30th wedding anniversary.

After earning his master's degree from Berkeley, Tom turned down some good job offers in California because the issues he cared most about, such as ending poverty and hunger, were national issues. He asked his Congressman and my good friend GEORGE MILLER for advice on how to get a job in Washington. GEORGE MILLER replied: You have to be there. So, in 1986, Tom and Sonia packed their belongings and drove across America in their 1978 blue Ford Fairmont. On the way they stopped in Chicago to see the Cubs beat Tom's favorite San Francisco Giants at Wrigley Field—the only time, until then, Tom had ever set foot in my State of Illinois.

Both Sonia and Tom arrived in DC without a job. Within a week, Sonia—who Tom will concede is the much more talented of the two—landed a job as a teacher. Tom had two interviews with both the U.S. Catholic Conference and Bread for the World. Both of them liked his resume but told him: Tom, you need some Hill experience.

Fortunately for me and the people of my State, Tom heard through a friend of a friend that this fledgling Congressman was looking for a part-time legislative correspondent. Well, my office offered him a job, trying to get rid of the growing backlog of mail in my congressional office. We told him we just had enough money to pay him for 3 months, and we weren't sure what would happen after that. But 3 months later, Tom Faletti turned a routine legislative correspondence assignment into proof positive of his potential. We promoted him to a legislative assistant position handling agricultural issues—not necessarily his forte, but I learned then and have learned ever since you can hand Tom Faletti any assignment and, in a short period of time, he will become a resident expert.

Two years later, the position of health care adviser opened on my staff. Tom jumped at the chance and a real legislative partnership began. Tom's tireless and meticulous work on health care reform and tobacco control has literally saved lives in America. Tom helped to draft the bill which I am so proud of, in which we banned smoking on all domestic airline flights more than 25 years ago.

Neither Tom nor I realized at that moment that that bill was a tipping point. The American people finally opened their eyes and said: If it is unsafe to smoke on an airplane, then why is it safe to smoke on a bus, on a train, in an office, in a hospital? Twenty-five years later, we live in a different nation because that bill came at the right moment. That bill would not have happened were it not for Tom Faletti's good work.

He also drafted a bill that banned smoking in Head Start and other Federal children's programs—unthinkable, but it was considered pretty bold at the time. In 1998, he helped me organize the first International Conference on Tobacco Control that brought together cancer researchers and advocates from nearly 30 nations to help advance the cause of tobacco control around the world.

He also worked to help preserve the historic settlement between tobacco companies and States when it appeared the Justice Department, under President George W. Bush, might gut the settlement.

In the early 1990s, Tom Faletti helped draft what may have been the first meaningful regulation of tobacco.

It was the simple statement that captured where we ended up so many years later, and it said:

> The Food and Drug Administration shall regulate tobacco but shall not ban it.

That was the political sweet spot, the middle ground where we eventually ended up many years later.

At the time it seemed impossible, but FDA regulation passed last year and is now the law of the land.

In 1992, Tom helped draft a bill called health status rating in the small business health insurance market. That bill said simply that insurers can't charge more because of a preexisting condition. Have you heard that phrase before? Do you remember that cause? It was the propelling force behind our health care reform that we just completed. People suggested then we could not prevail.

Tom knew where we needed to be as a nation, and today that bill—with minor changes—is the law of the land. It was included in the historic health care reform that President Obama signed into law.

Tom has helped achieve lifesaving change for America in so many other ways, including increasing organ donations and improving health care for veterans and their family caregivers.

In the early 1990s, he drafted a bill to create a pilot program of long-term substance abuse treatment centers for women where they could bring their children with them, thus removing one of the main impediments to women receiving lifesaving treatment.

The list of accomplishments bearing Tom Faletti's imprint goes on and on.

When President Obama invited me to the White House a little over a year ago to see him sign the Family Smoking Prevention and Control Act, granting FDA the very power to regulate tobacco, which Tom Faletti called for so many years ago, I invited Tom to be by my side. I can recall a dinner a few months ago when I was given recognition for all the work I have done in the field of tobacco and looking out over the audience and all the people who have been helpful and spotting Tom. I told the people there—and I say it today—that none of this would have happened without Tom Faletti.

When President Obama signed the Patient Protection and Affordable Care Act last March, I again asked Tom Faletti to join me at the White House and witness that historic event and see the new law, including the preexisting conditions.

No member of my staff—or any other Senate staff—worked harder, over more years, to make those two great achievements a reality.

There is one downside to finally winning so many long-fought battles; that is, Tom has decided to retire—well, to retire from the Senate. He has decided it is time to try a profession that he told me he always wanted to try, to become a high school teacher. He is going to teach at Archbishop Carroll, an inner-city Catholic high school in Washington, DC. I was not surprised because Tom has been a teacher for as long as I have known him. He taught hundreds of my staff everything from spelling and grammar to the inside information on moving a bill and changing a nation.

I know Tom and Sonia decided long ago that life on Earth is about more

than material wealth. The lure of K Street never touched Tom Faletti. Instead of cashing in on his time in the Senate and his amazing experience on Capitol Hill, Tom is actually leaving the Senate to take a pay cut and teach in an inner-city high school. Those of us who know and love him are not surprised.

He will be teaching government and political science to 11th graders and a religion class on social justice—his great passion.

Tom said above the chalkboard in his classroom he will hang a sign that reads: ''You can change your world.'' Tom has proven he can change the world because he has changed America. He wants to show his students how they, too, can reach that goal in their lives.

Tom will not need a textbook for that lesson. He can teach from his own experience because that is what Tom has done for 24 years as a dedicated staff member in the House of Representatives and the Senate. I was always proud to be Tom's friend and to learn so much from this good man.

I thank Tom for his service, and I thank his wife Sonia and their children, Timothy, Joanna, and Luke, for sharing him with us for all these years. I wish him the best of luck, and I say to the students at Archbishop Carroll: Listen carefully to Tom. I have for 24 years, and it has worked out pretty well.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CYBERSECURITY

Mr. WHITEHOUSE. Madam President, I will speak about a topic that is central to our national security and economic prosperity and which gets far too little notice and attention; that is, the vulnerability of America's network information systems, and the economic danger and national security risks we face from cyber-theft, cyber-piracy, and cyber-attack.

We live in a wired society. If we sever those wires and the social, economic, and communications linkages that make our way of life possible, we will cease to function. I am gravely concerned that we are not taking the necessary steps to guard against this threat, which I believe is the greatest unmet national security need facing the United States.

Earlier this month, the Intelligence Committee Cyber Task Force submitted a classified final report to the chair and vice chair of the Intelligence Committee. It was an honor to chair this bipartisan initiative and to serve with my distinguished colleagues, Senator MIKULSKI and Senator SNOWE. I thank them for their diligence, their leadership, and their important contributions to this effort. They were excellent and we made a good team.

We spent 6 months investigating cybersecurity threats and our current posture for countering those threats, with a particular focus on the intelligence community. It was a very sobering experience.

There is a concerted and systematic effort underway by nation states to steal our cutting edge technologies. At the same time, criminal hacker communities are conspiring to penetrate financial industry networks, rob consumers of their personal data, and transform our personal computers into botnet zombies that can spread malware and chaos.

It is difficult to put a precise dollar figure on the damage and loss these malicious activities are causing, but it is safe to say it numbers in the many tens of billions of dollars—perhaps as high as $1 trillion.

I believe we are suffering what is probably the biggest transfer of wealth through theft and piracy in the history of mankind.

In addition, we face the risk of attacks—attacks designed to disable critical infrastructure, with grave potential harm to our national security and to our financial, communications, utility, and transportation sectors.

The intelligence community is keenly aware of the threat and is doing all it can within existing laws and authorities to counter it. The bad news is the rest of our country—including the rest of the Federal Government—is not keeping pace with the threat.

I am encouraged by the growing interest in Congress, where there are now more than 40 bills pertaining to cyber. I want to commend Senator ROCKEFELLER and Senator SNOWE, in particular, for being at the leading edge of the Senate's efforts. They have spent more than a year fine-tuning their legislation, which speaks of their commitment to protecting the country and their recognition that we cannot reduce our vulnerabilities without careful study and thoughtful engagement.

Much of the current debate on cybersecurity in the Congress focuses on executive branch organization dealing with this threat. This is obviously an important issue, and it is one that we must resolve sooner rather than later. But the question of how this all gets organized within the executive branch is merely one of the many problem areas we saw during the course of the work of the task force.

What are these other areas? Well, first of all, an overarching issue, we must raise the public's awareness about cyber-threats; otherwise, we face an uphill battle trying to legislate in this challenging and sensitive policy sphere.

What is the problem? Well, threat information affecting the dot.gov and dot.mil domains is largely classified—often very highly classified—and entities in the dot.com, dot.net, and dot.org domains often consider threat information to be proprietary and disclosing it could be a risk to their business. So the result overall is that the public knows very little about the size and scope of the threat their Nation faces.

If the public knew the stakes—knew the cyber-criminals, for example, have pulled off bank heists that would make Willie Sutton, Bonnie and Clyde, and the James Gang look like a bunch of petty thieves, they would demand swift action. If they knew the extent of the cyber-piracy against our intellectual property, and the economic loss that has resulted, the public would demand swift action. If they knew how vulnerable America's critical infrastructure is and the national security risk that has resulted, they would demand action. It is hard to legislate in a democracy when the public has been denied so much of the relevant information.

The first key point is public awareness. We have to share more information with the public about what is going on out there.

Second, we need to establish basic rules of the road. One of the signal features of our cybersecurity risk profile is that the overwhelming majority of malicious cyber-activity could be prevented if some computer users installed simple antivirus protections and allowed automatic updates of their software.

If we followed basic rules of the road, there would be a national security advantage: The Federal Government could focus its cybersecurity efforts on that narrower subset of threats that can evade commercial, off-the-shelf technology. There would be economic advantage from the potentially massive reduction in cyber-crimes, such as identity theft and credit card fraud.

Third, we need to empower the private sector to adopt a more proactive stance against cyber-threats. I am from Rhode Island. My State was founded as a sea trading State. When our traders were attacked by pirates, they got out their guns and fought back. Under current law, companies under cyber-attack can do little more than batten down the hatches. We need to look for more ways to help American companies better defend themselves.

Our courts provide one option. Creative technical experts and smart lawyers at Microsoft were able to mount a very impressive counterattack against the Waledac botnet by obtaining a Federal court order requiring that VeriSign, the domain name registrar, cut off domains associated with the botnet. This disrupted the botnet's command-and-control function, and it highlights an important possible role for our judicial branch.

Additionally, we need to establish lawful and effective means for industry sectors to band together with one another and engage with each other in

common defense strategies and information sharing where appropriate with the government. There are some early examples, such as the defense industrial base, that merit commendation, which we should encourage. But it is still pretty primitive.

Fourth, we must ensure that the Federal Government has the authorities and capabilities necessary to protect our American critical infrastructure against cyber-attack. If a bank, for instance, runs into a solvency problem, there is an established and widely accepted procedure for Federal intervention to protect the bank depositors, stand the bank back up, get it back on its feet, and move back out again.

There is no similar procedure if that bank or American critical infrastructure, such as an electric utility, is failing due to an ongoing cyber-attack. There needs to be clear, lawful processes for the private sector to request technical assistance and clear authority for the government to act when a cyber-incident raises significant risk to American lives and property.

It gets a little bit more complicated than that because you cannot just call 911, such as when there is a fire, and have the government come and put out the fire when it is a cyber-attack. Cyber-attacks happen literally at the speed of light.

The best defense against cyber-threats, particularly the most dangerous cyber-threats, requires speed-of-light awareness and response. For this reason, it is worth considering whether some defensive capabilities should be prepositioned in order to better protect the Nation's most critical private infrastructure.

During medieval times, critical infrastructure, such as water wells and graineries, were inside the castle walls, protected as a precaution against enemy raiders. Can certain critical private infrastructure networks be protected now within virtual castle walls in secure domains where those prepositioned offenses could be both lawful and effective?

This would, obviously, have to be done in a transparent manner, subject to very strict oversight. But with the risks as grave as they are, this question cannot be overlooked.

Fifth, we need to put more cyber-criminals behind bars. Law enforcement engagement against cyber-crime needs to be considerably enhanced at multiple levels, reporting, resources, prosecution strategies, and priority. A lot more folks need to go to jail.

Finally, we must more clearly define the rules of engagement for covert action by our country against cyber-threats. This is an especially sensitive subject and highly classified. But for here, let me simply say that the intelligence community and the Department of Defense must be in a position to provide the President with as many lawful options as possible to counter cyber-threats, and the executive branch must have the appropriate authorities, policies, and procedures for covert cyber-activities, including how to react in real time when the attack comes at the speed of light. This all, of course, must be subject to very vigilant congressional oversight.

Uniquely in the world and uniquely in our own history, America's economy and government now depend on networked information technologies for Americans to communicate with each other, keep the trains running on time and the planes flying safely, keep our lights on, and power our daily lives.

The expansion of this powerful new technology across our great country also makes us uniquely vulnerable to cyber-threats. We have to do a lot better as a nation on cybersecurity. I believe we can do better. I know we must do better. Frankly, we cannot afford not to do better.

I hope these remarks and the structure they have provided helps provide assistance to my colleagues as we begin debating and resolving these important issues.

I yield the floor. I see my distinguished colleague from Minnesota prepared to speak.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

DISCLOSE ACT

Mr. FRANKEN. Madam President, I rise today to urge my colleagues to allow debate on the DISCLOSE Act, a commonsense measure to fix just some of the problems created by the Citizens United decision.

For a century, Congress has done everything it could to make sure the American public has as much information as possible about the money being spent in our elections. The first Federal campaign finance disclosure law was passed in 1910, which scientists tell us was 100 years ago. It was strengthened in 1925. In the 1970s, it was replaced with an even stronger system as part of the Federal Election Campaign Act. Eight years ago, with McCain-Feingold, it was strengthened yet again. So the Congress has been in the disclosure business for 100 years. And, in fact, at every major step, the Supreme Court has actually affirmed Congress's power to pass these laws.

In 1934, the Court unanimously upheld the disclosure laws that Congress passed a decade earlier. In 1975, they upheld the disclosure provisions of the Federal Election Campaign Act. In 2003, they upheld the disclosure and disclaimer provisions of McCain-Feingold. Just this January in Citizens United—yes, in Citizens United—they voted 8 to 1 to uphold those same disclosure provisions again.

The disclosure provisions of the DISCLOSE Act are well in line with a century's worth of Federal statutes and precedent, at least according to the Burger Court, the Rehnquist Court, the Roberts Court, and the Hughes Court. I bet some of you have not heard of the Hughes Court. That was from 1934. So we can pass this law. We can do it. There should be a will to do it.

Here are some excerpts from a few Members' floor statements from the 107th Congress, the Congress that passed McCain-Feingold:

> Clearly the American public has a right to know who is paying for ads and who is attempting to influence elections. Sunshine is what the political system needs.

Another Member said:

> We can try to regulate ethical behavior by politicians, but the surest way to cleanse the system is to let the Sun shine in.

Here is yet another:

> Disclosure helps everyone equally to know how their money is spent. [. . .] Disclosure is what honesty and fairness in politics is all about. Why would anyone fight against disclosure?

These are actually the statements of friends of mine across the aisle who are still in this body who opposed McCain-Feingold and who opposed it in large part because they said it did not do enough on disclosure. In fact, a lot of them opposed it precisely because it did not do enough to promote disclosure of the independent expenditures of corporations and unions.

As my good friend Senator HATCH said in March of 2001:

> The issue is expenditures, expenditures, expenditures; and [. . .] the real issue, if we really want to do something about campaign finance reform, is disclosure, disclosure, disclosure.

I think he repeated it three times for emphasis.

This is what the minority leader said when he voted against the McCain-Feingold bill, as amended by the House, in March of 2002. This is the minority leader, Senator MCCONNELL from Kentucky:

> Reformers claim this bill will increase disclosure and shine the light on big money and politics. This is, of course, not true. Unions will continue to funnel hundreds of millions of dollars of hard-working union member dues into the political process without ever disclosing one red cent.

The protections my friends were waiting for are in the DISCLOSE Act, and they boil down to this: If someone is spending a lot of money in our elections, American voters will have a right to know whether that person is a corporation, a nonprofit, a union, or a 527.

Before I close, I want to discuss a part of this bill that does not have to do with disclosure, section 102.

Section 102 incorporates critical provisions of a bill I introduced, the American Elections Act. It will make sure that foreign interests—foreign governments, foreign corporations, and individuals—cannot use American subsidiaries that they own or control to influence our elections.

The fact is, after Citizens United, the U.S. subsidiaries of foreign companies will be able to spend as much as they want in our elections, even if they are under foreign control.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. FRANKEN. I ask for another couple minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. CORNYN. Reserving the right to object, I ask that another couple minutes be added to our time. If that is OK with the Senator from Minnesota, I have no objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRANKEN. I thank the Senator from Texas. The fact is, after Citizens United, the U.S. subsidiaries of foreign companies will be able to spend as much as they want in our elections, even if they are under foreign control. President Obama alluded to this in his State of the Union Address, and Justice Stevens said it explicitly in his dissent.

More and more American companies are coming under foreign ownership and control. According to the Congressional Research Service, between 1998 and 2007, there was a 50-percent increase in the number of mergers and acquisitions where a foreign firm acquired a U.S. firm. But our laws are out of date. They do not protect against election spending from those foreign-controlled companies.

There are basically only three restrictions on election spending by foreign companies: One, you cannot be headquartered or incorporated abroad. The subsidiary has to be headquartered here, such as BP America.

You cannot use money you have earned abroad in our elections. You can use money earned here.

You cannot let foreign citizens decide how to spend that money. But the boards of these companies kind of know how, Citgo, say, might want to spend its money. One company that could pass the test and spend unlimited amounts of their money in our elections is Citgo, 100-percent owned by Hugo Chavez and the Venezuela Government. Here is another company that can pass the test: British Petroleum or, rather, its subsidiary, British Petroleum America. This is unacceptable.

The DISCLOSE Act updates our laws and says that if a foreign entity has a controlling stake in a company, as defined by most States' corporate control standards—or if a foreign entity controls the board of directors of a company, that company should not spend one dime in our elections.

Madam President, I thank the Senator from Texas. I yield back my time. I have no time to yield back. I am done.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Madam President, how much time remains on our side?

The ACTING PRESIDENT pro tempore. There is 32 minutes 23 seconds remaining.

DISCLOSE ACT

Mr. CORNYN. Madam President, I am going to talk about the so-called DISCLOSE Act that we will vote on this afternoon at 2:45. Of course, this is a cloture vote which will require 60 votes to proceed to the bill.

At the time the cloture motion was filed, the bill was so new that it was not even available on the Senate's Web site. Unfortunately, this represents a trend where we have seen legislation come to the floor that is so new and unavailable to the American people to read that they are left to wonder what actually is in the bill.

This particular version of the bill was introduced less than a week ago. Sadly, I have concluded that this bill represents another attempt by my colleagues to push through legislation without adequate time for deliberation and review. In this case, it has pretty dramatic and dire consequences.

It will reduce freedom of speech in a way that is inconsistent with the first amendment of the U.S. Constitution, it creates more Federal regulation, and it does not give the American people the opportunity to review the legislation and to weigh in because they cannot understand what are the ramifications. So in the short time we have between now and 2:45, I would like to weigh in a little bit to hopefully inform anyone who is listening what this particular piece of legislation will do.

I fear that what this legislation does, in sum, is to protect incumbents—protect incumbents—which is not the type of legislation that I think most of our constituents would want to see us pass. I believe they would prefer legislation, if any legislation would be necessary, that would not restrict freedom of speech but would encourage freedom of speech and more political participation in our elections and the process. But this bill doesn't do that. This bill protects incumbents by suppressing the speech of some while letting other speakers speak without any limitation whatsoever. In other words, what this bill does is it picks winners and losers in the political speech contest—something the first amendment does not allow us to do.

I would also say that in the rushing to judgment on the part of the proponents of this bill, we are left to speculate as to what impact the Citizens United decision by the U.S. Supreme Court will really have and whether for-profit corporations will actually use this decision to spend money in elections. I happen to believe there is very little chance most corporations' shareholders will allow their money to be spent for the purpose of advertising on issues in upcoming political elections because they are going to either want the money returned in a dividend to the shareholders or they are going to want money invested to create a growing business and to create a better return on their investment. They are not going to want their money used for the purposes for which the proponents of this legislation fear, in my view.

The fact is, this bill will fundamentally remake the rules and regulations governing the exercise of free speech in American elections. We should be extra cautious in legislating in this area for three reasons:

First, regulation of speech always raises significant first amendment considerations. The first amendment is the cornerstone of our democracy. Political speech about candidates for elected office is at the core of the values protected by the first amendment.

Second, regulation of campaign speech often comes with unintended consequences. Back in 2002—I wasn't here at the time—the Bipartisan Campaign Reform Act was passed. It was also known as the BCRA or McCain-Feingold. I believe it was passed with the very best of intentions, but it has not prevented the exponential increase in the amount of money spent in elections in America since that time. In the 2008 election cycle, President Obama and Senator MCCAIN raised and spent nearly twice as much money as President Bush and Senator KERRY did in 2004—almost twice as much in 4 years. In fact, together, the two Presidential candidates in 2008 spent more money for the general election than did all the Presidential candidates between 1976 and 2000 combined. The so-called Bipartisan Campaign Reform Act of 2002 has also led to another unintended consequence: it has led to a proliferation of interest groups using section 527 of the Internal Revenue Code or some other provision of the law to pour massive amounts of money into campaigns with even less transparency than has existed before.

The third reason we should be especially careful when regulating political speech is that Senators have an inherent conflict of interest. Our jobs depend on the rules surrounding campaigns and elections, so there is a natural temptation by the Senate majority to change the rules in a way that helps its own chances of reelection. The question is, Does this bill resist that temptation to rewrite the rules to benefit the majority party, to protect incumbents, or does this bill succumb to that temptation? I submit that this bill succumbs to that temptation in the haste to push through rules that will protect, in the view of the proponents of this legislation, incumbents in the election that will be held almost 100 days from now.

This bill would silence critics of the majority party—it is that simple—and it would protect the closest allies and special interests aligned with the majority party.

This bill treats similarly situated parties differently. That is what I mean by picking winners and losers. It would silence businesses with some foreign shareholders, but it would protect unions with significant foreign membership. It would silence businesses with government contracts, but it would protect unions of government employees and unions that work on those same government contracts. It would silence companies that have received TARP funds but protect the

unions that represent those same companies' employees.

Labor unions aren't the only allies of the majority party to receive special treatment in this bill. The bill protects limited liability partnerships and other business models favored by the legal profession. It creates carve-outs reminiscent of what we saw happen in the health care bill with the ''Louisiana purchase'' and the ''Cornhusker kickback.'' It creates a carve-out for the largest, wealthiest, and most powerful Washington-based special interest groups, such as the National Rifle Association and the American Association of Retired Persons, AARP.

The bill also tends to favor large businesses over small businesses and Washington-based interest groups over grassroots interests. How does this bill do that? Well, simply because it creates such a Byzantine labyrinth of regulations and disclosure requirements that only large organizations with the money to hire the very best lawyers will be able to figure out how they can exercise their first amendment rights. There are enough loopholes that a corporation or a union large and sophisticated enough to set up the right legal structure can continue to speak and spend money to exercise their first amendment rights, but a small business or a grassroots group of citizens is unlikely to have either those sorts of political connections or the money to be able to hire the specialized expertise to allow them to navigate this labyrinth. And if you can't afford to comply with the bill's onerous regulations, then you are not allowed to speak at all.

Why are some of my colleagues supporting the bill? I can think of two reasons:

First, some of my colleagues fear the righteous judgment of the American people in this coming election on November 2. They are trying to change the rules in the middle of the game to suppress the speech of those who might disagree with these incumbent Senators who are standing for reelection so that the American people won't have all sides of the story when they go to vote on November 2. Bradley Smith, a former Chairman of the Federal Election Commission, put it this way. He said the so-called DISCLOSE Act should stand for the ''Democrat Incumbents Seeking to Contain Losses by Outlawing Speech in Elections''—the DISCLOSE Act.

Second, it is clear that some folks in Washington just like suppressing speech they do not agree with. Other attempts have included asking citizens to forward their neighbors' criticisms about the administration to the White House e-mail account—remember when that happened—and sending cease-and-desist letters—this is something the administration did during the health care debate—to companies that criticized their health care bill. And of course there have been well-documented efforts to bring back the so-called Fairness Act, which is anything but.

I don't know, though, whether my colleagues who are pushing this bill are doing so in order to protect their political power or, frankly, in an arrogant display of disdain for the views and opinions of the American people—the kinds of views we have seen displayed at townhall meetings, at tea party rallies, and other spontaneous movements around this country. It is absolutely the fact that the first amendment was written to protect freedom of speech, even the speech we don't like and don't agree with. I believe the first amendment of the U.S. Constitution and freedom of speech have made us stronger and freer and has helped inform policymakers so that we can make better decisions because we have considered all points of view.

But whatever the reason the proponents of this bill have for offering this bill, I would point out—and I don't think it is a coincidence—that the chief House proponent is the current chairman of the Democratic Congressional Campaign Committee and the chief proponent in the Senate is the former chairman of the Democratic Senatorial Campaign Committee. I don't think that is coincidental.

Whatever the reason, I oppose this bill, and I urge my colleagues to oppose this afternoon's cloture motion.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, will you let me know when 9 minutes has expired?

The ACTING PRESIDENT pro tempore. I will.

ENERGY

Mr. ALEXANDER. Madam President, I wish to thank the Senator from Texas for his lucid explanation of this DISCLOSE Act, and I like the name he used for it. As the Republican leader has said, this is a piece of legislation that is primarily about saving the jobs of Democratic Members of Congress. I think the American people would rather we spend our time saving their jobs during a time of 10 percent unemployment.

I would like to talk about that for a minute because one way to save American jobs is to stop sending jobs overseas looking for cheap energy, which is what the Democratic proposals have been about this year.

We hear that maybe this afternoon the majority leader will propose an energy bill. It is being proposed in a way that has become all too familiar here. It is being written in secret, offered at the last minute, and there will be time for little debate. We have 1 or 2 days at most to work on this bill, given the need to consider the President's nomination of Ms. Kagan for the U.S. Supreme Court, and there apparently will be no amendments. So last minute, written in secret, little debate, no amendments, big issue—that sounds a lot like what happened at Christmas with the health care bill. But the question to ask is why have we waited so long on an energy bill?

In defense of the majority leader, he has a lot on his plate, and he has a tough job in trying to figure out what comes first, and it takes a while to get anything done in the Senate. The last time we had a great success with energy bills—2005–2007—they were offered in a bipartisan way. I remember working with Senator Domenici and Senator BINGAMAN on those bills. We did a lot of good and changed the direction of the country on clean energy in 2005 in the Energy bill. But it took a number of weeks on the floor of the Senate to do that, and any serious effort on energy would take that amount of time here as well.

So why have we not had an energy bill? We have had a clear consensus on how to have cheap energy. For years, Republicans have said: Why don't we build 100 new nuclear plants? That is 70 percent of our carbon-free electricity. Why don't we set as a goal electrifying half our cars and trucks? That is the single best way to reduce our use of oil, including oil from foreign countries. Why don't we support doubling energy research and development? That is the best way to get a 500-mile battery for electric cars and reduce the price of solar power by a factor of 4, which is what we need to do in order to be able to put solar on our rooftops and supplement the energy we need. But we haven't had bills like that. There are even 16 Senators—6 Republican, 9 Democrats, 1 independent—who are cosponsors of the Carper-Alexander bill on clean air. We know what to do about sulfur, nitrogen, and mercury, so why don't we do it? We have 16 Senators ready to do it.

Instead, the other side has been focused on two bad ideas—one has been a national energy tax in the middle of a recession, and the second bad idea has been a so-called national renewable electricity standard, which basically boils down a requirement to build 50-story wind turbines to try to produce electricity in this large country. Let me give one fact on that. Denmark has pushed its wind turbines up to 20 percent of its electrical capacity. We often hear on the floor what a great thing Denmark has done. That is about as many windmills as you can have and still have a viable electricity grid. But Denmark hasn't closed a single coal plant. It is still highly dependent on fossil fuels. It has to give away almost half of its wind-generated electricity to Germany and Sweden at bargain prices because it comes at a time it is not needed. And Denmark has some of the most expensive electricity in Europe. Meanwhile, France has gone 80 percent nuclear. Its per capita carbon emissions are 30 percent lower than Denmark, and it has so much cheap electricity that France is making $3 billion a year exporting it to other countries.

So why are we even thinking about passing a law making Tennesseans build 50-story wind turbines on our scenic mountains or buy it from South Dakota, which means running a lot of transmission lines through backyards, when the Tennessee Valley Authority says wind power is available when needed only 12 percent of the time?

So these are the two bad ideas that have had our clean energy consensus stuck on the sidelines for the last year.

There is another idea we should be focusing on, actually it should be our first priority; that is, the oilspill that has caused such destruction in the gulf coast. The bill we understand the majority leader may be bringing out this afternoon—of course, we do not know what is in it; it was written in secret—bringing it out this afternoon, may be the bill that came out of the Environment and Public Works Committee, which would, in effect, end offshore exploration for natural gas and oil.

That sounds pretty good, particularly in light of the fact that it has been 99 days since this terrible oilspill began. But what will happen if we were to, in effect, end offshore exploration of natural gas and oil? It means we would be depending more on oil from overseas. We use 20 million barrels of petroleum product a day. Unless we get busy with electric cars, we are still going to be using 20 million barrels a day.

It will probably mean higher prices, since about one-third of our natural gas and oil that we produce in the United States comes from the Gulf of Mexico. It would mean lost jobs in large amounts. The number of lost jobs is estimated, in a study released by IHS Global Insight on July 22—if we have a de facto end of independent oil production of offshore natural gas and oil in the gulf, the job loss would be 300,000 jobs by 2020; $147 billion in tax revenues over that time.

So, in addition to depending more on foreign oil, higher prices, lost jobs, it means we would depend on leaky tankers to bring that foreign oil—some from countries that do not like us—over to the United States so we could use it. So that is a bad idea as well—not a very good proposal.

There is a better way to approach the problem of dealing with an oilspill that has been offered by Senator MCCONNELL and other Republicans last week. Here is what it would do: Instead of ending offshore exploration for natural gas and oil, which is what unlimited liability requirements, in effect, would do, it would fashion a proposal that is much like the proposal we use for the 104 nuclear powerplants we have operating in this country.

They operate under a law called Price-Anderson. Price-Anderson is an industry-funded insurance program that spreads the liability for any nuclear accident among all the operators of nuclear plants. It is important to note, we have never had to use it. Even though we have not built a nuclear plant in 30 years, there has not been a single death in the United States as a result of a nuclear incident at a commercial nuclear plant or as a result of a nuclear accident on one of our Navy ships, which have been operating with reactors since the 1950s.

But the Republican proposal, instead of saying unlimited liability, which sounds good but has all the problems I just mentioned, would employ a risk-based approach and allow the President to establish liability limits for offshore facilities by taking into account risk-based factors. There could be unlimited liability.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator has 1 minute remaining.

Mr. ALEXANDER. There could be unlimited liability. But the President, in setting those risk-based factors, could take into account that there might be a company with a spotless record operating at drilling 500 feet for oil, but there might be a company with not as good a record operating in 5,000 feet deep water.

In addition, the proposal would allow for collective responsibility. Instead of big oil companies just sitting around watching the one that spills clean up, everybody would have a stake in the game. In addition to that, it would not drive out of business the smaller oil companies and only leave big oil as the only ones that could risk unlimited liability and drill in the gulf, such big national oil companies as the Chinese, Venezuelan, or Saudi Arabians.

So I would recommend to my colleagues that the Republican proposal is where we should begin because a risk-based liability proposal would allow independent explorers for oil and gas to continue to operate, would not drive them out of business.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ALEXANDER. I ask unanimous consent for 1 additional minute to finish my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. The 1.6 million of us who fly daily would not stop flying after a tragic airplane crash. We would find out what happened and do our best to make it safe. We cannot simply stop drilling after a tragic oilspill unless we want to rely more on foreign oil, run up our prices, turn our oil drilling over to a few big oil companies, and all our oil hauling over to more leaky tankers. I hope that instead of the proposal we have been hearing about, we can focus on the clean energy, low-cost consensus Republicans have advocated, and that the President has proposed as well, electric cars, nuclear power, energy research and development, and clean air.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. JOHANNS. Mr. President, may I inquire how much time is remaining?

The PRESIDING OFFICER. There is 8½ minutes remaining.

CAP AND TRADE

Mr. JOHANNS. Mr. President, I rise to talk about legislation that I intend to introduce today, both as an amendment to the small business bill and as a stand-alone measure.

With the BP oilspill in the headlines, we are rumored to tackle energy legislation later this week. For months, energy legislation has been held up while the majority attempted to find 60 votes for a very unpopular cap-and-trade aspect to this legislation.

But just last week, Americans sought to hear great news when they saw headlines such as ''The Climate Bill is Dead,'' ''Democrats Call Off Climate Bill Effort.''

You have to imagine that around the country, thousands of Americans and small businesses breathed a sigh of relief that they would not be forced to bear yet another financial burden, a hidden tax increase in these trying times.

But, unfortunately, I believe the sigh of relief was premature and here is why. Some in Washington have been keeping a wish list of policies they want to complete after—and I emphasize after—the November elections. At the very top of that list is the national energy tax called cap and trade. So after the elections this November, the American people could be in for quite a surprise.

After voters have cleared out of the polling places and the yard signs are all taken down, after the voting booths have disappeared from the high school gymnasiums and the church basements, after the American people have exercised their constitutional right and made their claims regarding the future direction of this great Nation, well after all that, be warned because the politicians will return to Washington to advance an agenda that they did not have a chance of advancing at all prior to the election.

During this postelection time, we are likely to see what is called a lameduck session. You see, the newly elected will not be here on the floor after the election in that interim until they are sworn in, nor will they be on the House floor. Yet we may be conducting business with many who are not returning to office and therefore are no longer accountable to their constituents; will not stand for another election.

You see, therein lies the danger, a last gasp by this Congress to push an agenda that was dead on arrival prior to the election. But, I suggest today, do not take my word for this. Simply listen to the most senior members of the party that controls the White House, the House, and the Senate. In an interview on Friday, a senior Democratic Senator openly discussed the plan to have cap and trade in the lameduck session. The headline could not be more clear: ''Democrats May Take Up Broad Climate Legislation After Election.''

Why is that the plan, you might ask? Why could not the Senate advance this

measure in the more than a year since the House barely passed it? Well, I will point back to another surprisingly candid interview. According to one Democratic Senator: ''If it is after the election, it may well be that some members feel free and liberated.'' Let me read that again. ''If it is after the election, it may well be that some members are free and liberated.''

Free and liberated, you ask. Well, the answer is as obvious as it is chilling. The plan to do cap and trade in a lameduck is premised on Senators and House Members being free and liberated from the tethers of the American people. That is extraordinary, and it is deeply troubling. But it gets worse because the plan is not simply to wait until after the election. The plan is to add cap and trade in conference or attach it to some other legislation from the House, even though the Senate will not have considered, debated or approved a cap-and-trade bill. Stunning.

Again, do not take my word for it. You can read it in the various news reports. For example, on June 16, Politico reported that the Senate legislative plan for passing cap and trade is to: ''. . . conference the new Senate (Energy) bill with the already-passed House bill in a lame-duck session after the election, so House Members don't have to take another tough vote ahead of midterms.''

On June 28, Energy and Environment Daily reported that House Democratic leadership: '' . . . acknowledged that lawmakers on the conference committee may wind up merging the House cap-and-trade plan with a Senate bill that does not include it.''

On June 30, the Hill newspaper reported: ''House Energy and Commerce Committee Chairman HENRY WAXMAN (D-Calif.) said he would 'absolutely' seek to keep greenhouse gas limits alive in a House-Senate conference if the Senate approves energy legislation this summer that omits carbon provisions.''

So the not-so-secret plan is not secret at all. In fact, it is very transparent and clear: Pass an energy bill, any energy bill, pass it out of the Senate so it can be conferenced with the House cap-and-trade bill after the election. My legislation directly addresses this plan in a very concise way. It simply says, if the Senate has not previously approved cap-and-trade legislation, and you try to slip it into law during a lameduck session, then a point of order will lie against the legislation. However, if the Senate has already approved a cap-and-trade bill under regular order, then my amendment would not be triggered.

My amendment, therefore, preserves the opportunity for the Senate to debate this critically important issue. It takes the debate out of the shadows and the back rooms and the conferences onto the Senate floor, in full view of the American people, and it permits the American people to see what is in this bill.

It says, if the Senate has not approved cap and trade, do not slip it in an appropriations bill, do not add it to a defense bill, do not sneak it into another stimulus, and do not hide it in the heaven knows what during a conference committee meeting secretly held who knows where.

I urge my colleagues to look ahead down the road a few months. Members will be here. Maybe they will be ''free and liberated'' from the will of the American people as one Democratic colleague describes it. The shenanigans are already being forecast. Let's stop it here. I ask for support on this very important legislation.

If debate is intentionally circumvented, our business owners and all Americans will be impacted and hurt. They deserve to know what the debate is going to be about in cap and trade, and my amendment provides this assurance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

DISCLOSE ACT

Mr. CARDIN. Mr. President, I take this time to urge my colleagues to allow us to proceed to the DISCLOSE Act to deal with campaign finance reform. I thank Senator SCHUMER for his hard work on this issue to bring forward a bill that I hope can enjoy sufficient support so we can continue to advance campaign finance reform. Election campaign finance reform is difficult to pass in this body for many reasons. First, it requires bipartisanship. We know that. We know we need to bring together Democrats and Republicans to say: Our legacy on fair elections is more important than our own individual elections, and we have a responsibility to the American public to deal with a growing problem in American politics; that is, the influence of money, particularly during election time.

That is why we celebrated in 2002 with passage of a bipartisan campaign reform act. Under the leadership of Senator MCCAIN and Senator FEINGOLD, we were able to come together, Democrats and Republicans, and advance campaign finance reform to reduce somewhat the influence of special interest corporate money in our political system and to add further disclosures so the American public could know who is trying to influence their vote. That is what campaign finance reform is about, to limit corporate money and provide greater disclosure. Democrats and Republicans came together in 2002 to get that done. The protection of our fair election process has now met a new opponent. That is the Supreme Court or, more specifically, five Justices on the Supreme Court, the so-called conservative Justices. They legislated from the bench, reversing precedent, and ruled on the side of corporate interests over the concerns of ordinary Americans. These were the so-called Justices many of my colleagues look to for judicial restraint. It is not judicial restraint when they legislate from the bench. It is not judicial restraint when they reverse precedent, when they rule on the side of corporate America over ordinary Americans.

Let me quote from Justice Stevens in his comments as they reflect on the decision the Court made:

> [E]ssentially, five justices were unhappy with the limited nature of the case before us so they changed the case to give themselves an opportunity to change the law. There were principled, narrow paths that a court that was serious about judicial restraint could have taken.

Justice Stevens goes on to warn, the majority ''threatens to undermine the integrity of the elected institutions across the Nation. The path that is taken to reach its outcome will, I fear, do damage to this institution.''

Justice Stevens, in his minority opinion, says:

> At bottom, the Court's opinion is thus a rejection of the common sense of the American people, who have recognized a need to prevent corporations from undermining self government since the founding, and who have fought against the distinctive corrupting potential of corporate electioneering since the days of Theodore Roosevelt. It is a strange time to repudiate that common sense. While American democracy is imperfect, few outside the majority of this Court would have thought its flaws included a dearth of corporate money in politics.

We tried to do something about that in 2002. We passed a law that said corporations cannot directly try to influence elections. Then we set up how they can do so through a transparent way, collectively, through political action committees. But we stopped undisclosed direct corporate influence in American elections. Now the Supreme Court has reversed that bipartisan action. So how should we in Congress respond? What options do we have? We could amend the Constitution, but that is a matter that requires a great deal more deliberation. I am concerned about amending provisions in the Constitution. We need to think long and hard before we act. We could do something many of us have talked about for a long time—provide incentives for public financing of campaigns to try to reduce dramatically the amount of private money in our campaigns. Senator DURBIN has been a leader in this effort. I am proud to be a cosponsor. That is a matter that should be given serious review. But we don't have the opportunity to do that today.

Today we do have an opportunity to act as Senator SCHUMER has brought forward the DISCLOSE Act which we all profess we support—disclosure. All of us have said we should be serious about giving the public an opportunity to know who is trying to influence their vote.

The minority leader in the House of Representatives, JOHN BOEHNER, said:

> I think what we ought to do is we ought to have full disclosure, full disclosure of all money we raise and how it is spent. And I think that sunlight is the best disinfectant.

He was, of course, quoting from Justice Brandeis's famous comments in an opinion when he was a Justice on the Supreme Court, about sunshine being the best disinfectant.

Shortly we will have an opportunity to proceed with the DISCLOSE Act. We will have an opportunity to vote.

I understand some of the concerns of my Republican colleagues. They say: Look, corporations generally side with Republicans. Therefore, if we can get corporations to put more money into the election process, won't that be good for Republicans?

Let me counter that by saying we all benefit. Each Member of this body benefits by reducing the influence outside interests have in the independence we can exercise in the Senate. Look at what is going to happen if we don't change this. Karl Rove has indicated he intends to bring forward $52 million to try to influence the 2010 elections by so-called anonymous donors, without disclosing the source of the funds. We know there is the potential of hundreds of millions of dollars being spent to influence votes without disclosing where that money is coming from, under the banner of Citizens United and corporate contributions. We can do something about that.

Our legacy to protect a free and fair election process from undue influence of corporate special interests is more important than even our own individual elections. We were able to come together in 2002. Let's reconfirm what we did. Let's each do what is right for the integrity of the election process. Let's each do what we said we believe in—full disclosure. We can do that with the motion to proceed.

Voting for cloture on this motion does not preclude a Member from offering an amendment. If there is something in the proposal one doesn't like—all of us would wish to see it stronger, or maybe there are other provisions we wish to take a look at—let's proceed to the debate. Let's not be afraid to have the debate on the floor of the Senate, supposedly the greatest debating institution in the world. Let's not be afraid to have the debate on how we can make elections more responsive to the needs of the people, ordinary citizens, so they have a right to know who is trying to influence their vote. Let's have that debate on the floor of the Senate. We will have a chance to do that in a few hours by voting for cloture on the motion to proceed.

I urge my colleagues, give the American people this debate they so richly deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Could the Chair let us know how much time is left on either side?

The PRESIDING OFFICER. We are no longer under controlled time. There are 10-minute segments for Senators.

The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I come to the floor to speak with regard to election reform, democracy, and unfortunately partisanship, and most importantly, the first amendment.

There is a threat to the Constitution on the floor of the Senate today. It is called the DISCLOSE Act. I urge my colleagues to oppose this bill.

The DISCLOSE Act, an Orwellian oxymoron if there ever was one, contradicts the Supreme Court's January decision in Citizens United. It is essential to put the decision in context and shed sunlight on this dangerous bill.

First, I applaud the Court's ruling. It reaffirms the right to freedom of speech. This is precisely the Court's role in our government system of checks and balances: to rein in Congress when legislation does not square with our founding principles. Let us remember the 10 words in the first amendment that are most relevant for this debate:

> Congress shall make no law . . . abridging the freedom of speech.

However, some of my colleagues across the aisle have mischaracterized the Citizens United decision as undoing 100 years of law and precedent. This is a reference to the Tillman Act of 1907 that prohibits corporations from directly financing political campaigns. This was not affected by the Court's ruling. The Supreme Court did rule, however, against provisions of the so-called Bipartisan Campaign Reform Act of 2002 that barred corporations and unions from running political ads 30 days before a primary and 60 days before a general election. Corporations and unions cannot donate directly to a Federal candidate and, contrary to the claim of DISCLOSE Act supporters, it is already illegal for foreign entities to participate in American elections.

Unfortunately, the sponsors of the DISCLOSE Act have chosen partisan fiction over fact in their effort to override the Court. The DISCLOSE Act is anything but full and fair campaign disclosure. It is politically skewed, motivated by a majority desperate to continue to be a majority.

The DISCLOSE Act is loaded with handouts to the most monied of Washington special interests, including the National Rifle Association and the Sierra Club. They didn't want tape put on their mouths. Others doubtlessly were standing in line saying: Don't muzzle me, you can simply muzzle the other guy behind the tree.

I challenge anyone who comes to the floor to preach the virtues of this bill to explain, with a straight face, the carefully tailored exemptions from disclosure included in title III. Moreover, despite a clever rewording of the House-passed version, the Senate bill retains carve-outs for labor unions by exempting donations under $600 under title II, section 211. This figure is conveniently below the average union dues. So for 600 bucks you have free speech. If it is over $600, you don't.

Supporters of the DISCLOSE Act claim it is necessary to keep a flood of money out of politics, but carve-outs for special interests say otherwise. On June 24, the National Journal's Congress Daily reported that environmental, labor, and other groups—many of which specifically benefit from title II and title III exemptions—announced they would spend $11 million to either reward or admonish Senators in both parties for their positions in regard to climate change legislation.

Another example is the American Federation of State, County, and Municipal Employees. The Hill newspaper reported on June 21 that this union, exempt under the bill, had ponied up $75,000 for ads in Maine to pressure Senators OLYMPIA SNOWE and SUSAN COLLINS to support a taxpayer-funded bailout for unions.

These facts present an inconvenient truth for the sponsors of the DISCLOSE Act. It flies in the face of our democracy for the majority to ration the right of free speech to one set of Americans at the expense of others.

In May, it was reported in the press that sponsors of this bill boasted that its deterrent effect should not be underestimated. Americans do not, and never have found it appropriate for government to shut down any political dissent.

The DISCLOSE Act abandons the longstanding practice of treating corporations and unions equally. But even if title II and title III exemptions were removed, the bill is still unworkable. On May 19, writing in the Wall Street Journal, over half a dozen former FEC Commissioners noted that the FEC has regulations for 33 types of contributions and speech and 71 different types of speakers. The DISCLOSE Act adds to this complexity with another layer of Byzantine requirements that raise serious concerns about whether the law can be enforced consistent with the first amendment. We do not need any more regulations to the first amendment.

If anyone doubts this bill is motivated by politics, they need to look no further than a June 22 letter sent by the bill's Senate sponsor and the Senate majority leader to Members of the House in which they pledge to bring the measure to the floor in advance of the fall elections. Why the rush? In so doing, the majority has again used rule XIV to bypass the Senate Rules Committee—a committee upon which I serve—in order to expedite the DISCLOSE Act's passage.

Unfortunately, it is becoming all too common for the majority to circumvent regular order, stifle the minority, and force unwanted legislation on the people by filling the amendment tree, misusing rule XIV, and ping-ponging legislation between the Houses. I am tired of Ping-Pong. Give me table tennis. Give me a paddle. Give me five serves, and then I will let Senator SCHUMER have five serves, and we can go back and forth as we should in regard to amendments in the Rules Committee, where this debate ought to

be held. Senator CARDIN said: Let us have a debate. I am for that. And let's put it in the Rules Committee, where it should be debated first.

To review, the Citizens United decision does not upend a hundred years of law and precedent. The DISCLOSE Act has intentional loopholes in title II and title III to keep special interest dollars on behalf of the majority flowing, and the rest of the bill is a confusing set of redundant regulations. The bill's sponsors are rushing this legislation to the floor without consideration by the Rules Committee—again, here we go; that is what happened with health care; that is what happened with the Dodd-Frank bill—in order to protect the incumbent majority before the fall elections.

Under the first amendment, the American people have a right to speak out against policies and legislators who kill jobs, curb growth, and expand the government at the expense of the private sector—and now a proposed tax increase. These policies hurt millions and millions of Americans employed in the private sector and millions more looking for work during a recession. They must be protected under the first amendment. The people have a right to be heard.

Mr. President, I yield back.

Mr. SCHUMER. Mr. President, I yield 5 minutes to the senior Senator from the State of Washington, who has been a leading advocate for the voice of average Americans in government.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I come to the floor today to speak in strong support of the DISCLOSE Act, to close the glaring campaign finance loopholes that were opened by the Citizens United ruling.

This Supreme Court ruling was a true step backward for this democracy. It overturned decades of campaign finance law and policy. It allowed corporations and special interest groups to spend unlimited amounts of their money influencing our democracy. And it opens the door wide for foreign corporations to spend their money on elections right here in the United States.

The Citizens United ruling has given special interest groups a megaphone they can use to drown out the voices of average citizens in my home State of Washington and across the country. The DISCLOSE Act we are considering will tear that megaphone away and place it back into the hands of the American people, where it belongs.

This is a very personal issue for me. When I first ran for the Senate back in 1992, I was a long-shot candidate with some ideas and a group of amazing and passionate volunteers by my side. Those volunteers cared deeply about making sure the voices of average Washington State families were represented here in the Senate. They made phone calls. They went door to door. They talked to families across our State who wanted more from their government.

Well, we ended up winning that grassroots campaign because the people's voices were heard loudly and clearly. But to be honest, I do not think it would have been possible if corporations and special interests had been able to drown out their voices with an unlimited barrage of negative ads against candidates who did not support their interests. That is why I so strongly support this DISCLOSE Act. I want to make sure no force is greater in our elections than the power of voters across our cities and towns. And no voice is louder than citizens who care about making their State and country a better place to live. This DISCLOSE Act helps preserve that American value. It shines a bright spotlight on the entire process.

What the DISCLOSE Act will do will make corporate CEOs and special interest leaders take responsibility for their ads. When candidates put campaign commercials up on television—you have seen them—we put our faces on the ad and tell every voter we approve the message. We do not hide what we are doing. But right now, because of this Supreme Court decision, corporations and special interest groups do not have to do that. They can put up deceptive, untruthful ads with no accountability and no ability for people to know who is trying to influence them.

The DISCLOSE Act strengthens overall disclosure requirements for groups that are attempting to sway our elections. Too often, corporations and special interest groups are able to hide behind their spending because of a mask of front organizations because they know voters would be less likely to believe the ads if they knew what the motives of the sponsors were. The DISCLOSE Act ends that. It shines a light on the spending and makes sure voters have the information they need so they know whom they can trust.

This bill also closes a number of other loopholes opened by the Citizens United decision. It bans foreign corporations and special interest groups from spending in U.S. elections. It makes sure corporations are not hiding their election spending from their shareholders. It limits election spending by government contractors to make sure taxpayer funding is never used to influence an election. And it bans coordination between candidates and outside groups on advertising, so corporations and special interest groups can never ''sponsor'' a candidate.

This DISCLOSE Act is a commonsense bill that should not be controversial. Anyone who thinks voters should have a louder voice than special interest groups ought to vote for this bill. Anyone who thinks foreign entities should have no right to influence U.S. elections should support this bill. Anybody who agrees with Justice Brandeis that ''sunlight is the best disinfectant'' ought to support this bill. And anyone who thinks we should not allow corporations such as BP or Goldman Sachs to spend unlimited money influencing our elections ought to support this bill.

Every 2 years, we have elections across this country to fill our federally elected offices. Every 2 years, voters have the opportunity to talk to each other about who they think will represent their communities best. And every 2 years, it is these voices of America's citizens that decide who gets to stand right here representing them in the Congress. That is the basis of our democracy, and it is exactly what this DISCLOSE Act aims to protect. So I am proud to support this bill, and I urge all of our colleagues to move forward on this bill on the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. MURRAY. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, first of all, I wish to thank the Republican leader, Senator MCCONNELL, for his expertise and leadership on this issue. Secondly, as several of my colleagues have pointed out, the DISCLOSE Act is a direct assault on the first amendment right to free speech. Protecting political speech, guaranteed by the Bill of Rights, is one of our most sacred responsibilities.

This is a partisan bill drafted behind closed doors by current and former Democratic campaign committee leaders. It is obviously written to disadvantage Republicans and favor special interests supportive of Democrats. The closed-door process under which the DISCLOSE Act was written contradicts its supporters' professed goal of transparency. It is a partisan rewrite of campaign finance laws without hearings, without testimony, without studies, without a markup—again, written behind closed doors with the help of lobbyists and special interests.

The problems it purports to address are purely hypothetical since there have been no elections since the Citizens United case. I have seen no evidence of any abuse in the current election cycle. This legislation is an attempt to change the rules to protect incumbent candidates from criticism of unpopular decisions and positions. I know none of us like to be criticized, but we must uphold the right of others to criticize us.

Even those of us who opposed the Bipartisan Campaign Reform Act—BCRA but also known by the name McCain-Feingold—recognize that its authors sought to avoid any partisan advantage. The new rules then applied to everyone, and they only applied after the subsequent election. The same cannot be said for the DISCLOSE Act. It is 117 pages in which the bill's authors pick winners and losers, either through outright prohibitions or restrictions that are so complex they achieve the same result. The effort is too political, benefiting traditional Democratic allies,

such as labor unions, while placing burdensome restrictions on for-profit organizations and the associations that represent them.

Let me give you one example regarding the union exemptions. The new law applies to government contractors but not their unions or unions with government contracts or government unions. It is obviously discriminatory. As Leader MCCONNELL has asked, where in the first amendment does it say that only large and entrenched special interests get the ''freedom of speech''?

Here is what the AFL–CIO president, Richard Trumka, said about the bill in April:

> Congressional leaders today took a vitally important first step to begin to address the Supreme Court's recent decision in Citizens United v. Federal Election Commission. The AFL–CIO commends these efforts and supports increasing disclosure and reexamining some current campaign finance rules. . . .It is imperative that legislation counter the excessive and disproportionate influence by business.

Well, they have made sure it does.

Unlike BCRA, the DISCLOSE Act has an effective date of 30 days after enactment. In other words, proponents want people to stop political speech now, before the midterm elections in November.

Hundreds of diverse organizations oppose this bill, from the ACLU to the chamber of commerce. Let me just quote two.

Here is a letter from several hundred of the Nation's leading trade association and business groups:

> By attempting to silence corporations' voice in the political process while enabling unions to retain their enormous influence, Schumer-Van Hollen is a patently unconstitutional threat to the elections process. Schumer-Van Hollen is a direct attack on the rights of the business community and the role our organizations play in the national political dialogue.

And a letter from the National Right to Life organization:

> The overriding purpose is . . . to discourage, as much as possible, disfavored groups, such as the [National Right to Life Committee], from communicating about officeholders. . . .This legislation has been carefully crafted to maximize short-term political benefits for the dominant faction of one political party, while running roughshod over the First Amendment protections for political speech that have been clearly and forcefully articulated by the Supreme Court.

So I hope my colleagues will recognize the damage they are doing to political discourse in violation of the first amendment that is a result of the legislation that has been drafted here for purely political advantage and will oppose the DISCLOSE Act.

Mr. SCHUMER. Mr. President, I yield 5 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MERKLEY. Mr. President, the Citizens United case has aimed a dagger at the heart of American democracy. So I rise today in support of the DISCLOSE Act, to stop that dagger aimed at our heart.

Our Nation is unique in world history in that it was founded not on nationality or royal bloodlines but on an idea—a simple yet revolutionary idea—that the country's people are in charge. As was so often the case, Abraham Lincoln said it better than anyone—that the United States is a ''government of the people, by the people, for the people.'' What that means is we, the elected officials, work for the people. They elect us. They are in charge. But this idea, this vision, this government by and for the people cannot survive if our elections are not open, fair, and free. The government is not by or for the people if corporations and even foreign corporations and giant government contractors are able to hijack the electoral process to run millions of dollars of attack ads against any candidate or any legislator who dares to put the public interest ahead of a company's interest.

Our Constitution, through the first amendment, puts the highest protection on political speech, recognizing how important it is that citizens be able to debate the merits of candidates and the merits of ideas. But if the essence of the first amendment is that competing voices should be heard in the marketplace of ideas, the Citizens United decision just gave the largest corporations a stadium sound system with which to drown out the voice of American citizens.

Think about the scale of the spending this decision allows. My Senate race was far and away the most expensive election in Oregon history. The two candidates together spent around $20 million. ExxonMobil, a single corporation, made $20 million in profits every 10 hours in 2010, and that was during their worst year in a decade. If you like negative ads, you would love the impact of Citizens United. Imagine what corporations will do to put favorite candidates in office. The sheer volume of money could allow corporations to handpick their candidates, providing unlimited support to their campaigns to take out anyone who would dare to stand up for the public interest.

The DISCLOSE Act will help prevent special interests from drowning out the voice of American citizens. First, this bill will bring transparency to campaigns now that unlimited money is allowed to be spent on negative attack ads. If you are looking to buy a used car and someone tells you the engine looks great, you would want to know if the person saying that is your trusted mechanic or the used car salesman. Who is speaking is critical information in evaluating the message. With that principle in mind, the DISCLOSE Act makes the CEO of a company stand by their words. The CEO will have to say at the end of the ad that he or she approves this message, just as political candidates have to do today. It is common sense. If a company is willing to spend millions working against a candidate, the voters have a right to know about that company's involvement instead of allowing it to hide behind shadowy front groups.

The second problem the DISCLOSE Act takes on is the system of ''pay-to-play'' where companies campaign on behalf of candidates in order to get access to government contracts. This legislation bars that form of corruption. It bars government contractors from running campaign ads and paying for other campaign activities on behalf of a Federal candidate.

Passing the DISCLOSE Act is key to sustaining the healthy democracy that represents the interests of American citizens. A healthy democracy requires transparency, an equal voice for all its citizens, not an amplified voice for those who represent very large corporations.

So I urge all my colleagues to support this legislation. As President Lincoln, a great Republican President, reminds us: The essence of the Nation, the cause that brought a generation of patriots to challenge the greatest military power of the 18th century, the idea that inspired people to leave everything behind to come to our shores is a government of the people, by the people, and for the people.

We are here because we work for the American people. Let's pass the DISCLOSE Act today so our successors can say the same thing tomorrow.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, how much time is available to this side?

The PRESIDING OFFICER. There is 24 minutes 10 seconds available.

Mr. BENNETT. Mr. President, I appreciate the opportunity of addressing this issue and of listening to my colleagues as they talk about it. I haven't heard some of this exorbitant language since I left the campaign trail. I left the campaign trail forcibly but, nonetheless, I have some memory of it, and I realize that in a period of a campaign, people get carried away.

''A dagger at the heart of our democracy'' is a phrase that has been used. ''The destruction of government of the people'' is a phrase that has been used. If I can think of someone who uses this kind of language quite normally in the political discourse, the name of Michael Moore comes to mind. The reason I raise Michael Moore is because we are talking about a movie. That is the source of this entire decision.

There is a group of people who decided they wanted to make a movie that was critical of a candidate for President of the United States. In this case it was former Senator Hillary Clinton. They didn't like her and they wanted to make a movie and they did. In the same vein, Michael Moore, who didn't like George W. Bush, made a movie entitled ''Fahrenheit 9/11.'' Nobody got excited about Michael Moore's movie in terms of violating the Constitution or a dagger at the heart of our democracy or destroying the legacy of Abraham Lincoln because

we knew Michael Moore. We knew the kinds of things Michael Moore was famous for doing, and overstating a position is Michael Moore's stock in trade.

So the folks at Citizens United decided they were going to follow the Michael Moore precedent and make a movie. I haven't seen either movie, so I don't know whether Citizens United's movie about Hillary Clinton went as far over the top as Michael Moore's movie about George W. Bush, and I don't care because Michael Moore, regardless of what distortions may have been in his movie, had every right under the Constitution of the United States to make that movie, to make the political speech, and to do the very best he could to influence the election.

The movie was a financial success, and the movie was a critical success, and the movie did not win the election. The movie did not defeat George W. Bush. The American people had other things to do besides watch Michael Moore's movie. He exercised his first amendment right to freedom of speech. He got the opportunity to say what he wanted to say, he spent a lot of money doing it, and the movie was widely seen. The democracy did not come to an end as a result of the making of the movie. Now we are told that Citizens United made a movie and somehow that is going to have a vastly different effect.

I don't believe Senator Clinton's loss to Barack Obama in the primaries had much to do with the movie that Citizens United made. They spent a lot of money, but I don't think it was an avalanche of spending by a corporation that destroyed American democracy because Hillary Clinton did not win the nomination. I think it had a great deal more to do with Barack Obama's ability to run a decent campaign rather than Hillary Clinton's suffering at the hands of Citizens United making this movie.

Well, because Citizens United was not one individual in the form of Michael Moore, but because it was a group of individuals who got together and took the opportunity to create a corporate form of identity for the making of their movie, that got them in trouble. An individual could do it, but a group of individuals who organized themselves into a corporation couldn't do it. That went to the Supreme Court, and the Supreme Court said yes; they could. I don't find that to be a great destruction of the first amendment. I find that to be the proper statement on the part of the Supreme Court to say: Let's have vigorous political speech in this country, and if a group of people want to do that vigorous speech in the form of a corporation, let them go at it. Let them have at it. The Supreme Court was right, in my opinion.

I hear those people who attack Citizens United say: Yes, the first amendment protects the right of free speech, but it does so for individuals. Corporations are not individuals, neither are unions. Yet the DISCLOSE Act treats unions differently than it treats corporations. The DISCLOSE Act goes after corporations and their right of free speech and does its very best to see to it that the restrictions they put on corporations do not apply to unions.

The DISCLOSE Act listens to the outcry of some corporations such as the National Rifle Association and says: Well, we won't make it apply to you and, thus, demonstrates that it is responding to political pressure from people who say we will punish you at the polls if you take away our right of free speech. So the act is written in such a way that some corporations get treated differently than other corporations. Of course, unions get treated different from all corporations.

Is this the way we want to deal with the first amendment right of free speech where everybody ought to have exactly the same rights? I am told: Oh, no. This bill doesn't prohibit any free speech. All this does is disclose. That is why it is called the DISCLOSE Act. You Republicans are in favor of transparency. You want to disclose things. Why don't you support the DISCLOSE Act?

Well, if it is a bill aimed at disclosure, why does the word ''prohibit'' and the companion word ''prohibition'' appear all through the bill? I have a copy of the bill right here.

On page 4, section 3, listed on page 4, it begins, ''Prohibiting independent expenditures and electioneering communications . . . ''

On page 5, section 3: ''Prohibiting independent expenditures'' and so on.

Section 6: ''Prohibiting independent expenditures . . . ''

Then, on page 6, in section 7: ''In these ways, prohibiting independent expenditures . . . ''

We go to the first title of the bill, and it is titled ''Regulation of Certain Political Spending.'' Section 101: ''Prohibiting independent expenditures and electioneering communications . . . ''

This is not the DISCLOSE Act. This is an act aimed at prohibiting expenditures by certain people and certain groups. Who are they? Well, government contractors. I have been in business. I have solicited government business. If I got the government business, was I told in advance: If you get this business, you are giving up your first amendment rights when it comes to political speech? If you can stay away from contracting with the government, you can hang on to your first amendment rights. But as soon as you become a government contractor your rights are gone.

It prohibits free speech from those who received TARP money. There is an interesting precedent to set. I know some of the folks who received TARP money who didn't want it. They were told in that circumstance: You will accept TARP money. The TARP money, as it was distributed in that program, was forced upon certain corporations. Were they told at the time, or should they be told under the DISCLOSE Act—let's have full disclosure and transparency—when you accept this money, you cannot exercise your freedom of speech rights as a result of accepting this money?

General Motors received TARP money, so General Motors says you cannot run an ad expressing your opinion on any matter of public affairs; however, the United Auto Workers can. The United Auto Workers received the benefit of TARP money. The United Auto Workers received stock in General Motors. They are the shareholders of General Motors, to a large extent.

So do we say, well, under the DISCLOSE Act the unions can express their first amendment rights all they want, but General Motors, as a corporation, cannot, even though the TARP money was what allowed the union members to keep their jobs.

It has been pointed out here that the groups opposed to this are wide and diverse—from the Sierra Club to the ACLU. I turn to the letter the ACLU wrote with respect to this, and they are not dealing with hyperbole. They are dealing with experience in reality. Let me go to the first key issue the ACLU talks about and give an example from real life. They say:

> The DISCLOSE Act fails to preserve the anonymity of small donors, thereby especially chilling the expression rights of those who support controversial causes.

Then the first sentence in that section of their letter says:

> By compelling politically active organizations to disclose the names of donors giving as little as $600, S. 3628 both violates individual privacy and chills free speech on important issues.

I take my colleagues back to one of the most controversial issues we have seen in this country for a long time, which was proposition 8 in California in the last election.

I am acquainted with an individual who made a contribution in favor of those who were trying to support proposition 8. That is all she did. She wrote out a check. Someone came to her and said: We are in favor of the proposition and we are trying to raise some money; will you help us?

She wrote out a check of less than $1,000 and went about her business. Her business was a restaurant in Hollywood—a restaurant that was routinely and significantly supported by people in the entertainment industry—actors, directors, and others connected with making movies. When the contribution list for propositions was made public, and it became known that this woman had made a contribution in favor of proposition 8, patronage at her restaurant dropped off more than half. People opposed to proposition 8 started using hate speech toward this woman: You are a bigot, and we cannot patronize your restaurant.

She had no idea that when she wrote that check in support of those who wanted a position that she agreed with—to put it on the ballot to be voted on by Californians—and it was by

a majority of Californians who supported it—when she took the majority position of the voters in her State, she had no idea she was going to see her business ravaged by those discovering her name on that list who would go after her.

They have a right not to eat at her restaurant, I understand that. But this is a real-life example of what can happen to people in controversial situations and the ACLU is appropriately concerned about.

The DISCLOSE Act, in the name of transparency, would expose small donors to that kind of retaliation. However, if you belong to a union, and you pay union dues, and the union dues are spent to produce a movie, something along the lines of what Michael Moore did with ''Fahrenheit 9/11,'' no one will ever know your union dues were spent for that purpose, because unions are treated differently than corporations.

This is a bad bill. It hasn't been through the committee. I am the ranking member of the Rules Committee to which the bill normally would be referred. The majority leader, exercising his authority, saw to it that the bill didn't get referred to committee. There have been no hearings. There is no opportunity for anybody to come forward and say this will be a problem. We haven't heard from the ACLU and a witness that we could question. We only got a letter, because they were shut out from any hearings.

For those who are offended by my reference to the ACLU and would prefer the National Right to Life Organization, well, we have their letter, too, but we didn't have an opportunity to hear any of their witnesses or the legal authorities who believe that the Supreme Court ruled correctly, who might have come before the committee and given us the benefit of their analysis; we haven't had a chance to hear from them either.

The bill has been drafted and redrafted a number of times behind closed doors, but we only see the final draft when it gets here on the floor, with no hearings, no background, no opportunity to question, comment, amend, or improve. I am in favor of transparency as much as the next Senator. I am in favor of free speech as much as anyone. I have stood on this floor and quoted James Madison with respect to free speech on a number of issues and have been dismissed on the grounds that, well, anybody can quote James Madison. I believe in the tenth Federalist, where Madison made it very clear that the right of factions to express themselves freely and openly, even when they clash bitterly, is a very fundamental right in the Constitution itself. ''Factions,'' as they used the word in Madison's day, referred to political parties. I think the term ''factions'' also refers to those whom we speak of as special interest groups today. James Madison made it very clear that if we attempt to stifle the ability of a faction to express itself, we strike at the core of liberty itself. I hope that people don't interpret that as over-the-top language, as I have heard some other things that I have interpreted as over-the-top language. I sincerely believe that and I strongly support it.

The DISCLOSE Act would not pass the test of truth in advertising. The title does not disclose what it does here. It is filled with prohibitions and violations of the first amendment, and it is filled with special favors for certain groups and attacks on others. For that reason, I will oppose cloture and, if cloture is invoked, I will oppose the bill.

Mr. SCHUMER. Mr. President, I yield 5 minutes to the Senator from New Jersey, who has been an outstanding leader on this issue.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I have listened to my colleagues in this debate, and I am reminded of a great Republican, President Reagan, who said, ''There they go again.'' I always find it incredibly interesting when some of my most conservative colleagues quote the ACLU. Then I know something is amiss. Let me ask, what is the vote that is going to take place? It is simply to allow us to go forward and have a debate, offer amendments, and ultimately vote on the bill. That is what this bill is all about. So those who say they are for transparency won't even let a process move forward that is transparent, so we can debate and so that the American people can decide do we want corporations—including foreign corporations—to have access to who is elected in America, in this body and in the Congress, and ultimately making decisions that affect their lives every day?

That is what this vote is all about. You can paint it any way you want, but that is what this vote is about. I am amazed they cannot even say yes to proceeding to a debate and a vote on the merits of the bill itself.

We all know that the Roberts Supreme Court and its activist conservative majority overruled, wrongly in my view, restrictions on spending by corporations and unions. My colleagues on the other side are well aware that, as a result of a perceived loophole in current law, foreign corporations—those from other countries—would now be allowed to fund American election campaigns, to pick their candidates who would reflect their interests if elected or defeat candidates who would not reflect their interests—all without any meaningful mechanism or disclosure. Amazing. It is absurd. Nothing could be more ill advised or misguided. But here we are, once again, unable to even proceed to consider a bill that would remedy that situation. Once again, my Republican friends are standing in the way of proceeding to a bill, standing in the way of what I consider to be good governance, all in the name of those in their party who hold to some misguided attempt to twist first amendment rights to suit an ideologically based argument that somehow a requirement to disclose contributions would violate the first amendment. You still can spend the money; nobody is going to stop you from spending the money. But you have to disclose who is behind that contribution. I don't think transparency is something that violates the first amendment. It is the right of the American people to receive the information required by these proposed disclosure laws.

Then they twist it even further, virtually saying that all money anywhere—even foreign money—is somehow free speech in American elections. I think the American people want to be the ones in control of who they elect to Congress to decide the issues of the day in their lives, not somebody who is backed by some foreign corporation. Imagine if BP could say: I don't like Senator MENENDEZ lifting that liability cap; I don't want to be liable for more than $75 million, even though I have created billions of dollars in costs, so let me fund candidates who agree that Senator MENENDEZ's legislation to lift the liability caps on limited liability should be the ones to get elected, because they are going to take care of what? BP, which is a foreign corporation.

Imagine if the insurance industry said: We don't even have to put our face on that announcement, that advertisement. Let's go fund those candidates who will allow us, the insurance industry, to continue to deny people who have a preexisting condition in this country the opportunity to get health insurance—where a child at birth has a defect and cannot get health insurance, or a father who had a heart attack on the job cannot get health insurance. Let's fund those candidates who will ensure that we as an industry don't have to insure those individuals.

Imagine those companies on Wall Street which don't like the new law that we just passed and want to see it rolled back so they can continue to have the excesses that almost brought this Nation to economic collapse. They could say: Let's fund those candidates who will allow us to have not a free market but a free-for-all market. That is what this law is all about. That is what this vote is all about. I believe the people of New Jersey, which I represent, and people elsewhere, want disclosure.

Finally, disclosure takes place by knowing who is giving this money.

The bottom line is I want Americans to decide American elections. I don't want some foreign company funding candidates who ultimately enhance their views. I don't want big business deciding elections on the basis of their corporate interests versus the interests of the people. That is what this bill is all about. I can't understand the fear my colleagues on the other side of the

aisle have of simply letting us go to a full debate and an up-or-down vote.

Look, if this law is poorly drafted and the majority of the Senate votes against it, so be it. But not even to allow us to go to that debate, to stop foreign corporations and foreign influence in our elections, to allow the BPs of the world to influence the way in which we have the gulf cleanup, or to allow the insurance industry to deny people based on preexisting conditions, or allow Wall Street to run wild—on and on—that is fundamentally wrong. That is what this debate is about, and that is what the vote will be all about.

I yield back the remainder of my time.

Mr. SCHUMER. Mr. President, I yield 7 minutes to the Senator from Rhode Island, Senator REED, who is speaking as in morning business. Senator FRANKEN spoke on the bill during morning business, and Senator REED was kind enough to give him time.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, last Friday, this Chamber played host to heroes: seven wounded warriors from the 82nd Airborne Division, who are currently recuperating at Walter Reed Army Hospital. They came down for a tour of the Capitol, and for moments here on the floor of the Senate, in which they were able to see their government in action.

More important, we were able to thank them for their extraordinary service and sacrifice to the Nation. I am particularly proud because they are soldiers from my division—the 82nd Airborne Division.

We had among our guests SGT Steven Dandoy, who was wounded last month in a mortar attack in Afghanistan, of the third battalion 321st Field Artillery, whose hometown is Milwaukee, WI; SGT Allen Thomas, who is from Adelphi, MD, and serves with the 2–508 Parachute Infantry Regiment, who was wounded in Afghanistan this past March during an attack from a suicide bomber, and he was joined by his fiancee, Donna; SPC Antonio Brown, from Florence, SC.

We were honored to have SPC Antonio Brown from Florence, SC. He was wounded in Iraq in 2007 when a 50-caliber round detonated in his hand. He was serving with the 2nd Battalion of the 325th Parachute Infantry Regiment.

SPC John Doherty of Jerome, ID, was wounded when a 50-caliber round detonated in his hand in April while he was serving with the 2nd Battalion of the 508th Parachute Infantry Regiment. Amazingly, he recently passed his flight physical with the goal of qualifying as an Army helicopter pilot despite his wound.

SPC Jeffrey McKnight of the 1st Battalion of the 508th Parachute Infantry Regiment and hailing from Littleton, CO, was also our guest. He was wounded last month during a vehicle rollover in Afghanistan.

SPC William Ross also serves with the 2nd Battalion of the 508th Parachute Infantry Regiment. He was our guest also. Specialist Ross hails from Knoxville, TN. He is recovering from a gunshot wound he received during a dismounted patrol in March. He was joined by his fiancee Tiffany.

SPC Nicholas Stone of the 2nd Battalion of the 508th Parachute Infantry Regiment was also our guest. He hails from Buffalo, NY. He is recovering from wounds suffered in an IED attack on a dismounted patrol in May. He was joined by his wife Kristen.

Let me also say it is appropriate to recognize the families of these wounded warriors because they, too, serve. They, too, sacrifice. In fact, during the long hours of rehabilitation and therapy at Walter Reed, they are at the bedside literally of their wounded soldiers. I thank them.

I also thank SFC Albert Comfort and SSG Rodolfo Nunez from the 82nd Airborne Division. They are the Division Liaisons for the wounded warriors at Walter Reed Army Medical Center.

These young men left the comfort and safety of their homes all across this country to serve this Nation. Their service, their sacrifice sustains us. They are the fabric of our defense. They are those young men and women who serve in great danger but with unfailing fidelity to the Army and to the Nation. Because of them, we are able to oppose those who seek us harm.

We can never repay them enough. We can never thank them enough. But last Friday we had seven of these wounded warriors down just to say: Thank you, well done, and to give them a chance to look at the Senate and see the history that was made by their predecessors, and which they are sustaining and will make in the future.

It was a special moment for me because these soldiers come from the 82nd Airborne Division. One of the great privileges of my life—in fact, I believe this is one of the greatest privileges an American can have—was leading American soldiers in the 82nd Airborne Division as the company commander of Bravo Company, 2nd Battalion of the 504th Parachute Infantry Regiment. I learned a lot about service, sacrifice, and the contribution of Americans from across this globe, as well as the great potential of Americans, not only to defend our Nation but to do great things, furthering the goals and ideals of this country.

I conclude by saying to these young soldiers: Thank you very much for your service. Good luck. Godspeed.

I yield back the remainder of my time to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my colleague from Rhode Island. He looks out, as our only West Point graduate in the Senate, for all our troops throughout the Nation. We salute him for it. I was proud he mentioned a brave trooper from Buffalo, NY.

Mr. President, may I inquire how much time is left on our side and how much time on the other side?

The PRESIDING OFFICER. There is 4 minute 45 seconds remaining on the side of the Senator from New York. On the Republican side, there is 6 minutes 52 seconds remaining.

Mr. SCHUMER. I wish to reserve 5 minutes for Senator BROWN, who wishes to speak. I believe he is on his way. I ask unanimous consent that the last 5 minutes be reserved for Senator BROWN, and I will speak on the remaining time—I know it is the other side's time—until one of them appears.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, we heard a lot from the other side. I will be speaking in conclusion on this bill, along with Senator REID, after the lunch break. We have never heard such falsities. The other side, first, talks about free speech and talks about how corporations have the right to free speech. The Constitution now guarantees that after Citizens United—and our bill does not get in the way of free speech. It simply requires disclosure, which the Court said was important.

Second, they are talking about how it treats unions and corporations differently. The bottom line is, the unions are opposed to this bill and to simply say that a $600 limit favors unions, no, we are just favoring big, huge givers who give tens of thousands, hundreds of thousands of dollars over small, little givers. If there is a union person who gives $10,000, they will be under this law. If there is a corporate person who gives $500, they will not be. It is a misnomer.

I see my friend and colleague from Illinois has arrived. Since I will be speaking after the lunch, and I am just waiting for Senator BROWN to arrive, I yield the remaining time, other than the 5 minutes for Senator BROWN, to my friend and colleague from Illinois, Senator DURBIN.

The PRESIDING OFFICER. Without objection, the Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank the Senator from New York for his leadership on this legislation. We are here because the Supreme Court, across the street, decided, in a case called Citizens United, to change the way we campaign for office in America. They want to change it and say corporations and special interest groups can spend unlimited amounts of money on political campaigns.

Most of the people I talk with in Illinois and across the country think they have enough political advertising when it comes to campaigns. Hold on tight because, for example, the U.S. Chamber Commerce announced they may spend as much as $75 million in this election cycle on more television advertising to promote candidates who agree with their positions on issues. That is about a five or six times increase in the amount of money they will spend.

What it does, of course, is crowd out those of modest means. Any mere mortals left on this political scene who have to rely either on their own limited savings or raising money from others are going to find themselves overwhelmed and inundated by this Supreme Court decision. But it is a Supreme Court decision. Senator SCHUMER and the Rules Committee, on which I serve, sat down and said that at least if we are going to do this, let's have disclosure about the sources of these ads by special interest groups. Let's find out who is paying for the ads. Let's make them stand and say: This is my ad; I paid for it, rather than sneak around with names that mean little to nothing and inundate the airwaves so voters are confused and overwhelmed and not sure from where the ads are coming.

The act is called the DISCLOSE Act because that is what it is all about. Sadly, it appears there is going to be a straight party vote, perhaps with a few exceptions, on this DISCLOSE Act.

It is hard to understand how the Republicans can take this position. Let me read a quote. ''What we ought to have is disclosure,'' this Senator said. ''I think groups should have the right to run those ads, but they ought to be disclosed and they ought to be accurate.'' Who said that? The Senator from Kentucky, the minority leader, the Republican leader in the context of McCain-Feingold during the debate on campaign finance reform.

The Senator from Kentucky is not the only Senator who seems to support the concept of disclosure. The Senator from Alabama, Mr. SESSIONS, the ranking member of the Judiciary Committee, said earlier this year:

> I don't like it when a large source of money is out there funding ads and is unaccountable. To the extent we can, I tend to favor disclosure.

Pretty clear, isn't it? That looked like the Republican position until the Supreme Court decision. Why would they be against disclosure? They are betting that most of these ads are going to be on behalf of their candidates and against Democrats. That is what it comes down to.

I happen to think disclosure is right whether it is a union or corporation. I think voters ought to know from where this information is coming. I can talk to you about why I think this is important as a voter, as a Senator, as a taxpayer. But what it boils down to is if we are going to have a system electing people to this Chamber who are accountable to the people they represent and not to special interest groups, the voters have to understand where candidates are coming from.

If my opponent—or even if I decide to be heavily supported by special interest groups—decides to put money in the race, I think the voters of Illinois are entitled to know that. They should take that into consideration when they decide how they are going to vote come the next election. That is only fair.

I support Senator SCHUMER's effort on the DISCLOSE Act. It is a move in the right direction. I hope after we enact this legislation, we will consider something else. I have a bill for the public funding of campaigns. Wouldn't it be great if we got out of the business of raising money to create trust funds for television stations across America, if instead we basically had a publicly funded campaign? That would be in the best interests of democracy and the best interest of giving the voters the information they need but not overwhelmed by special interests.

The Senator from Texas, the chairman of the Senate Republicans' campaign committee, seems to agree with Senator SESSIONS. He said earlier this year:

> I think the system needs more transparency, so people can more easily reach their own conclusions.

Amen.

The DISCLOSE Act would bring greater transparency to the source of campaign ads flooding the airwaves before an election, so that voters can make good decisions for themselves as to whether the ads are truthful or not.

As a voter, I want to know who has paid for a political ad, and I don't want foreign companies trying to buy our elections.

As a taxpayer, I don't want big companies with more than $10 million dollars in Federal contracts to be able to buy ads so they can curry favor with legislators who they hope could help them receive even larger contracts.

As a shareholder of a company, I want to know what political activities the management of the company is spending my company's money on.

The DISCLOSE Act would help with all of these goals.

The bill would make CEOs and other leaders take responsibility for their ads; require companies and groups to disclose to the FEC within 24 hours of conducting any campaign-related activity or transferring money to other campaign groups; prevent foreign countries from contributing to the outcome of our elections; mandate that corporations, unions, and other groups disclose their campaign activities to shareholders and members in their annual and periodic reports; bar large government contractors from receiving taxpayer funds and then using that money to run campaign ads; restrict companies from ''sponsoring'' a candidate.

This is all commonsense stuff.

Let me be clear: I think we should go much further to change the way we finance campaigns in this country.

I believe very strongly in the Fair Elections Now Act, which would allow viable candidates who qualify for the fair elections program to raise a maximum of $100 from any donor. These candidates would receive matching funds and grants in order to compete with high roller candidates.

That would change the system fundamentally, and put average citizens back in control of their elections and their country.

But in the wake of the Citizens United decision, which would allow companies to spend freely and directly on political campaigns, the least we should do is to pass this commonsense transparency bill.

Is it asking too much to require a group or company to briefly mention that they are behind an ad, so that the American people know who is paying for what? I don't think it is. And once upon a time, many Republicans did not think so either.

I will close with one more quote from my friend from Kentucky, the minority leader, from an interview years ago on ''Meet the Press'':

> Republicans are in favor of disclosure.

You can't state a position much more clearly than that. Are they still? Or were Senate Republicans for campaign finance disclosure before they were against it?

We will find out soon enough.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I thank my colleague from Illinois for his, once again, elegant words and yield to my friend from Ohio who has been a great voice in this body for the average family, the working family. I yield the remaining time we have left this morning on our side to Senator BROWN.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I thank the senior Senator from New York. How much time remains?

The PRESIDING OFFICER. There is 4 minutes 32 seconds remaining.

Mr. BROWN of Ohio. Mr. President, yesterday, in the Rose Garden, President Obama made clear the choice Members of this body face as they vote on the DISCLOSE Act. It is a choice between granting special interests unfettered and secret influence over their elections and the choice of ensuring basic protections to voices of everyday Americans.

Again, these will be ads run by interest groups that do not identify themselves—unfettered, secret, unlimited in the amount of money they can spend to elect their friends to Congress.

We know what happened in 2009 when corporations spent over $3 billion lobbying Congress to influence their agenda. We know with the Wall Street bill and the health care bill, more than $1 million a day was spent to weaken those laws. We know what ultimately happens, what happens when this kind of special interest influence descends on this body. First of all, the money they spend in elections to elect their friends and allies—BP, the drug companies, the insurance industries, the big companies that outsource jobs from the United States to China—we know what happens when they spend money to elect their friends, and we know what happens when they lobby in the Halls of Congress.

We saw examples of that particularly during the Bush years. I was in the

House of Representatives in those days, as was the Presiding Officer representing a district in New Mexico. We saw in those days the drug companies writing the Medicare legislation. The legislation was a bailout for the drug and insurance companies in the name of Medicare privatization. We saw it on trade issues. We saw the big companies that outsource jobs write trade agreements, such as NAFTA and CAFTA. On health care issues, we saw the big insurance companies writing legislation, assisting President Bush in getting his pro-insurance company legislation through. We know on the energy legislation, something the Presiding Officer worked to try to fix—unfortunately, we were all unsuccessful in the Bush years—with regard to writing energy legislation, we saw the oil companies do that.

If we do not fix this, if we do not pass the Schumer bill, we are going to see a further betrayal of the middle class, further betrayal of democratic ideals—democratic with a small ''d.'' We no longer can brook in this institution, giving the drug companies the authority to write Medicare legislation, the insurance companies the ability to write health care legislation, the big companies that outsource the ability to write trade legislation, the oil industry to write energy legislation. It has happened over and over again. We should have learned this lesson this decade.

My colleagues on the other side of the aisle are very comfortable with helping their benefactors, with helping the oil industry, the drug companies, the insurance companies, and those big companies that move overseas and outsource our jobs. That is why the DISCLOSE Act is very important. Whether you are a Republican or a Democrat, you do not want to see our democratic system become the puppet of corporate America or any other special interest. You do not want to give corporations the ability to drown out the voices of the people—their customers, workers, and, frankly, their shareholders.

The least we can do is empower citizens with information to evaluate the motives behind corporate and special interest spending. I do not want to see these huge dollars spent in these races, to be sure. But at a minimum, we have to make sure the public knows who is spending it, who the executives are who will benefit from these huge expenditures from the drug and insurance companies, from the oil industry, and those big companies that outsource.

It is a pretty clear choice. A vote for the DISCLOSE Act, a vote for cloture is a vote for the public interest. A vote against cloture, a vote against the DISCLOSE Act is getting right in line with giving those special interests—Wall Street, the drug companies, the insurance companies, the big companies that outsource jobs, the oil industry—what they want.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. I thank my colleague once again for his outstanding pointed words—right on the money—and we will hear the end of this debate after we close.

INDEPENDENT LIVING CENTERS TECHNICAL ADJUSTMENT ACT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the HELP Committee be discharged of H.R. 5610, the Independent Living Centers Technical Adjustment Act, and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the title of the bill.

The legislative clerk read as follows:

A bill (H.R. 5610) to provide a technical adjustment with respect to funding for independent living centers under the Rehabilitation Act of 1973 in order to ensure stability for such centers.

There being no objection, the Senate proceeded to consider the bill.

Mr. SCHUMER. Mr. President, Senator HARKIN has a technical amendment, and I ask that the amendment be considered agreed to; the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4518) was agreed to, as follows:

(Purpose: To extend a date)

In section 2(a)(2)(A), strike ''July 30'' and insert ''August 5''.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 5610), as amended, was read the third time and passed.

ORDER OF PROCEDURE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the cloture vote scheduled to occur at 2:45 p.m. today be delayed to occur at 3 p.m., with the time division as previously ordered and under the same conditions and limitations.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:31 p.m., the Senate recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DISCLOSE ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the time until 3 p.m. will be equally divided and controlled between the two leaders or their designees, with the majority leader controlling the final 15 minutes prior to a vote on the motion to invoke cloture on the motion to proceed to S. 3628.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I am going to proceed on my leader time.

The PRESIDING OFFICER. The Senator can proceed.

Mr. MCCONNELL. Mr. President, 8 years ago, Congress passed and the President signed a bill known as the Bipartisan Campaign Reform Act or BCRA. This bill was the culmination of a long and protracted battle in which I played a major part, as many of my friends on both sides of the aisle will recall. It garnered bipartisan support and bipartisan opposition. Many hearings were held, studies were conducted, and a lengthy record on both sides of the issue was developed.

I strongly opposed that bill. But I commend its authors for one thing: In drafting and passing BCRA, they made every effort to ensure that everybody had to play by the same rules—rules, moreover, that would not take effect in the middle of an election year. They wanted to make sure there was no appearance of giving one party a partisan advantage, and in that they succeeded.

Fast forward to today. Late last week, Democratic leaders decided to take us off of the small business bill to move to the DISCLOSE Act, a bill that is the mirror opposite of BCRA in the partisan way it was drafted and in the partisan way it is being pushed ahead of an election.

Let's be perfectly clear here. This bill is not what its supporters say it is. It is not an effort to promote transparency. It is not a response to the Supreme Court's ruling in Citizens United which has now been the law of the land for 7 months and which, contrary to the breathless warnings of some, has not caused the world to stop turning on its axis.

This bill is a partisan effort, pure and simple, drafted behind closed doors by current and former Democratic campaign committee leaders, and it is aimed at one thing and one thing only. This bill is about protecting incumbent Democrats from criticism ahead of this November's election—a transparent attempt to rig the fall election.

The supporters of this bill say it is about transparency. To that, I say it is transparent all right. It is a transparent effort, as I said, to rig the fall elections. They are so intent on their goal that they are willing to launch an all-out assault on the first amendment in order to get there. Democrats achieved something truly remarkable in drafting this bill. They united the ACLU and the Chamber of Commerce—quite an accomplishment—both, of course, in opposition. Why would they oppose it? Because it is as obvious to these groups as it is to me that the DISCLOSE Act is a clear violation of the right to free speech—a clear violation.

As usual with Democrats in this Congress, the process has not been any better than the substance. Over in the House, the Democratic campaign committee chairman sprung a rewrite of substantial portions that Republicans and even Democrats had not seen shortly before this bill was voted on. Not to be outdone, Democrats here in the Senate introduced a version last week that had been substantially rewritten since it was first introduced in April. In other words, the original Senate version was replaced under a veil of secrecy late last week, and that is the one the Democrats wish for us to proceed to today. A massive rewrite of the laws that govern elections, and Democrats want to give 6 days between introduction and a vote; a massive rewrite of the Nation's campaign finance laws without hearings, without testimony, without studies, and without a markup; another bill produced without a single hearing and placed directly on the calendar to bypass even the Rules Committee, which is supposed to have jurisdiction over this issue; a bill written behind closed doors with the help of lobbyists and special interests—all of this, all of this in the name of transparency. Forget the DISCLOSE Act. What we need is a ''Transparency in Legislating about Elections Act.''

This approach to this bill could not be more different than BCRA. However much I disagreed with that bill, it treated all groups, corporations, unions, parties, and individuals the same. From the ban on party non-Federal dollars to advertisement limitations within proximity of an election, BCRA's restrictions and prohibitions were applied evenly. The DISCLOSE Act is the opposite: 117 pages of stealth negotiations in which Democrats pick winners and losers, either through outright prohibitions or restrictions so complex that they end up achieving the same result.

The unions do not need a carve-out because they got exemptions. The new law applies to government contractors but not to their unions or unions with government contracts. Let me run that by you again. The unions do not need a carve-out because they got exemptions. The new law applies to government contractors, but not their unions or unions with government contracts. It does not apply to government unions. It applies to domestic subsidiaries but not to their unions or international unions. Through threshold and transfer exemptions, unions are the ultimate victors under this bill. I would note that numerous attempts were made to provide parity in the House Administration Committee markup. All were defeated on a partisan basis with no credible explanation. It is hard not to laugh in discussing this monstrosity we will be voting on shortly. And this is what they are calling transparency?

In their efforts to pass this partisan bill ahead of the election, Democrats have been forced to do the same kind of horse trading we saw in the health care debate. Some of the deals they struck were aimed at attracting special interest support, while others were aimed at quelling special interest opposition. In the end, they came up with a bizarre carve-out construct that grants first amendment freedoms to the chosen ones, and the results are not any prettier than the health care bill.

Follow this logic: The exemption applies to 501(c)(4)s, with 500,000 members in all 50 States plus Puerto Rico and the District of Columbia, in existence for 10 years, who receive less than 15 percent of their money from corporations or labor unions. In case you do not know who this provision is aimed at, it is a carve-out for the NRA, as well as the AARP and the Humane Society, among unknown others who may be in this category, but not to groups such as AIPAC or groups formed to advocate for victims of the oilspill or Hurricane Katrina.

So if you have 400,000 members, sit down and shut up. If you were founded in 2002, nice try, sit down. If you do not have the ability to recruit members in every State, zip it, shut your mouth. These are the contortions—the contortions—the authors of this bill had to go through to get it this far.

Worse still, the DISCLOSE Act mandates that its provisions shall take effect without—again, it is hard to go through this bill without breaking into unrestrained laughter—it mandates that its provisions shall take effect without regard to whether the Federal Election Commission has promulgated regulations to carry out such amendments. This, of course, will have the practical effect of paralyzing those who want to participate in the political process. If they do not know what the rules are, they will take themselves out of the game, which is clearly what the authors of this bill had in mind.

So let me ask a question. All of these new reporting obligations, filing requirements, certification mandates, and transfer burdens are to occur but how? How? Are there magic forms out there we do not know about? Do folks write e-mails to the FEC, the FCC, or the SEC? Maybe we bring back telegrams or use a Harry Potter owl or the Pony Express. Under threat of criminal sanctions, this provision is a clear message from the Justice Department to anyone covered by the new restrictions in this bill: Go ahead and speak. Make my day.

Lastly, recognizing the important constitutional questions at issue with BCRA—and everybody on both sides of that debate knew there were important constitutional questions involved—an expedited judicial review provision was included in that bill and subsequently used. But not so in this one. In order to make sure this bill is not held up by something as inconvenient—as inconvenient—as a challenge on first amendment grounds, its authors have made sure no court action interferes with their new restrictions this election cycle, and maybe even the next one as well. They add multiple layers of review, no provision addressing an appeal to the Supreme Court whatsoever, no time limits for filing, and no congressional direction to the courts to expedite. Again, the goal of the proponents of this speech rights reduction act is abundantly clear: Slow the process and secure new rules that help incumbent Democrats for the upcoming elections and for the foreseeable future.

The one goal here is to get people who would criticize them to stop talking about what Democrats have been doing here in Washington over the last year and a half, a need to shut those people up, a need to shut them up real fast here before the upcoming election.

The authors of the bill labored behind closed doors to decide who would retain the right to speak—in direct defiance of what the Supreme Court made clear this past January, when Justice Kennedy, writing for the majority, said:

> [W]e find no basis—
>
> ''no basis''—
>
> for the proposition that, in the context of political speech, the government may impose restrictions on certain disfavored speakers.

What could be more clear? ''[W]e find no basis for the proposition that, in the context of political speech, the government may impose restrictions on certain disfavored speakers.''

Not exactly an ambiguous holding. But that is, of course, precisely—precisely—what the DISCLOSE Act does. It imposes restrictions on speech. And I would note the one category of speakers upon whom the so-called reformers have bestowed the greatest speech rights in this bill are, of course, the corporations that own media outlets. So a company that owns a TV network, a newspaper, or a blog can say what they want, when they want, as often as they want.

BCRA was debated over the course of many years. Its authors also recognized the importance of not changing the rules on the eve of an election, which is why the legislation went into effect the day after the 2002 midterm elections. The DISCLOSE Act is the opposite. Seeking to achieve exactly what BCRA avoided, this legislation has an effective date of 30 days after enactment. If it were not already obvious that this bill is a totally partisan

exercise, the effective date should be proof positive.

And those, Mr. President, are the facts.

I must admit it has been a few years since I was in law school. So after I learned about all these special deals, I went back to the first amendment to look for an asterisk or something indicating that only large, entrenched, and wealthy special interests get the ''freedom of speech.'' I went and looked at the first amendment again to look for an asterisk or something indicating that only large, entrenched, and wealthy special interests get the ''freedom of speech.''

I could not find it. So I pulled out this Analysis and Interpretation of the Constitution, thinking maybe it could be found there. I looked and looked, again, to no avail. Then it occurred to me, perhaps on that winter day in 1791, when the first amendment became effective, these rights were meant to apply to everyone—everyone. Perhaps it is true the first amendment was adopted to protect the people from the Congress, to protect them from laws such as this one, to protect them from a government that picks winners and losers, to protect them from an overreaching government that is supposed to derive its powers from the consent of the governed.

This DISCLOSE Act is not about reform. It is nothing more than Democrats sitting behind closed doors with special interest lobbyists choosing which favored groups they want to speak in the 2010 elections, all in an attempt to protect themselves from criticism of their government takeovers, record deficits, and massive unpaid-for expansions of the Federal Government into the lives of the American people. In other words, this is a bill to shield themselves from average Americans exercising their first amendment rights of freedom of speech.

Americans want us to focus on jobs, but by taking us off the small business bill and moving to this one, Democrats are proving the jobs they care about the most are their own. By moving off of the small business bill and moving on to this one, our Democratic friends are letting us know the jobs they care about the most are their own. Think about it. Here we are in the middle of the worst recession in memory, and Democratic leaders decided to pull us off a bill that is meant to create jobs in an effort to pass this election-year ploy to hold on to their own jobs. What could be more cynical than that? A ''yes'' vote on this bill will send a clear message to the American people that their jobs aren't as important as the jobs of embattled Democratic politicians.

In closing, let me just note that hundreds of ideologically diverse organizations oppose this bill and have provided us with valuable information on its various absurdities. But I think the ultimate test of this bill's legitimacy is pretty simple. If the Founding Fathers were here, they would remind us. They would hold up the Constitution and remind us of the oath we took to support and defend it.

As Members cast this vote today, they will come to the well and look at the desk to see what the well description says—the sheet of paper that sums up what this vote is about. On the Democratic side, I am sure it will include words such as ''transparency'' and ''disclosure'' and talk about the threats to democracy if the bill isn't passed. On our side, it will be simpler. The copy of the Constitution will serve as our well description, and, more importantly, it will remind us of why we are all here. We are here to protect the Constitution, not our own hides.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, the majority has 15 minutes, and I yield to Senator SCHUMER whatever time he may use. I would also alert Members that the vote may be more than 15 minutes from now because I may have to use some of my leader time.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank the leader for yielding.

First, all votes cast in this body are important, but it is rare that a single vote can so unmistakably reveal whose side you are on. Make no mistake about it, with today's vote, we are picking sides, and no amount of words, no amount of sophistry in terms of explanations of calling black white and white black can change that around.

At a time when the public's fears about influence of special interests are already high, this decision by the Court stacks the deck even more against the average American. And my good friend from Kentucky is defending the average American? The average American who sets up a 501(c)(4) and spends tens of millions of dollars to get his views made known or the average American who puts out 3,400 ads, without his or her name on them, to vilify a candidate for reasons unstated? That is not the average American. We know that. It is very clear who is defending the average American: those of us who support the DISCLOSE Act.

My friend from Kentucky is worried about transparency in this body all of a sudden but doesn't speak for a bill that brings transparency to our politics. No one can argue that this bill brings less transparency. No one can argue that.

We know what is going on here. There are visions—visions in people's heads of Karl Rove spending $50 million, funded by people we don't know, to attack candidates for reasons we are not sure of, and never putting their name to it.

If you believe in transparency, you believe in the DISCLOSE Act. If you believe in transparency, you believe that someone who has the ability through their wealth, whether they be a corporation or an individual or a candidate, should put their name on the ad they are putting forward over and over and over again. Transparency? This bill stands for transparency.

I would challenge any of my Republican colleagues to come forward with a bill that pierces through the veil of secrecy the Supreme Court decision allows. As for that great Constitution which we revere, eight of the nine Justices said disclosure was certainly constitutional, and they even went out of their way to say it is the right thing to do. We know why the other side doesn't want to do it. They are talking about Democrats not wanting to be attacked. No one wants to be attacked. All we are saying is, if you are going to attack us, put your name on the ad. And the other side is resisting that. We know why. Because with some of the ads that are run—by everybody—if you don't have to put your name on them, there is less of a reason to stick to the truth and stick to the facts. That is why for years we have put this burden on ourselves. We said that we as candidates have to stand by our ad. Why shouldn't big corporations have to stand by their ad? I would like anyone on the other side to answer that question.

This is all about secrecy, not free speech. No one is saying they can't run ads. The Constitution now allows it, even out of corporate treasuries, but the Constitution allows and smiles upon greater free speech disclosure.

So you can talk all about the process: ''I was surprised we are going off the jobs bill.'' For how many months and weeks and hours through procedural delays has the other side kept us from going to various jobs bills? All of a sudden, when it comes time to lift the veil of secrecy on these ads, all of a sudden they say: Let's get back to a jobs bill. Oh, no. This fight will continue.

I spoke to some of my colleagues on the other side of the aisle. They were very sincere. Many of them, a good number, said to me: We should have disclosure, but the pressure is too great because this act would undo much of the electoral advantage that Citizens United—just due to the way our politics works now—would bring to the other side of the aisle. One of them said to me: It is skins and shirts. No one can deviate from the party line. So the opposition to this act is defending the Constitution when the Constitution upholds and supports disclosure; is defending the average guy when the average guy or gal has no opportunity to run these ads; is defending fairness and equality when it is only a limited, privileged few who will have the ability to put these ads on over and over and over again. That is not playing straight and not playing fair with the American people.

We have made this bill a fair bill that treats all sides equally. Some say: Well, there is a $600 limitation. Of course, but that has nothing to do with unions or corporations. If you spend

$600 or less—we have always said low amounts of money don't have to be disclosed. If you spend $600,000, it should have to be disclosed, whether you are a corporation or a union, either way. Oh, no.

My colleagues, this is a sad day for our democracy. Not only does the Supreme Court give those special interests a huge advantage, but this body says they should do it all in secret without any disclosure. That transcends this election, transcends Democrat or Republican. It eats at the very fabric of our democracy. It makes our people feel powerless and angry, and the greatness of that Constitution and the greatness of the American people is eroded by decisions like that of the Supreme Court and the decision, unfortunately, we will make today in not letting the DISCLOSE Act come to the floor for debate.

Mr. MCCAIN. Mr. President, I will oppose cloture on the motion to proceed to S. 3628, the DISCLOSE Act. My reasons for opposing this motion are very simple—this is clearly a partisan attempt by the majority to gain an advantage in the upcoming election. There was no hearing held in the Rules Committee on this bill and no Republican members were given the opportunity to consider the bill and offer amendments in a committee markup.

Additionally, this bill is stuffed with onerous new government regulations and is loaded with loopholes and carveouts for special interests. The authors of this bill insist that it is fair and is not designed to benefit one party over the other. That is simply not the case. One example of this is the ban on campaign-related activities by Federal Government contractors. If this legislation were enacted—tens of thousands of American businesses—large and small would be prohibited from engaging in campaigns while labor unions—which receive Federal grants and routinely negotiate collective bargaining agreements with the Federal Government—would be free to operate as they see fit. It is a simple matter of fairness, and this bill as drafted is patently unfair.

As my colleagues know, I have been involved in the issue of campaign finance reform for most of my career, and I am fully supportive of measures which call for full and complete disclosure of all spending in Federal campaigns.

When my colleague from Wisconsin, Senator FEINGOLD, and I set out to eliminate the corrupting influence of soft money and to reform how our campaigns are paid for—we vowed to be truly bipartisan and to do nothing which would give one party a political advantage over the other. As my colleague from Arizona noted earlier—the new rules created under our legislation applied equally to everyone, and they only applied after the subsequent election. That is not the case with this piece of legislation. The provisions of this bill would become effective 30 days after being signed by the President. This bill is clearly designed to silence American businesses while allowing labor unions to speak and spend freely in the elections this November.

I encourage my colleagues to oppose cloture on the motion to proceed to this bill, and I urge my friends in the majority to go back to the drawing board and bring back a bill that is truly fair, truly bipartisan, and requires true full disclosure.

Mr. FEINGOLD. Mr. President, I strongly support the DISCLOSE Act and I believe the Senate should be allowed to consider it. I am pleased to see this bill get such strong support from my colleagues on the Democratic side, and I urge my Republican colleagues to think long and hard before blocking it even from coming to the floor. I have a long history of bipartisan work on campaign finance issues. I am not interested in campaign finance legislation that has a partisan effect. This bill is fair and evenhanded. It deserves the support of Senators from both parties.

As the name suggests, the central goal of this bill is disclosure. It aims to make sure that when faced with a barrage of election-related advertising funded by corporations, which the Supreme Court's decision in the Citizens United case has made possible, the American people have the information they need to understand who is really behind those ads. That information is essential to being able to thoughtfully exercise the most important right in a democracy—the right to vote.

It is no secret that Senator SCHUMER and I, and all of the original cosponsors of the bill, were deeply disappointed by the Citizens United decision. We don't agree with the Court's theory that the first amendment rights of corporations, which can't vote or hold elected office, are equivalent to those of citizens. And we believe that the decision will harm our democracy. I, for one, very much hope that the Supreme Court will one day realize the mistake it made and overturn it.

But the Supreme Court made the decision and we in the Senate, along with the country, have to live with it. The intent of the DISCLOSE Act is not to try to overturn that decision or challenge it. It is to address the consequences of the decision within the confines of the Court's holdings. Congress has a responsibility to survey the wreckage left or threatened by the Supreme Court's ruling and do whatever it can constitutionally to repair that damage or try to prevent it.

In Citizens United, the Court ruled that corporations could not constitutionally be prohibited from engaging in campaign related speech. But, with only one dissenting Justice, the Court also specifically upheld applying disclosure requirements to corporations. The Court stated:

> [P]rompt disclosure of expenditures can provide shareholders and citizens with the information needed to hold corporations and elected officials accountable for their positions and supporters. Shareholders can determine whether their corporation's political speech advances the corporation's interest in making profits, and citizens can see whether elected officials are ''in the pocket'' of so-called moneyed interests.

The Court also explained that disclosure is very much consistent with free speech:

> The First Amendment protects political speech; and disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way. This transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages.

The Court also made clear that corporate advertisers can be required to include disclaimers to identify themselves in their ads. It specifically reaffirmed the part of the McConnell v. FEC decision that held that such requirements are constitutional.

The DISCLOSE Act simply builds on disclosure and disclaimer requirements that are already in the law and that the Court has said do not violate the first amendment. For years, opponents of campaign finance reform have argued that all that is needed is disclosure. Well, in a very short time we will find out whether they were serious, because that is what this bill is all about.

If the Senate is allowed to proceed to the bill, there will be time to discuss its provisions in more detail, but let me comment on one provision that has caused controversy, which was added in the House—the exception for large, longstanding groups, including the National Rifle Association.

I am not a fan of exceptions to legislation of this kind. I would prefer a bill, like the one we introduced, that does not contain this exception. But the fact is that the kinds of groups that are covered by the exception are not the kinds of groups that this bill is mostly aimed at. Knowing the identity of individual large donors to the NRA when it runs its ads is not providing much useful information to the public. Everyone knows who the NRA is and what it stands for. You may like or dislike this group's message, but you don't need to know who its donors are to evaluate that message.

The same cannot be said about new organizations that are forming as we speak to collect corporate donations and run attack ads against candidates. One example is a new group called American Crossroads. It has apparently pledged to raise $50 million to run ads in the upcoming election. Can any of my colleagues tell me what this group is and what it stands for? Don't the American people have a right to know that, and wouldn't the identity of the funders provide useful information about the group's agenda and what it hopes to accomplish by pumping so much money into elections? Even Citizens United, the group that brought the case that has led us to this point, is not known to most people. Why shouldn't the American people know who has bankrolled that group, if it's

going to run ads and try to convince people to vote a certain way?

Disclosure is the way we make this crucial information available to the public. But if a group is around for 10 years, has members in all 50 States, and receives only a small portion of its budget from corporations or unions, there is less reason for the kind of detailed information that the DISCLOSE Act requires. So while I would prefer that this exception wasn't in the bill, I understand why the House felt it was necessary, and I don't think it undermines the bill's purpose or makes it fundamentally unfair.

Most of the complaints about the DISCLOSE Act are coming from interests that want to take advantage of one part of the Citizens United decision—the part that allows corporate spending on elections for the first time in over 100 years—and at the same time pretend that the other part of the decision—the part upholding disclosure requirements—doesn't exist. But the law doesn't work that way. As the old saying goes, ''you can't have your cake and eat it too.''

Once again, I very much appreciate the leadership of the Senator from New York and look forward to working with him and all my colleagues to pass this bill. I urge my colleagues to vote for cloture on the motion to proceed.

Mr. LEVIN. Mr. President, I will support the motion to proceed to debate on the DISCLOSE Act because I strongly believe that the voice of the people needs to be restored in our elections.

In January of this year, in a 5–4 decision, the Supreme Court reversed longstanding precedent when it held government restrictions on corporate independent expenditures in elections to be unconstitutional in violation of the first amendment. This decision ignored precedent in order to reject laws that have limited the role of corporate money in Federal elections for decades. I believe this decision could severely damage public confidence in our campaign finance system.

For years I have worked to maintain the integrity of our elections. I was a cosponsor of the Bipartisan Campaign Reform Act, BCRA, which was a major step toward taking the unseemly race for big bucks out of the campaign system and preserving the American public's right to truth in advertising. However, the decision in Citizens United took us backwards. Before Citizens United, the Federal Election Campaign Act—FECA—generally prohibited corporations and unions from using their treasury funds to influence federal elections—including political advertising known as express advocacy, which explicitly calls for election or defeat of Federal candidates. To be clear: Corporations were still able to engage in political activities through political action committees, or PACS. This process ensured that shareholders were part of the process. After Citizens United, however, corporations can use unlimited amounts of money from their general treasuries for this purpose.

That is why I am an original cosponsor of the Democracy is Strengthened by Casting Light on Spending in Elections, or the DISCLOSE Act. The DISCLOSE Act requires corporations, unions, or advocacy organizations to stand by their advertisements and inform their members about their election-related spending. It imposes transparency requirements, requires spending amounts to be posted online, and prevents government contractors, corporations controlled by foreigners, and corporate beneficiaries of TARP funds from spending money on elections.

Since the Supreme Court decision in Citizens United, our elections are vulnerable to the influence of corporate power, which threatens to drown out the voices of individual Americans. The DISCLOSE Act will restore the public trust in both the election process and government itself. In our Federal elections, all voices must be heard, not just those with the deepest pockets. The DISCLOSE Act will help restore the people's voice, and I urge my colleagues to support the motion to proceed.

Mr. LEAHY. Mr. President, today, the Senate is attempting to fix an important problem created earlier this year by the Supreme Court's decision in Citizens United v. Federal Election Commission. In that case, five Supreme Court Justices cast aside a century of law and opened the floodgates for corporations to drown out individual voices in our elections. The broad scope of the Citizens United decision was unnecessary and improper. At the expense of hardworking Americans, the Supreme Court ruled that corporations could become the predominant influence in our elections for years to come.

Citizens United is the latest example in which a thin majority of the Supreme Court placed its own preferences over the will of hard working Americans. The landmark McCain-Feingold Act's campaign finance reforms were the product of lengthy debate in Congress as to the proper role of corporate money in the electoral process. Those laws strengthened the rights of individual voters, while carefully preserving the integrity of the political process. However, with one stroke of the pen, five Justices cast aside those years of deliberation, and substituted their own preferences over the will of Congress and the American people.

The American people have expressed their concerns over this decision, and recognize that without congressional action, Citizens United threatens to impact the outcome of our elections. As representatives, we must fulfill our constitutional duty, and work to restore a meaningful role for all Americans in the political process. A vote to filibuster the motion to proceed to this legislation is a vote to ignore the real world impact this decision will have on our democratic process.

The Democracy Is Strengthened by Casting Light On Spending in Elections—DISCLOSE—Act, is a measure I support to moderate the impact of the Citizens United decision. The DISCLOSE Act will add transparency to the campaign finance laws to help ensure that corporations cannot abuse their newfound constitutional rights. This legislation will preserve the voices of hardworking Americans in the political process by limiting the ability of foreign corporations to influence American elections, prohibiting corporations receiving taxpayer money from contributing to elections, and increasing disclosure requirements on corporate contributors, among other things.

It is difficult to overstate the potential for harm embodied in the Citizens United decision. The DISCLOSE Act is necessary to prevent corruption in our political system, and to protect the credibility of our elections, which is necessary to maintain the trust of the American people. While some on the other side of the aisle have praised the Citizens United decision as a victory for the first amendment, what they fail to recognize is that these new rights for corporations come at the expense of the free speech rights of hardworking Americans. There is no doubt that the ability of wealthy corporations to dominate all mediums of advertising risks drowning out the voices of individuals.

The American people expect that there will be bipartisan support for any legislation that would prevent corporations from drowning out their own voices in our elections. In that vein, I hope that the DISCLOSE Act will receive an up-or-down vote in the Senate, and not be the subject of filibusters that have become all too common in this political climate.

Vermont is a State with a rich tradition of involvement in the democratic process. However, it is a small State, and it would not take much for a few corporations to outspend all of our local candidates combined. It is easy to imagine corporate interests flooding the airwaves with election ads and transforming the nature of Vermont campaigning. This is simply not what Vermonters expect of their politics. The DISCLOSE Act is a first step towards ensuring that Vermonters, and all Americans, can remain confident that they will retain a voice in the political process.

The Citizens United decision grants corporations the same constitutional free speech rights as individual Americans. This is not what the Framers intended in drafting the opening words ''We the People of the United States.'' In designing the Constitution, the Founders spoke of and guaranteed fundamental rights to the American people—not to corporations, which are mentioned nowhere in the Constitution. The time is now to ensure that our campaign finance laws reflect this important distinction.

The American people want their voices heard in the upcoming election. I urge Senators on both sides of the aisle to allow us to debate and address this important issue. I look forward to working with all Senators to pass this important legislation, and to ensure that the DISCLOSE Act is enacted into law.

Mr. KERRY. Mr. President, this vote is a true test of political character because it goes to the very heart of American democracy. It will determine who will choose our Nation's leaders—faceless corporations or we the people.

The Supreme Court decision in the Citizens United v. Federal Election Commission case earlier this year dealt a crushing blow to fairness in our Federal elections. This decision is why we are here today, taking a closer look at the hard realities of how the political system works here in the United States.

For far too long, our Federal election system has been broken and the remedies ignored. In 1997, I wrote the Clean Money, Clean Elections Act to help tackle some of our most important campaign finance problems. That bill sought to limit the power of special interests in elections by offering incentives for ''clean candidates'' who swore off private campaign contributions and ran using only a clean money fund. Unfortunately, during the 13 years since that bill's introduction, we have seen an increase in the influence of special interests and now corporations on our Federal elections.

Make no mistake about it—the ruling by the Supreme Court has only exacerbated the problems of the system. And that makes it all the more important that we no longer keep our heads buried in the sand.

I have always believed that the single biggest flaw in our Federal election system is the disproportionate power and influence of money that drowns out the voice of average Americans. I am concerned that the Supreme Court's ruling in Citizens United will produce an even bigger tidal wave of special interest advertising funded by large faceless corporations, drowning out the views and opinions of our citizens.

The Supreme Court has opened the flood gates for an unlimited amount of unchecked political spending by corporations—including the dangerous new precedent for unimpeded funding by subsidiaries of foreign corporations. Yes, for the first time in our history Federal elections in this country can be actively influenced according to the desires of foreign interests.

These are dangerous developments that require immediate attention. But the ultimate solution must be equal in scope to the magnitude of the problem we face. We must undertake some remedial actions now, but there is only so much we can do legislatively.

In my view, the case of Citizens United requires nothing short of a constitutional amendment that makes it crystal clear—that corporations do not have the same free speech rights as individuals. It is time that average Americans regain their voice in choosing who will represent them in our Nation's Capital.

Mr. BAUCUS. Mr. President, President Franklin Delano Roosevelt once said:

> The liberty of a democracy is not safe if the people tolerate growth of private power to a point where it becomes stronger than their democratic state itself.

This statement is all too true, as we are faced with the Supreme Court's disappointing decision in Citizens United v. Federal Elections Commission earlier this year. In a 5-to-4 ruling, the Supreme Court overturned years of congressional work to limit corporate spending and corruption in the political arena. As a result, corporations and labor unions are now free to spend unlimited dollars from their general funds to make independent expenditures at any time during an election cycle, including directly calling for the election or defeat of a candidate.

This ruling will have far-reaching implications for the electoral system on a Federal, State, and local level. In his well-reasoned dissent, Justice Stevens noted:

> Lawmakers have a compelling constitutional basis, if not also a democratic duty, to take measures designed to guard against the potentially deleterious effects of corporate spending in local and national races.

Over the years, Congress and State legislatures have done just that. In 2002, Congress found that without regulation, corporations spend money on political elections in extremely large amounts. Spending at those levels created a corrupting influence on legislative actions.

In response to what Justice Stevens called a ''virtual mountain of research'' on the potential for corruption within the election process, Congress passed the Bipartisan Campaign Reform Act, commonly known as McCain-Feingold. With an eye on prior Supreme Court rulings, Congress shaped McCain-Feingold to properly address concerns over evidence of corruption in the electoral system.

The Supreme Court's ruling in Citizens United is bad for my State of Montana, it is bad for America. Montana history shows that corporations are eager to influence elections. As Montana attorney general Steve Bullock previously testified, during the turn of the century, wealthy copper kings of Montana's mining industry leveraged their corporate power to effectively buy elections.

In 1912, Montana voters spoke out, passing some of the strongest laws in the Nation prohibiting corporations from acting to influence Montana elections. The law has withstood the test of 98 years without failing. Yet, because of Citizens United, Montana's strong campaign finance laws are now also in jeopardy. In Montana, the ruling is likely to have a significant impact on State and local elections. The use of corporate money will drown out the voices of individual Montanans. The cost of advertising in Montana is very low. This, however, will make it easy for large out-of-State corporations to dominate Montana markets in an effort to sway Montana races.

When it comes to corporate spending, we are talking about a significant amount of money. Let's look at what corporate America is spending on political advertising. In 2008, the automotive industry spent over $30 billion in advertising. Just in the first quarter of this year, Wall Street firms spent $2 billion. The tobacco industry averages $12 billion in advertising nationwide each year. That is political advertising. When you start adding up these numbers, you start to get a sense of the magnitude of the impact Citizens United can have on our electoral process. Corporations will now have free rein to spend this kind of money to now call for the election or opposition of specific candidates, Federal, State, or local.

The impact of Citizens United goes well beyond merely changing campaign finance law. This decision will impact the ability of Congress, as well as State and local legislatures, to pass laws designed to protect its constituents—individual Americans—when such legislation comes under fierce objection by large corporations. Corporations are now free to spend millions targeting individual lawmakers. Lawmakers' ability to pass laws such as consumer safety or investor protection now faces even greater challenges when such laws merely threaten the corporate bottom line.

Congress and the American people must respond swiftly and firmly. The Supreme Court's ruling in Citizens United has severely altered Congress's ability to limit corporate spending in our electoral process.

I support legislative efforts such as those to enhance disclosure and increase shareholder say on corporate campaign spending, and I commend my friend from New York, Senator SCHUMER, for his efforts on this front. However, it is clear that the surest way to address the Supreme Court's disappointing decisions is a constitutional amendment that will clarify Congress's authority to regulate corporate political spending.

The resolution I am introducing today proposes a constitutional amendment that will restore Congress's authority to regulate political expenditures by corporations and labor organizations in support or in opposition to Federal candidates. It also preserves Congress's ability to regulate political contributions to these candidates.

Similarly, this amendment provides States with the authority to regulate political contributions and expenditures in a way that works best for each State. This amendment does not modify the first amendment at all, and the language specifies that this does not affect freedom of the press in any way.

The Framers provided a series of steps required to amend the Constitution, and this process should not be taken lightly. This resolution requires the support of a two-thirds majority of the Senate and the House and subsequent ratification by three-quarters of the States. I recognize the challenges of that process, but I believe this is a discussion and debate that Congress and the American people should have.

We must act. We must act now to restore Americans' faith in our political electoral process. I urge my colleagues to support this amendment.

The PRESIDING OFFICER (Mr. GOODWIN). The majority leader is recognized.

Mr. REID. Mr. President, if the time is limited to 15 minutes, I will use leader time to complete my statement.

Mr. President, my friend the Republican leader talked about a number of things in his presentation, all the time making remarks such as ''reading the bill caused unrestrained laughter.'' Well, 85 percent of the American people support this legislation.

Supreme Court Justice Louis Brandeis offered disclosure and transparency as the antidote to swollen corporate influence. Sunlight, he said, is ''the best of disinfectants.'' The man who would replace him on the Supreme Court shed light on the importance of the individual's vote, the voice that anchors our democracy. William O. Douglas, who served on the bench longer than any other Justice, said that the right to vote means more than simply the right to pull a lever on election day. He said it also means ''the right to have the vote counted at full value, without dilution or discount.'' Both Brandeis and Douglas were right. These two Justices' observations should guide us as we correct an error made by today's Supreme Court—the Roberts Court—when it wrongly ruled in January that corporations, special interests, and foreign governments can flood America's political system with contributions in unlimited amounts and in secrecy. That decision was wrong.

The campaign advertisements at issue in the case, Citizens United v. Federal Election Commission, and in the bill before us, the DISCLOSE Act, are presumably about giving the electorate the information it needs to make an informed choice. But that information must also include its source because an open political process demands the disclosure of who is paying the bills. We are all agreed that voters can believe, criticize, or support any ad they wish, but a citizen cannot responsibly do any of that if he doesn't know how the ad found its way into his living room.

Our votes are the most precious part of our democracy. If someone is going to such great lengths to convince us how to use it, should we not at least know their names? Put differently, why would we let those who go to such great lengths to conceal their names—and those who try to protect them by blocking this bill—dilute or manipulate our voices?

The principle behind the bill is a simple belief that neither the American voter at home nor the democratic process at large benefits from campaigns funded by secret sponsors who are hidden from public view. Quite the opposite, in fact; such secrecy is harmful because it deliberately keeps from voters the identity of those trying to influence their choices and sway our elections.

This is also about trust and confidence in our democracy. Whenever the voice of the corporation is the loudest, the voice of the citizen is harder to hear. If citizens don't have reason to trust the electoral process, voters have little reason to trust the outcome of the election, and constituents ultimately have no reason to trust their elected government.

This Supreme Court case and this piece of legislation are not only about campaign checks; it is also about checks and balances. The Senate is not reversing or circumventing the Court's ruling; we are only bringing back transparency, accountability, and fairness to the system so it can work best for the people it serves. We are doing that in three ways.

First, this bill says that if you are a foreign corporation or a foreign Government, you can't spend money in American elections.

Second, it says if you are a company that benefited from TARP—the emergency program that kept our largest institutions and our economy afloat—you can't turn around and give those taxpayer dollars to a political candidate.

Third, to prevent both the possibility and the perception of a pay-to-play scheme, it says that if you are a government contractor, you cannot contribute to campaigns either.

These three elements are written primarily to protect voters, but voters are not the only ones who will benefit. If you are a shareholder of a company rich enough to put a campaign ad on television, wouldn't you want to know how it is using your investment and spending your money? Of course.

CEOs and special interests can run all the ads they want today, and after the DISCLOSE Act is law they will still be able to do that. That is their right. The difference is that our bill says you just can't pay for an ad; they have to stand by that ad also. This new law will not stifle anybody's speech or their ability to advertise; it merely requires them to do so in the open.

What could be more patriotic and less partisan than protecting a person's vote and all the information that goes into that decision?

The desire for greater real-time disclosure of election spending was not long ago a bipartisan concept. It is incredible that we now have to struggle to find a supermajority—60 Senators—even just to debate a bill the principles of which both parties once supported and that 9 in 10 Americans want us to pass.

What else is new?

When we fought to protect every American's right to afford good health, the other side jumped to the defense of corporate America and the special interests in the insurance racket.

When we fought to protect Americans from the unchecked greed in the financial industry—recklessness—that cost 8 million Americans jobs and nearly collapsed our economy, the other side jumped to the defense of corporate America and special interests—this time, those on Wall Street.

When we fought to hold BP accountable for its negligence, the other side jumped to the defense of the corporation responsible for the greatest man-made environmental disaster in history, going so far as to apologize to its now-ousted CEO.

When we ran to the side of millions who lost their jobs in the recession and exhausted their unemployment insurance, while they searched for hard-to-find jobs, the other side argued that what our economy needed was more tax breaks for multimillionaires.

On the stimulus bill, 93 percent of the Republicans voted against it in the Senate. On the unemployment insurance extension, 88 percent of the Republicans voted against that. On Americans' jobs and closing tax loopholes, 86 percent of the Republicans voted against that. On the health care bill, 100 percent of the Republicans voted against it. On the HIRE Act, 68 percent of Republicans voted against. Even on cash for clunkers—which was, by all estimates, a great success—82 percent of the Republicans voted against it.

This issue is no different than those I went through. The bill asks us to put the people before the special interests. It asks us to ensure that an individual's vote speaks louder than the deep pockets of the powerful.

It asks us this so the next time a health insurance company or a big Wall Street bank or a major oil company or any other special interest puts a campaign ad on the air, everyone will know who did it. It will make sure viewers can consider the source as they consider their vote.

Americans have fought so hard and at so great a price to ensure the voting rights of every individual. We have removed obstacles between people and the ballot box, removed corruption from the campaign process, and gone to great lengths to encourage everyone to participate on election day.

Why would we diminish a right that was so hard won? Why would we go backward?

This new law will return our popular elections to the people by limiting anyone's ability to dilute a citizen's power and by letting in the sunlight that disinfects our democracy.

Who could oppose that? The only ones fearful of transparency are those with something to hide. That is what this legislation is all about.

It is my understanding we are ready for a vote.

The PRESIDING OFFICER. Pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant editor of the Daily Digest 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 proceed to Calendar No. 476, S. 3628, the DISCLOSE Act.

Harry Reid, Charles E. Schumer, Sherrod Brown, Claire McCaskill, Patrick J. Leahy, John F. Kerry, Byron L. Dorgan, Patty Murray, Barbara Boxer, Roland W. Burris, Robert Menendez, Jack Reed, Joseph I. Lieberman, Tom Udall, Kent Conrad, Mark Begich, Robert P. Casey, Jr.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum call be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3628, a bill to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes, 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 Connecticut (Mr. LIEBERMAN) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Nevada (Mr. ENSIGN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 41, as follows:

[Rollcall Vote No. 220 Leg.]

YEAS—57

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Bayh	Goodwin	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Pryor
Bingaman	Inouye	Reed
Boxer	Johnson	Rockefeller
Brown (OH)	Kaufman	Sanders
Burris	Kerry	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Kohl	Specter
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Conrad	Leahy	Udall (CO)
Dodd	Levin	Udall (NM)
Dorgan	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NAYS—41

Alexander	Brownback	Cochran
Barrasso	Bunning	Collins
Bennett	Burr	Corker
Bond	Chambliss	Cornyn
Brown (MA)	Coburn	Crapo
DeMint	Johanns	Roberts
Enzi	Kyl	Sessions
Graham	LeMieux	Shelby
Grassley	Lugar	Snowe
Gregg	McCain	Thune
Hatch	McConnell	Vitter
Hutchison	Murkowski	Voinovich
Inhofe	Reid	Wicker
Isakson	Risch	

NOT VOTING—2

Ensign	Lieberman

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. Mr. President, for the information of the Members of the Senate, we are going to move to the small business jobs bill. I have spoken with the Republican leader, and staff is aware, that we are going to have the same vote we had on Thursday night—that will be the amendment—with the exception that we are going to place in that bill the agricultural disaster relief that has been around for a long time. That will be added to this small jobs bill.

I have spoken with Senator LANDRIEU, and she has indicated to me that she has had conversations with Members of the minority, and they would like an amendment or two or three. I think that will be about the limit that we should do. We will be happy to have side-by-sides or have something that would give us the opportunity to see what those amendments are going to be.

So in short, we are going to work and start legislating as early as we can in the morning. I don't think we will be able to do much tonight. We will consider that. But everyone should be ready tomorrow. We are going to do our utmost to finish this bill tomorrow.

Everyone should understand that we are going to do our best to get out of here a week from Friday, but we will need the cooperation of Senators on a number of things. We have a fairly long list of things we need to do before we leave.

There will be no further rollcall votes today. The tree we talked about we have to tear down, but it is my understanding that we shouldn't have a problem doing that.

Mr. MCCONNELL. Mr. President, I would say to my friend, the majority leader, he knows because I believe he has some of our amendments, what we would like to offer, and I think this is a conversation we can have off the floor until we can figure out a way to move forward.

Mr. REID. My only purpose here is that we can go through the program of tearing the tree down, but those votes are somewhat inconsequential. I don't think we need to do that this afternoon. It is my understanding, after having spoken to Senator MCCONNELL, that everyone knows what the amendment is going to be. I have agreed there can be amendments offered by the Republicans, and it is only a question of what they are going to be.

Mr. MCCONNELL. I think that is a correct understanding.

Mr. REID. So I have designated MARY LANDRIEU.

The amendment is just as I have outlined, and we should have it in 5 minutes.

Mr. President, what is the pending business?

SMALL BUSINESS LENDING FUND ACT OF 2010

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (H.R. 5297) to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

Pending:

Reid (for Baucus) amendment No. 4499, in the nature of a substitute.

Reid (for LeMieux) amendment No. 4500 (to amendment No. 4499), to establish the Small Business Lending Fund Program.

Reid amendment No. 4501 (to amendment No. 4500), to change the enactment date.

Reid amendment No. 4502 (to the language proposed to be stricken by amendment No. 4499), to change the enactment date.

Reid amendment No. 4503 (to amendment No. 4502), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this afternoon, the Senate returns once again to the small business jobs bill. This bill would help steer our economy toward recovery. It would create jobs. It would do so by fostering creativity and ambition of the American entrepreneur.

Some of America's greatest firms were born in the midst of an economic crisis. In 1976, the U.S. economy was reeling from recession. America's unemployment hovered around 8 percent. That year, two guys named Steve started selling computer kits out of a garage in Palo Alto, CA. They founded a small business. An angel investor helped them with $250,000 in seed money. Today, we know that business as Apple. Last month, Apple became the largest technology company in the world.

It is not an unusual story. It is a story told again and again in America. Of the 30 companies that make up the Dow Jones Industrial Average, 16 were started during a recession or depression. Procter & Gamble, Disney, McDonald's, Microsoft, General Electric, Johnson & Johnson, and Costco all first opened their doors during economic downturns.

To foster entrepreneurship and create this recession's success stories we need to create the right conditions. This small business jobs bill will help do just that. American entrepreneurs of all kinds are a key driver of job creation.

Take, for example, Tiffany Lach. Eighteen months ago, Tiffany opened Sola Cafe in downtown Bozeman, MT, with the help of a Small Business Administration loan. When she opened her doors, she had 19 employees. Today she has 42 employees and loads of loyal customers. We need to support entrepreneurs so that small businesses, such as Tiffany's, can continue to grow and create more jobs.

According to a recent report, nearly all net job creation in America from 1980 to 2005 occurred in firms fewer than 5 years old. In fact, without startups, net job creation would have been negative almost every year for the past three decades. In 2007, more than two-thirds of the jobs created were firms between 1 and 5 years old.

As our economy emerges from the great recession, we need to ensure that American entrepreneurs have the resources, the financing, and the opportunities they need to create jobs and realize their dreams. This small business jobs bill will help American entrepreneurs gain access to the capital they need, especially by increasing the incentives for investors to purchase and hold equity in startups.

Under this bill, for the rest of 2010, any investor who invested in a small business and held that investment for at least 5 years would pay no income tax on the gains from the sale of that small business stock. The bill would also reward entrepreneurship by doubling the amount of startup expenses that an entrepreneur could immediately deduct this year. The bill would increase the amount from $5,000 to $10,000. This would free up capital that could be used to invest in other aspects of the business.

This bill will devote more than $5 million to the U.S. Trade Representative to expand opportunities for U.S. small businesses in foreign markets. This would help American goods and services to reach new customers around the world. This would create jobs right here in America. This would help the USTR to enforce our trade agreements to ensure that American startups can compete on a level playing field.

So I urge my colleagues to support this bill. Let's work hard to work out agreements so we can take it up and pass it. Let's do so to help America's entrepreneurs. Let's pass this bill to encourage the development of new American small businesses. Let's pass this bill to create jobs right here in America.

The PRESIDING OFFICER (Mr. KAUFMAN.) The Senator from Wyoming.

Mr. BARRASSO. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GULF OILSPILL

Mr. BARRASSO. Mr. President, I rise today to talk about the oilspill in the Gulf of Mexico and energy legislation that may be on the floor this week.

For more than 3 months, the American people have watched our Nation's greatest environmental disaster unfold. This tragic accident has cost lives. It still threatens jobs and communities throughout the region. The shrimpers, fishermen, small business owners, restaurant and hotel workers, rig workers—everyone has been impacted.

In the last couple of weeks, we have gotten some rare good news. First, the new containment cap has temporarily plugged the hole. Second, the new cap survived the recent storm in the gulf. Hopefully, next week BP will finish drilling two relief wells and permanently plug the leak.

From this disaster we have learned that our country and the Federal Government were not prepared to deal with an emergency of this magnitude. Now we have an opportunity to fix the system. We need to implement reforms that prevent these accidents in the future and improve the ability to respond.

A tragedy of this magnitude merits a serious, bipartisan response from this body and from this country. The Congress has two options: No. 1 is to fix the problem; the second is to score political victories that don't help the gulf. My friends on the other side of the aisle appear committed to using this crisis to try to score political points.

The majority leader announced that he plans to unveil his energy legislation later today. It reportedly will contain oilspill provisions as well as broader energy legislation. The bill is being written behind closed doors—not in a committee, not in front of the American people, not on C–SPAN, but behind closed doors—and it will likely come directly to the floor later this week without ever going to a Senate committee. I think a fair question to ask right now is, What is going to be in the bill? Why can't we address the oilspill in an open way, in a transparent way? Are Senators going to be allowed to offer amendments, amendments that would improve the bill and increase bipartisan support?

Republicans have introduced an oilspill alternative. The Republican bill includes several important provisions:

First, the Republican bill reforms the system for managing offshore oil and gas exploration. It enhances safety requirements, and it improves spill response capacity. The Republican bill requires that our national oilspill contingency plan include a clear, accountable chain of command. That way, the American people know who is in charge and who is making decisions on the ground and on the water.

Next, the Republican bill reforms oilspill liability. The bill increases liability limits based on risk factors such as water depth and a company's previous history. It also sets up a system where claims beyond the liability cap are paid for by all of the companies drilling offshore. This liability system ensures those impacted are compensated. Unlike some other proposals out there, this proposal does not unfairly discriminate against small and medium-sized companies that are exploring for energy in the gulf.

The Republican bill also lifts the overly broad drilling moratorium that has been imposed by the Obama administration. Rather than imposing a blanket moratorium that threatens thousands of jobs in the gulf, the Republican bill would lift the moratorium for companies that have complied with the new safety and inspection requirements. This provision stops the administration from compounding the economic damage that is currently occurring in the gulf.

Importantly, the Republican bill also establishes a truly unbiased, bipartisan oilspill commission to investigate the spill. The oilspill commission that was appointed by the President is stacked—stacked with people who philosophically oppose offshore exploration.

Ideology aside, the members of the President's oilspill commission lack the essential technical expertise on offshore drilling. There is no expert on petroleum engineering on his commission. There is no expert on rig safety on the President's commission. Having this sort of expertise will help the fact-finding mission. It will also strengthen—it will strengthen the quality of the commission's recommendations. It is imperative that the oilspill commission has credibility.

The Republican bill helps those in the gulf. It will save much needed jobs, and it will improve our ability to explore for offshore oil and gas well into the future.

It is unfortunate that the majority is only spending a few days on the situation in the gulf. The text of the bill that this body is supposed to be debating later this week, that the American people should have an ability to see and to comment on, is not yet publicly available. How can this body, how can the American people have a serious debate on a bill in less than a week, especially if no one yet knows what happens to be in the bill? This is a crisis that has lasted for almost 100 days, the greatest environmental disaster in the history of our country. Yet the Senate is rushing to complete a bill that no one has seen, that continues to be written behind closed doors, and expects to complete it by the end of the week.

Sadly, the majority lacks transparency, and this lack of transparency by the majority follows months of poor response efforts by BP and by this administration. The companies involved in the spill played the blame game. While oil executives pointed fingers at one another, the administration struggled to get a handle on the situation.

The response was delayed, and the response was disorganized. The response lacked direction, and the response lacked decisiveness. There was no clear chain of command. State and local officials have repeatedly expressed frustration with the cleanup effort. And it is not just a lack of resources; in some cases, Federal approval stands in the way of local cleanup efforts.

Newsweek magazine had a recent article entitled ''The Mire Next Time.'' It says:

BP and federal officials have conjured parts of their oil spill response plan from scratch and changed them by the day, often failing to act with the speed and decisiveness an emergency demands.

Over the weekend, Politico reported that ''the White House dispatched political and communications aides to the Gulf Coast states.''

Let me repeat that. Over the weekend, Politico reported that ''the White House dispatched political and communications aides to the Gulf Coast states.''

According to Politico:

The effort came about after the White House grew concerned over political damage—

Not environmental damage—

from not having a permanent presence in the Gulf Coast states.

Campaign staffers might help the White House contain its political disaster, but they are not going to solve the actual environmental and economic disaster.

Instead of worrying about political problems, the White House should be encouraging the Senate to work in a bipartisan way on legislation that will help prevent future accidents and to improve our Federal response capacity. Our top priority should be stopping the leak and containing the spill.

We must also make sure those impacted are compensated, and the claims process must be fair and fast. The majority should devote more than a few days to fixing the problems in the Gulf of Mexico. I urge colleagues on the other side of the aisle to work with us. Let us come together to pass bipartisan oilspill legislation. That is what the American people want. That is what the American people deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

CHILDHOOD HUNGER

Mrs. LINCOLN. Mr. President, I come to the floor today with a very simple request. I come to ask for my colleagues' attention and perhaps 8 hours of their time, 8 hours that will change the face of childhood hunger and obesity and put us on a path to significantly improving the health of the next generation of Americans, 8 hours that will make a historic investment in our most precious gift and the future of this country, and that is, of course, our children, 8 hours for this body to pass the bipartisan Healthy, Hunger-Free Kids Act that will reauthorize our Federal child nutrition programs and address two of the greatest threats to the health and security of America's children—hunger and obesity.

Earlier this year, working closely with the ranking member of the Ag Committee, Senator CHAMBLISS, other members of the committee as well as the administration, the Committee on Agriculture, which I chair, unanimously approved a bill that makes a historic investment in hunger relief and for the first time mandates that meals provided to our children in schools are healthy. We have since been patiently waiting for this critical legislation to see the light of day on the Senate floor.

The days of patiently waiting are coming to an end, as the September 30 deadline to reauthorize these programs rapidly approaches. That is why I stand here today asking this body, asking my colleagues to spend a few moments of time to make an investment in our children and dedicate perhaps at the most 8 hours of floor time to take up and pass this legislation.

I don't have to look any farther than my home State of Arkansas to see the hunger and obesity crisis at its worst. A recent report by Feeding America found that Arkansas has the highest rate of childhood hunger in the country at 24.4 percent. That is nearly one out of every four Arkansas children who is unsure when or if their next meal will come. Will it even materialize?

Obesity too is extremely high among Arkansas children. Roughly one out of five children in Arkansas is considered obese. Research shows that obesity significantly increases the risk of chronic disease such as hypertension, heart disease, type 2 diabetes, and even some forms of cancer. We also know obesity comes at a tremendous cost to our health care system, roughly $147 billion each year. These statistics are simply unacceptable. There are real children behind these numbers, real children in real families, many of them working American families, real children who can forever be put on a path toward longer, healthier, more productive lives, if we simply dedicate 8 hours to passing this bill.

As a mother of twin boys who are teenagers now, having watched them grow up and feeling enormously blessed that through that time I have had the opportunity and the blessing of being able to feed them nutritious food and ensure they are growing up healthy, do any of my colleagues think that any mother out there is any different than I am, who wants to see that same blessing in their own home and with their own children?

The Healthy, Hunger-Free Kids Act takes tremendous steps toward addressing the obesity crisis which is necessary if we truly want to improve the health of this next generation of Americans. This legislation increases the reimbursement rate for school meals for the first time since 1973. Can colleagues think of what it would mean for us to be required to purchase items under today's costs with 1973 purchasing power? It would be impossible for us to feed our families or to take care of them, to assist our seniors and aging parents. Here we are asking our schools to try not only to feed the children but to feed them a healthy meal with 1973 dollars. If we want to promote our children's health, we have to feed them healthier meals. That takes an investment such as the one we have made in this bill.

This bill also for the first time establishes national school nutrition standards to ensure our children have healthier options available throughout the entire schoolday. Too often we hear from parents their frustrations about how the healthy habits they are trying to teach their children at home are constantly being undermined by the widespread availability of unhealthy options in school. For the first time this bill changes that. Parents can take comfort knowing that foods and snacks available at school through vending machines and school stores and a la carte lunch lines will have to meet new healthier standards based on guidelines for healthy diets established by USDA in consultation with HHS and the Institute of Medicine. This provision complements the commonsense steps we have already taken in my home State to improve the health of our school environments and, in doing so, brings some Arkansas wisdom to the rest of the country.

We have seen the horrors in Arkansas, and we want to do something about it. As a nation, we too must see the challenges we face in feeding the children healthy and nutritious meals, and we must seize this opportunity to do something about it.

This bill also makes a significant investment in the fight against childhood hunger. In 1999, I worked hard in the Senate to start the Senate Hunger Caucus, to try to bring my colleagues' attention to the issue of food insecurity and hunger that existed not only on a global sense but also in our own backyards and in our own country. Mr. President, 500,000 Arkansans live in food insecurity right now. We have much to do. It is hard to understand, when we have a disease such as hunger and we know what the cure is, why don't we cure it? It is so simple.

This bill streamlines and takes out duplicative steps in the paperwork process to ensure that hundreds of thousands of children across the country who are eligible for national school lunch and breakfast programs actually are able to participate. I am one of the few Senators with schoolage children. I know what comes home in those backpacks at the first of the year. It is a mountain of paperwork that gets crumpled down in the bottom of the backpack. I pull it out. Fortunately for me, I don't have to fill out that paperwork. But there are many families who do in order to ensure their child is eligible for a free or reduced lunch or a breakfast program. They have to fill

out multiple pages of documentation to be eligible. Yet we know they already meet the criteria because they filled out that same or similar paperwork for the WIC program or SNAP or the low-income housing program, so many other places where they have continually documented the need for help they have in creating a wholesome family.

This bill also recognizes that hunger doesn't stop when the school bell rings. It improves afterschool and summer feeding programs, ensuring that children in afterschool programs are receiving full nutritious meals instead of the current snack they receive now.

This bill is about improving the lives of the next generation—and we have a short period to do so—whether it is in education or nutrition. I know for myself, my boys turn 14 this year. It is hard for me to believe they have grown so quickly. Yet if we think about it, we have a snapshot of time to affect the lives of these children. So if we don't do it this year, if we don't do it next year or the year after that, that child who was in kindergarten is now in third grade. They may have incorporated bad eating habits already or they haven't had nutritious food or they haven't received the basic skills they need in terms of reading and other things. That time in the life of a child is so important. We look at ourselves and the time it takes us to pass legislation. We have an enormous opportunity to affect a generation of Americans and make their lives better. This bill means we will ensure they are healthier.

It also means not saddling them with a financial burden they cannot afford. That is why I am very proud to say this bill is completely paid for and will not add one cent to the national debt that will be shouldered by the children. As we work to get this bill signed into law, I will make certain it is paid for, not only because it is the right thing to do for the country, it is the right thing to do for the children.

Unfortunately, there is a very real risk we will fail to seize this historic opportunity. As of today, we have a maximum of 23 legislative days remaining before the current child nutrition program expires on September 30. What many colleagues may fail to understand is that a simple extension of these programs will not be enough. Oftentimes we don't get our work done, and we simply say: Well, we will extend the current law until we can get it done. I pose to my colleagues: We have a good bill. We have an opportunity, a historic opportunity to make a difference. If we don't seize the opportunity, we will have to extend the current legislation. If we simply choose to extend the current program, we are locking in the status quo. We are locking in the rate we pay our school districts for school lunches and meal programs at 1973 levels.

What is more, each State will lose critical dollars they would have otherwise received from this bill. Who will pay the price? Our children will pay the price for our inability to get this done, for our inaction and our unwillingness to take a simple few hours and get something done. Yet knowing what we stand to lose, I can't seem to convince enough folks around here how critically important it is for us to pass this bill. Again, all I am asking for is several hours, 8 hours, perhaps, at the most. I will continue to ask. I will continue to come down to the floor of the Senate until we make this investment in our children.

We have an opportunity to pass something real, something historic, something that is meaningful, that we have taken the regular order and gone through the committee process, that we have done what people want us to do. We have been transparent with our actions. We have paid for this legislation. We have done it in a bipartisan way. We have come up with something that is good and real for the children. We simply need to dedicate the time, the time out of our schedule to get this bill done.

I will relentlessly be pursuing my colleagues. I know they get tired of me, and I know I have become a pest. But when the day is done and we have finished our work, it is worthwhile to have been a pest for something that is such a great treasure to the Nation as our children. We can accomplish this goal on behalf of the children, if we set our minds to it.

This is a bill of which each and every Member can be proud. It is bipartisan, completely paid for and, much more, it provides commonsense solutions to addressing childhood hunger and obesity. In unanimously passing this bill, the Ag Committee made a commitment to the children. Now I ask this body to help us fulfill this commitment by dedicating only 8 hours to passing this historic legislation.

Is that too much to ask? Can we not dedicate those few hours to an effort that will change a generation for the better? I know hard-working parents in Arkansas and all across this great Nation do not think it is too much. There are other parents of school-aged children, like me, some of them who do not have the blessings or the means that I have to be able to care for my children or provide a healthy afterschool snack or to be able to make sure dinner is there for them in the evenings. Those parents love their children as much as I love mine, and they want to see us as a nation recognizing the value of their children to the future of this country.

So I will continue to be a pest. I will continue to badger my colleagues. I will continue to fight to see that this body does right by our kids and passes this legislation and improves the health of the next generation of great Americans.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. THUNE pertaining to the introduction of S. 3652 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. THUNE. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCLOSE ACT

Mr. SANDERS. Mr. President, even before the Supreme Court issued its disastrous opinion in Citizens United, the influence of large corporations and other powerful special interests in our electoral process was overwhelming. There is a reason why the middle class is disappearing and why poverty is increasing while the people on top are making out like bandits. One of the reasons is the enormous influence big money interests have over the political process and the way they are able to use that influence through campaign contributions and through lobbying efforts. They are all over the place. Whether it is Wall Street, the oil companies, the coal companies, the insurance companies, the drug companies, the military industrial complex, all these very powerful and wealthy special interests contribute huge amounts of money into the political process, making it harder and harder for the significant needs of working families to be heard outside the din and the power of big money.

So, in other words, before this Supreme Court decision on Citizens United, we already had a very bad situation. It was a situation in which it required enormous sums of money on the part of a candidate to run for office, a situation in which it became increasingly common for millionaires and billionaires to be the only candidates able to finance a Federal campaign without heavy reliance on contributions from corporate interests. It is no secret both political parties look very favorably on so-called self-funded candidates. They don't have to raise any money for those candidates because they are multimillionaires and they are billionaires; they can write their own checks—checks which are often very large—in order to run for the House of Representatives or especially the Senate.

So what we had before Citizens United, that disastrous Supreme Court decision, was already a very bad situation. But that decision made a horrendous situation even worse.

The Supreme Court decided, at the beginning of this year, that it was acceptable and legal for the largest corporations in our country to spend unlimited resources supporting candidates who represent their interests, elevating corporations to the status of flesh-and-blood persons for constitutional purposes. So let me make a very bold and radical statement right now. I know many corporations. I know who they are. Let me tell my colleagues: A corporation is not a person. A corporation is not a person. It is totally absurd to suggest that a corporation should have the first amendment rights of individual Americans.

What the Supreme Court decision has done is to turn our media during campaigns into even more of a circus and undermines State election laws across the country that provide some small buffer between wealth and power. They have unleashed the vast coffers of corporate America by allowing them to spend whatever they want—unlimited sums of money—from their general bank accounts, not just their PACs and not just on sham issue ads but on telling people outright which candidate to vote for, something this country has not seen since 1947.

Big money corporate interests from Wall Street to oil giants, from drug companies to the military industrial complex, already dominate the political process in Washington. It is inconceivable to me that not one Republican—not one Republican today—voted to minimize the horrendous Supreme Court decision which will allow corporations to put unlimited funds into campaign advertising with no disclosure whatsoever—no disclosure whatsoever.

I think the American people must be wondering this afternoon what, to our Republican friends, could be wrong with some simple checks on campaign spending such as the following: requiring the CEO of a corporation that spends on campaign-related activity to stand by the ad they have produced and say that he or she ''approves this message.'' If the Presiding Officer was running for office or I am running for office and we put an ad on television, that is what we have to say. I think it is a good idea. If you put something ugly on television, you say: I approved this message. If you put something dishonest on the air, people have a right to know that you are the person responsible for that ad. If you have to be responsible for that ad, if I have to be responsible for that ad, if every other candidate for the Senate has to be responsible for that ad, why should not the CEO of a large corporation that is paying for that ad also have to say that he or she approves this message?

It is no great secret that a lot of money from abroad is being invested in American corporations. In a situation where a company which has a lot of foreign money in it, why should we allow that company to get actively involved in American politics? What the legislation that we voted on today does, which I think makes a lot of sense, is it prohibits a corporation that is under the direction or control of a foreign entity from spending money on our elections. I don't think that is an unreasonable provision. I don't think we want our political process to be dominated by people who may not have the best interests of the people of the United States of America at heart.

Another provision requires disclosure of political spending by corporations and other entities to their shareholders and members and requires these groups to make their political spending public on their Web sites within 24 hours after filing with the FEC. Why should the people who actually own the stock in those companies not be able to know in a timely manner what the CEOs of these corporations are doing so they can say: Excuse me, you can't do that with my money. I don't like that. I think what you are doing is wrong.

Another provision in this legislation would ban coordination between a candidate and outside groups on ads that reference a candidate from the time period beginning 90 days before a primary and running through the general election.

Another provision would avoid the appearance of corruption and possible misuse of taxpayer funds by banning government contractors with a contract worth more than $10 million from spending money on elections.

I think these are simple, straightforward provisions. I think they are right. I have a very hard time understanding how we could not get one Republican vote in support of these provisions.

My hope is that the Democratic leadership will not give up on this issue. I think the American people, before Citizens United, were frustrated and disgusted with the role big money plays in the political process, disgusted with the power big money interests have on influencing legislation, and I think they are now even more disgusted as a result of the Citizens United decision. We have brought forth legislation which I think is straightforward, I think it is sensible, I think it needs to be passed, and I hope we will continue that effort to get it passed.

With that, I yield the floor, and 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. KAUFMAN. 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.

Mr. KAUFMAN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN PRAISE OF ALISON MCNALLY

Mr. KAUFMAN. Madam President, I rise today to recognize another of America's great Federal employees. This will be Federal employee No. 89.

In 1829, a British scientist who had never set foot in our country bequeathed to the American people his estate in order to create ''an establishment for the increase and diffusion of knowledge.'' That he did so is a reminder of what this young country represented to those around the world who yearned for liberty and an approach to government based on wisdom and science.

James Smithson's gift continues to enrich Americans' lives to this day in the form of the Smithsonian Institution. The millions of Americans who have visited the 19 Smithsonian museums, the National Zoo, and the over 150 affiliated institutions can attest to the value of the Smithsonian. Since its founding by Congress 163 years ago next month, the Smithsonian Institution has helped expose the American people to the arts and sciences.

Some of its museums have been traditional stops for families to bring their children when visiting Washington, such as the Air and Space Museum, the National Museum of American History, and the National Portrait Gallery. Many of us here can recall exploring them in our youth.

I can remember when I lived in Washington for 2 years after the Second World War. We didn't visit anything, and then, in the last 2 weeks, my mother took me and my sisters and we went on a tour of all the different museums in town. It was fantastic, and it is even much better today.

Other Smithsonian museums have joined them in recent years or are under construction today. The National Museum of the American Indian—a beautiful new building with wonderful, educational exhibits—is celebrating its 5-year anniversary.

The successful operation of this network of museums and galleries and the preservation of its treasures relies on the more than 4,000 dedicated Federal employees on its staff. There are dedicated, smart, hard-working employees on the Smithsonian staff.

Alison McNally is one of them—and a great one at that. As the Smithsonian's Under Secretary for Finance and Administration, Alison supervises a number of departments, including: the Office of Facilities Engineering and Operations, the Office of the Chief Financial Officer, the Smithsonian Archives, the Office of Human Resources, and the Office of the Chief Information Officer.

In this capacity, she plays an important role in the day-to-day operations of the Smithsonian, helping to ensure that it continues to provide the services Americans and foreign visitors have long enjoyed. Earlier, Alison served as the Smithsonian's senior executive officer in the office of the Under Secretary for Science. In that position, she directly oversaw a number of scientific research support programs.

Alison has been with the Smithsonian Institution since 2005 and previously spent twenty-four years working at NASA. There, she served as Deputy Associate Administrator for the Management of the Science Mission Directorate. From 2002–2004, Alison was the Associate Director of NASA's Goddard Space Flight Center.

Throughout her career in public service, Alison has consistently demonstrated a keenness for public administration and successful management.

She holds an undergraduate degree in Human Development from the University of Connecticut and a master's of social work from Columbia University. She has pursued additional study as well at the Simmons College Graduate School of Management and Harvard's Kennedy School of Government.

Madam President, I hope my colleagues will join me in thanking Alison McNally and all those who work at the Smithsonian Institution for their service to our Nation.

They are all truly great Federal employees.

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. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

REGULATORY CAPTURE

Mr. KAUFMAN. Madam President, the story of regulatory failure surrounding the Deepwater Horizon oil-spill by now is all too well known. The Minerals Management Service, called MMS, the now defunct agency that had been charged with assuring that drilling off America's coast was safe, environmentally responsible, and a reliable revenue source for the taxpayers, became the single most recognizable example of regulatory capture in U.S. history.

Regulatory capture is when a regulatory agency permits its judgments to be clouded by the narrow economic interests of the industry it is supposed to be regulating. It is the absolute opposite of how regulators should work, which is to safeguard the greater and broader interests of public health, safety, and prosperity against often complex, powerful, and narrowly minded industries.

Regulatory capture can happen for a number of reasons. First, regulatory capture can happen where the revolving door constantly shuttles individuals from the private sector to the regulator and vice versa. Regulators may be compromised by the implicit promise of lucrative employment should they only look out for the industry during their watch. It is this indicator of regulatory capture at MMS that the Washington Post described in such shocking detail in last week's front-page story.

Seventy-five percent of oil lobbyists formerly held jobs in the Federal Government. Randall Luthi, who directed the MMS from 2007 to 2009, is now president of the National Ocean Industries Association, the trade association for producers, contractors, engineers, and supply companies that explore and drill for oil and natural gas in offshore waters.

According to the Department of Interior inspector general's report, one examiner conducted safety checks at four rigs owned by one company, while at the same time negotiating for a job for himself with the very same company.

It also works in both directions. According to an MMS district manager, almost all MMS inspectors had previously worked for oil companies on the same platforms they were inspecting.

As Ken Salazar testified last week before the House, he is aware of the problems caused by the revolving door and is taking steps to address it. And I know he will. Michael Bromwich, who directs the Bureau of Ocean Energy Management—the successor to the MMS—has also pledged to beef up cooling-off periods which restrict the ability of former oil regulators to seamlessly flow directly from government into a high-paying industry job.

Poor funding, morale, or training for regulators can also play a role in regulatory capture. This, too, may have played a part in the ineffectiveness of MMS. During the prior administration, the workforce at MMS shrank by approximately 8 percent, even as offshore minerals exploration leases and acres leased increased by 10 percent over the same period. Leases go up by 10 percent, employees go down by 8 percent. That does not seem to make sense, but it fits into the idea of regulatory capture.

A third factor that may lead to regulatory capture is if a regulator is responsible for just one industry, such as MMS was responsible for only regulating the exploration activities of oil companies. Industry groups with a laser-like focus can lobby single-industry regulators, whereas the public's interest is likely to be much more diffuse. In addition, the revolving door may be amplified for a single-industry regulator because the regulators have relatively few options for seeking private sector employment after they leave the single-industry regulator.

Mr. Bromwich has also been quick to recognize the problems caused by having such a small and captive pool of inspectors. As he works to make the job of oil rig inspector more attractive, Congress should support these efforts as an effective way to counter regulatory capture.

Vague statutory lines drawn by Congress, as well as loose oversight, are a fourth contributor to regulator capture because they give captive regulators plenty of room to stretch and contort the law without necessarily breaking the law or even having to explain their actions.

Finally, complex industries, large masses of proprietary data are also able to control the flow of information to the regulators—information that will form the basis of regulation and enforcement, thereby precluding effective regulation.

We have a business that is very complex. There is a lot of information flowing. It is more and more difficult for the regulator to keep track of the information they need to do their regulation and enforcement.

While I have heard colleagues and commentators argue that Secretary Salazar did not do enough fast enough to reverse the problem of regulatory capture in time to avert the BP disaster, these myopic criticisms ignore the deep and lasting damage that Secretary Salazar found when he arrived done by many of our regulators in the previous administration.

During the last administration, a deregulatory mindset captured our regulatory agencies. They became enamored of the view that self-regulation was adequate—that was throughout the government—that rational self-interest would motivate counterparties to undertake stronger and better forms of due diligence than any regulator could perform, and that market fundamentalism would lead to the best outcomes for the most people.

When the regulators themselves feel the best regulation is no regulation at all, when a laissez faire mindset causes the regulators to be deeply distressful of curbs on any industry practice, then regulatory capture is all but ensured. During these 8 years, Congress's failure to conduct vigorous oversight was particularly damaging as well.

What we had was a situation where we basically pulled the referees off the field and did not even watch what was going on and what happened.

This deregulatory mindset, more than any other factor, explains why we have suffered so many examples of failed regulation in recent years, especially in our financial sector and oil and mineral industries.

It is interesting that I hear colleagues on the other side of the aisle say: The government didn't do this right; the government didn't do right in the oil thing. How could they when the last administration took us completely out of the oil regulation business? How did everything happen on these sites without an inspector there to check that the batteries were working, to see that inspections were carried out.

The Federal Government was denuded of any ability to do anything once the spill developed, once the leak started because we believed the reports that were put out by the companies. No one looked at them and said: Don't

worry, this will never happen. And if it does, we have a plan. Remember, that was the plan that was talking about how we were going to have to look out for the walruses. Remember?

I do not understand how one can be critical of Secretary Salazar when we saw that he came into an office where there was no regulation and where the regulators were totally, completely captured by the business. As we learned over the last 2 years, when regulators fail, it is the American people who pays the price.

When President Obama was inaugurated, therefore, he inherited executive agencies that had been weakened by 8 years of atrophy and neglect.

Another example is the Office of Thrift Supervision. It is a wonderful example of how regulatory neglect in the financial sector led us to an economic and financial crisis.

Listen to this. During the Bush administration, over 20 percent of the full-time equivalent positions at OTS were eliminated. Why did we need OTS inspectors if we did not believe we needed regulation?

This decrease in funding for OTS personnel, while striking, is not the heart of it. It does not reveal the scope of the rot in the agency. For that, one needs to examine how those regulators acted. And I suggest to everyone Senator LEVIN's Permanent Subcommittee on Investigations hearings that he chaired that went into detail what actually happened to the Office of Thrift Supervision.

As established in those hearings, Washington Mutual, better known as WaMu, comprised as much as 25 percent of the assets under OTS regulation. Moreover, WaMu contributed between 12 percent and 15 percent of OTS's operating revenue through the fees it paid.

Think about this. The largest institution you are regulating covers over 25 percent. Even though WaMu was the most significant and largest institution under its regulation, regulators allowed shoddy and even fraudulent lending to occur under their noses without taking remedial, corrective action or any significant enforcement measures.

Listen to this. The Office of Thrift Supervision sat by as up to 90 percent of the home equity loans underwritten by Washington Mutual were comprised of stated income or so-called liar loans. A stated income or liar loan is where I come in for a loan, the loan officer says to me: Senator KAUFMAN, what do you make every year? And I say: $1.6 million. They write it down. Nobody asks for a W–2 form. Nobody asks for any further information on it. They just take my word for it.

Can you believe that an institution could make liar loans that were 90 percent of their home equity loans? Ninety percent of the loans they took, when people came in and said what their income was, they never asked for a W–2 form. They never asked for any further information.

Still worse, if that is hard to believe, OTS was captured to such a great degree that it lobbied other regulators to weaken nontraditional mortgage regulations. Not only were they not looking at their businesses, the largest thrift institutions, they were trying to stop other regulators from doing it.

As if to give further evidence of its capture, OTS even went so far as to thwart an investigation into WaMu by the Federal Deposit Insurance Corporation, a secondary regulator, that could have put a stop to some of WaMu's unsustainable business practices before they did so much damage.

OTS and WaMu are just the beginning of the story, however. The problem of capture spread beyond the thrifts to those responsible for regulating Wall Street, where many of the top cops during this time were either former industry insiders or committed to deregulation and self-regulation.

As MIT economist Simon Johnson has termed it, a ''financial oligarchy'' has arisen that moved seamlessly between the private and public sectors leaving an indelible mark on the financial industry landscape in a way that tends to enrich those very oligarch and their friends.

The negotiation of the 2004 Basel II Capital Accord was emblematic of this cozy relationship. As part of these discussions, the Fed was a principal architect of a regulatory framework that would allow banks to determine capital requirements based on the judgment of the ratings agencies and their own internal models.

By outsourcing their regulatory responsibilities to the banks that they were supposed to regulate, the Fed and other bank supervisors made an implicit admission that the size and complexity of megabanks had exceeded their comprehension.

Although the Basel II Accord was not fully implemented, it effectively was applied to large investment banks. While the SEC normally regulated these firms, the Commission had no track record to speak of with respect to ensuring the safety and soundness of financial institutions. The Securities and Exchange Commission allowed these investment banks to leverage a small base of capital over 40 times into asset holdings that in some cases exceeded $1 trillion.

The head of Bear Stearns said his biggest problem was that he was allowed to expand his capital base.

When the bottom fell out of the market, the funding engine powering the investment bank business model seized up. Lehman Brothers and Bear Stearns were forced into bankruptcy and the other major investment banks faced an existential crisis.

Lehman Brothers was forced into bankruptcy and Bear Stearns was taken over by JPMorgan Chase. At the end of the day, as we all know, the American taxpayer was left holding the bill for the cost to stabilize the financial system.

Basel II's treatment of capital adequacy standards is just one telling example of regulatory capture. Federal regulators also failed to strengthen consumer protection regulations in the lead-up to the crisis, despite the explosion of the subprime market and warnings from many quarters on the frequent incidence of predatory lending practices.

Hence, just like leverage ratios, regulators allowed underwriting standards to erode precipitously without strengthening mortgage origination regulations.

Wall Street regulation is compromised by another problem—the utter dependence of regulators on the regulated for information. This closed loop depends on the unrealistic assumption—listen to this—that industry will provide regulators with an accurate data stream, even when it is the direct detriment. Too often, however, industry comes up short, and without access to meaningful data, objective analyses cannot be developed by academics, consumer advocates or the media.

A good example of this is high-frequency trading, which has grown rapidly over the past few years free from regulatory structure. Basically, it has gone from 40 percent to 70 percent of all trades that are now done by high-frequency trading. Pending finalization of the April 14 large trader rule, the SEC hasn't been collecting meaningful data about high-frequency trading—listen to this—including information on the identities of individual traders.

Even when implemented, the data will remain between the SEC, the trading firm, and the firm's broker-dealer, thereby eliminating the ability of any objective party to check the Commission's work to make sure it is doing its job of ensuring market credibility.

The recent SEC roundtable discussion on market structure issues is a perfect case in point of regulatory capture. Roundtables are designed to publicly air a diversity of views pertaining to potential regulations. These roundtables are supposed to be where a bunch of people get together with different views that represent all the views and talk about potential regulation. However, the panel that was set up on high-frequency trading, as I said in a speech on May 27, promised to be so completely one-sided and ''in favor of the entrenched money that has caused the very problems we seek to address that the panel itself stands as symbolic failure of the regulators and the regulatory system.'' Look at that panel. See who was on it, and you could see regulatory capture right before your eyes. Thankfully, the SEC agreed to make some modifications to the panel but concerns still remained.

At the opening of the panel, SEC Commissioner Luis Aguilar noted in his opening statement:

> I am disappointed that our Roundtable is not constituted to showcase the full breadth of relevant voices. And I am concerned that

as a result, today's discussion will not bring to light how conflicts of interest, and particular business models, may influence the various views we'll hear today.

Commissioner Aguilar, I couldn't agree with you more. To rely on those who have benefited from the status quo to point out the very regulatory imperfections that allowed them to prosper is to doom the regulatory process from its inception.

As we emerge from this period of regulatory abdication and begin to rediscover the vital role regulation must play in ensuring fair competition and a level playing field, it will take strong leadership and determination in the face of constant industry resistance to retake the initiative in our regulatory agencies for the good of the American public.

Some commentators have looked at the record of regulatory failure and have argued that all regulation is inherently prey to capture. Regulatory capture is a fact of life, they say, and we should therefore endeavor to have as little regulation as possible. Think about that now. Regulatory capture is a fact of life, and they say we should therefore endeavor to have as little regulation as possible. Let's let the industries run it all is essentially what they are saying.

This position ignores the commonsense solutions to regulatory capture, however. Open publication of regulatory data, for example, could allow academic scrutiny and mitigate the problem of the closed loop. Strict ethics rules could mandate cooling-off periods so regulators do not take proprietary information to their new employees. It seems like common sense, right?

Congress can draw clear lines that empower regulators to act for the public interest and minimize vague mandates that can be exploited by shrewd companies. Vigorous congressional oversight can hold regulators accountable before their agencies are too far gone to the problem of capture. Agency employees should be paid fairly and treated with respect so they are not tempted to compromise their judgment in hopes of earning a lucrative industry job.

This country has a long and proud history of successful Federal regulation—a long and proud history of successful Federal regulation. In large part, the safety of our food, our roads, airspace, workplaces, and so many other things is due to successful Federal regulation. Our continued prosperity depends on continuing to have good, positive, well-done regulation, strongly and intelligently done, for the good of the public.

The final Wall Street reform bill is a case in point. It invests enormous responsibilities and discretion into the hands of the regulators. Its ultimate success or failure will depend on the actions and follow-through of these regulators in the years to come.

Congress has a vital role in overseeing the enormous regulatory process that will now take place. I have talked about this before. Congress's role in this is key. We are talking about a lot of regulations down the road. It is up to Congress to do its oversight responsibility. This will include ensuring that the regulators have adequate resources and staff, that the regulations reflect wide and objective input, and that the failed experiments of deregulation and self-regulation are put to an end.

Industry and big business have already begun their counterattack. Already they have begun their counterattack. Daily, we hear that the economic recovery is being slowed by uncertainty about Federal regulations. This argument, which went on for a number of years, might have been plausible a few years ago. I might have stopped to listen to it. But after the massive financial failures and oilspills, it rings empty to me.

I am certainly not a fan of overregulation. I think one of the problems of not having regulation is that when we do regulate, we overregulate. We do not need overregulation. But the complaint that we are starting down the path of overregulation is plainly overstated, to say the least—especially after industry malfeasance and regulatory complicity cost so many Americans their jobs, their homes, and their way of life.

How can we look at what has happened out there now; how can we look at the people unemployed and the people who have lost their homes and say we should go back to the way things were and continue with no regulation and have another incredible meltdown? Unfortunately, some in big business will always complain about having to follow the rules. But without effective rules and rules that are effectively enforced, we are all certain to bear, once again, the cost inflicted upon us by the next industry-caused disaster.

Never again can we allow our environment and our economy to be entrusted to agencies that serve no purpose other than to provide a false sense of security. Lip service, we have found, does not work. Our leadership, the Congress and our regulatory agencies, must walk the walk of enforcement while keeping regulatory capture to a minimum. Our government exists to do no less, and the American people deserve no less.

I yield the floor, and I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Ms. CANTWELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Madam President, I wish to thank my colleague, the Senator from Delaware, for his remarks on important banking issues and for his diligence in trying to continue to focus on the need for financial regulation.

I agree there were definitely winners and losers in the process in 2008. That probably shouldn't have been done that way. So I thank him for his comments on that, and, yes, Congress needs to play a larger oversight role.

One thing we need to do now is to make sure we are moving forward on the small business package that is in front of us. We had an important vote last week to make sure we are increasing access to capital for small businesses by helping them recapitalize. I am already receiving calls from small businesses and organizations in my State. One I received is from the central part of our State from a lender who said:

> We would absolutely use the funds for small business lending. Our bank has a backlog of $50 million to $70 million in loan requests which is counter to statements of soft loan demand. We have reduced our lend to preserve capital as expected by the regulators. This legislation would give us the capital to significantly increase lending.

So that is what we are hearing from financial institutions; that this is a critical piece of legislation to move small business lending.

Another component of the bill is a provision to enhance the loan guarantee program—the 7(a) and the 504 lending program, the Recovery Act, and subsequent extensions providing funding authority to reduce loan fees from borrowers and to increase the 7(a) guarantees.

Just this morning, a constituent of mine called saying he had made some hires in January and was trying to continue to grow his business but wasn't able to get access to capital. So he certainly wants to see this program and its enhancements.

These enhancements to the SBA programs expired at the end of May. So this is so timely that we move ahead. In June, approved loans from the SBA fell two-thirds, from $1.9 billion down to just $647 million. So that is a drop of $1.2 billion in loans to small businesses. It was the worst month for SBA lending in a number of years.

So that is where we are. We have banks calling in saying they need access to capital, we have a program that can help, and we have an SBA program that has fallen off and needs to be implemented. So we need to pass this small business legislation. The longer we delay, the longer constituents all across the country and small businesses will be starved for the capital they need to grow jobs.

I wish to give an example because in my State we have over 140,000 small businesses that have employees; that is, in addition to the owners. Since this recession began in 2008, our State has lost over 142,000 jobs. So if each of those small businesses just hired one more employee, it would more than wipe out the jobs lost in the State. So this kind of job growth—one employee per small business—would be a huge economic boost to our economy.

I hope my colleagues will want to move forward on this legislation as soon as possible. There are 27,000 small

businesses in America, and small businesses were the hardest hit by the recession. Two-thirds of the job losses we saw came from small businesses. Seventy-five percent of new job creation comes from those small businesses.

This bill, besides the SBA program and the Small Business Access to Capital Program, addresses the depreciation rate for capital, another thing that many people say will help investment in small business equipment and manufacturing and help us restore jobs.

We know what our opportunities are. We can move ahead on this legislation, with this bill that includes these small business tax cuts and access to capital and expansion of this critical small business program or we can continue to stymie what creates the real economic job growth of our economy—small business.

I urge my colleagues to support moving ahead on this legislation. Let's not delay another day. Wall Street certainly got its due. It certainly got help and support from many in the previous administration. Let's make sure that small business and Main Street get the support they deserve to move ahead.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I ask unanimous consent that all pending amendments be withdrawn on the bill that is now before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent the cloture motions be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4519

Mr. REID. Madam President, Senators BAUCUS and LANDRIEU have a substitute amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. BAUCUS, and Ms. LANDRIEU, proposes an amendment numbered 4519.

Mr. REID. I ask further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. REID. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4520 TO AMENDMENT NO. 4519

Mr. REID. Madam President, I have a first-degree perfecting amendment that is now at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada (Mr. REID) proposes an amendment numbered 4520 to amendment No. 4519.

Mr. REID. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, insert the following:

The provisions of this Act shall become effective 10 days after enactment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4521 TO AMENDMENT NO. 4520

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4521 to amendment No. 4520.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the amendment, strike ''10'' and insert ''5''.

AMENDMENT NO. 4522 TO AMENDMENT NO. 4519

Mr. REID. I have an amendment at the desk to the language proposed to be stricken. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4522 to the language proposed to be stricken by amendment No. 4519.

Mr. REID. I ask unanimous consent reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the language proposed to be stricken, insert the following:

This section shall become effective 6 days after enactment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4523 TO AMENDMENT NO. 4522

Mr. REID. I have a second-degree amendment now at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4523 to amendment No. 4522.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the amendment, strike ''6'' and insert ''4''.

CLOTURE MOTIONS

Mr. REID. I have two cloture motions at the desk to the substitute and the bill, and I ask they be stated.

The PRESIDING OFFICER. The cloture motions having been presented under rule XXII, the Chair directs the clerk to read the motions.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Reid-Baucus substitute amendment No. 4519 to H.R. 5297, the Small Business Lending Fund Act of 2010.

Harry Reid, Max Baucus, Edward E. Kaufman, Amy Klobuchar, Mark R. Warner, Jeff Merkley, Jack Reed, Jon Tester, John D. Rockefeller, IV, Dianne Feinstein, Daniel K. Akaka, Sherrod Brown, Barbara A. Mikulski, Patty Murray, Jeff Bingaman, Debbie Stabenow, Bill Nelson, Carl Levin.

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Harry Reid, Max Baucus, Edward E. Kaufman, Amy Klobuchar, Mark R. Warner, Jeff Merkley, Jack Reed, Jon Tester, John D. Rockefeller, IV, Dianne Feinstein, Daniel K. Akaka, Sherrod Brown, Barbara A. Mikulski, Patty Murray, Jeff Bingaman, Debbie Stabenow, Bill Nelson, Carl Levin.

Mr. REID. I ask unanimous consent the mandatory quorums required under the rule be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO COMMIT WITH AMENDMENT NO. 4524

Mr. REID. I have a motion now at the desk to commit with instructions. I ask it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill to the Finance Committee with instructions to report back forthwith, with an amendment numbered 4524.

The amendment is as follows:

At the end, insert the following:

The Finance Committee is requested to study the impact of changes to the system whereby small business entities are provided with all opportunities for access to capital.

Mr REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4525

Mr. REID. I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment (No. 4525) to the instructions of the motion to commit.

The amendment is as follows:

At the end insert the following:

''and the economic impact on local communities served by small businesses.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4526 TO AMENDMENT NO. 4525

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4526 to amendment No. 4525.

The amendment is as follows:

At the end, insert the following:

''and its impact on state and local governments.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, I appreciate the opportunity to speak with my colleagues on the floor about jobs, job creation, opportunities that are there that are here now, and things we need to do.

I report to my colleagues the report came out yesterday from the Brookings Institute, citing exports and export opportunities that we have. They were pointing out that the President rightfully, in the State of the Union Message, called for a doubling of exports by the United States in the next 5 years. They were looking around, studying where is this possible for it to be able to happen. What are the possible communities to see this happen?

The Brookings Institute came out with a report yesterday that it released, and cited four metropolitan areas that doubled the real value of their exports between 2003 and 2008. One of them is Wichita, KS, and the aviation cluster—doubling its exports based primarily on aviation and the aviation industry. I congratulate Wichita and my State for what it has done to expand exports in essentially—a good portion of this being essentially a home-grown industry, general aviation. These are smaller aircraft, business aircraft, that travel to many of the airports throughout this country, and now airports throughout the world, that are not served by commercial aviation. Of the 5,000 airports nationwide, only 500 are served by common carriers that would be going out from different cities across their countries and our country. But that is only 10 percent of the airports that are connected that way. The rest have to be connected by business aviation, by products made in Wichita.

We make both large aircraft and small general aviation products—both of those—but particularly many of the general aviation products are made in my State, and this is an industry that is a home-grown one that we can grow and we can build exports on. Brookings cited to it yesterday. They pointed out that 40 percent now of the U.S. production of general aviation aircraft is going overseas.

Madam President, $150 billion of the U.S. economy is based on general aviation, the smaller business aircraft employing 1.2 million people in the United States.

The problem with this is that earlier this year the administration had attacked a lot of business aircraft and business aviation, saying this is not useful, squandering resources, when in fact it makes efficient use of resources and it is a home-grown business that is now exporting 40 percent of its product and is one of the leading clusters in the country to push exports which we need to have a lot more of, and export-related jobs.

I ask the administration and I personally invite the President to come to Wichita, KS, to see the business aviation, to see the general aviation business for himself, to see the fine products produced by Bombardier Learjet, Cessna, Hawker Beechcraft Corporation—those companies that are producing these excellent aircraft, and to help this business grow.

I also point out to my colleagues and to the administration that this is an industry that has been targeted by other countries for takeover. This is the same sort of thing that is starting to happen on general aviation that happened on the large-scale airliners when Airbus was built by government money in Europe to take on and build large airliners and take that business away from Boeing, McDonald-Douglass, Lockheed Corporation. Airbus succeeded in knocking two of those entrants out of the field, where they do not make large aircraft any longer and only Boeing is left and we recently won a large trade case against the European Union and Airbus for its heavy subsidization that it has had by the European Union to get to that marketplace and to steal market share from U.S. production. That is what has taken place in the large-scale aircraft business.

What is now setting up is many countries around the world are looking at getting into smaller aircraft, and mid-size aircraft, I believe, subsidizing their way into this marketplace to take those jobs and those opportunities to other countries around the world.

Embraer Air in Brazil is one that has had a fast expansion taking place in the small- and mid-size aircraft market, defying the market logic at the present time, that it has been a difficult marketplace. They have expanded the number of aircraft and they have expanded the number of different types of aircraft that they produce, all in a marketplace that has been under a great deal of difficulty in the last several years. I call on the administration to, No. 1, be supportive of this industry—I invite the President to come to Wichita—and, No. 2, to start looking at what other countries are doing to bid into this marketplace and to take these jobs from the United States by subsidizing these jobs with their foreign treasuries. That is illegal under the World Trade Organization. We need to be aggressive in our country in protecting this key export industry that is being targeted for attack by other countries around the world.

We will be putting forward more information on this as this develops further. I am going to be contacting the U.S. Trade Representative's office about looking into these practices of other countries. I meet regularly with people who lead various companies in the business aircraft marketplace and they are talking constantly about China looking at this, Brazil going into this market space—other countries lining up with different products to go after this home-grown, successful, now export-oriented business in the United States that connects the other 4,500 airports that do not have commercial service.

This is a big issue. I congratulate Wichita for its growth in exports, being one of the leading cities in the world—certainly in our country and in the world—in exports. I ask the administration to support this home-grown industry. I ask my colleagues to look at this as well.

I further point out when we look at military aircraft, certainly the big tanker contract that has been such a controversy around here, that we do not give those jobs to overseas companies such as Airbus that is bidding on the tanker contract but, rather, that those jobs be done here and not subsidized and bought by other countries around the world. Let's not let it happen in the large-scale commercial market. Let's not let it happen in the tanker business. Let's not let it happen in general aviation. These are high-wage, high-skill manufacturing jobs that we need in the United States, that we have in the United States, and we should not let them be stolen by practices overseas that are not legal under the World Trade Organization.

I yield the floor.

Mr. UDALL of Colorado. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL RENEWABLE ELECTRICITY STANDARD

Mr. UDALL of Colorado. Madam President, I rise today to urge us here in the Senate to seize an opportunity that is critically important to our Nation's economic recovery and our long-term energy future by establishing a National Renewable Electricity Standard which is known in the industry as

an RES. We will without a doubt spur a new clean energy economy.

Many of my colleagues here in the Senate agree with me. My colleague from Kansas has been a leader on the need for a renewable electricity standard, and this week he has made a call to all of us to join him in promoting one.

Let me also specifically thank Senator DORGAN from North Dakota and Senator TOM UDALL from New Mexico for joining me to urge adoption of the strong Federal RES. Establishing energy security, perhaps above any other issue, will assure our Nation's future success. Quite simply, a 21st century clean energy policy is essential to our Nation's economic growth, it is essential to creating jobs now and into the future, and it is clearly the linchpin for our national security. The philosopher Santayana famously wrote, ''Those who cannot remember the past are condemned to repeat it.''

If I can turn that saying on its head a little bit, I wish to review what happened in Colorado in the hopes that we can repeat it across our great country. Back in 2004, Colorado took a big step forward and embraced the emerging clean energy economy.

In that year, I led a bipartisan ballot issue with Republican former Speaker of the Colorado House Lola Spradley in a campaign to convince the voters of Colorado to approve a State-based RES that would harness renewable resources such as the Sun, the wind, the heat that comes out of the Earth called geothermal.

We barnstormed the State over and over again, the two of us, a Republican and a Democrat. We spoke to anybody who would listen to us. There was a lot of industry opposition to an RES, and there were dire predictions that it would cost consumers money and it would damage Colorado's economy. They were familiar arguments. I had heard them before, and I had witnessed defeat on this issue before. The Colorado legislature had voted against an RES four different times, including my bill back in 1997, to establish an RES when I was a member of the Colorado house.

We could not convince elected officials to vote for an RES at the State house, and in our State senate. But Colorado voters understood the value and the promise of renewable energy. In the end, in that campaign in 2004, they approved what we called Amendment 347, and it established a target that 10 percent of Colorado's electricity would come from renewable energy resources by 2015.

In so doing, we became the first State to create an RES by a voter-passed initiative. This clearly defined goal, this clean energy goal, inspired us Coloradans to rise to the challenge. In 3 years, we had given ourselves over 10 years to meet this challenge. We were on pace to meet that 10-percent RES goal. We were well ahead of schedule. Our legislatures saw this rapid success, and they decided to take the bull by the horns. They approved an increase to 20 percent by 2020, which was another aggressive but a reachable goal. By that time, Xcel Energy—I know the Presiding Officer and I talked earlier today about utilities and the important role they play in our States—Xcel Energy, which is a major Colorado utility that opposed the RES in 2004, fully supported this increase to 20 percent by 2020, because they saw that renewable energy sources can provide clean, cost-effective energy to their customers.

By the way, it turned out it was good for business. Xcel is now the Nation's No. 1 provider of wind energy, and a leading proponent of a strong RES. But we were not done. Earlier this year the Colorado legislature approved and our Governor Bill Ritter signed a bill to increase the RES even further, 30 percent by 2020.

That makes our standard, our RES, the second most aggressive one in the Nation, just behind California. I put up a chart here to show the viewers how many States have renewable electricity standards. I see the Presiding Officer's home State right there, down in the lower left corner. Over two-thirds of the States have an RES or renewable energy goal.

I know if we here in Congress can act and start by thinking boldly and then act, and learn from the success of our State and all of the other States on this map, our Nation can position itself to take the lead in the new global clean energy economy.

I know some still want to look backward instead of forward and continue to offer dire predictions that an RES would cost consumers, be too expensive, or kill jobs. But I have to tell you, in Colorado those predictions turned out simply to be false. In fact, the opposite was proven true. With an RES in place, our economy, our clean energy economy, sparked to life. We have had clean energy companies sprouting up all across our State, creating sustainable American jobs, jobs that cannot be outsourced.

I want to share a couple of the examples with the Senate. SMA Solar, which is one of the world's lead producers of solar inverters, established manufacturing facilities in Colorado. Abound Solar, which is a successful thin-film solar company, spun out of Colorado State University, our land grant university, opened a manufacturing facility in Longmont, CO, creating hundreds of jobs in that community. This month, they announced they are going to expand their facility.

Vestas, the world's largest manufacturer of wind turbines, has also taken root in our great State and has created over 1,000 highly skilled manufacturing jobs at its three Colorado factories since 2007. They recently announced a major hiring initiative to employ hundreds of additional workers at their three Colorado factories in the next 12 to 18 months.

The good news as well is that the presence of a company such as Vestas, which is manufacturing, is that you then attract supply chain businesses. An example of such a business is Hexcel Corporation. They have established a manufacturing facility in Windsor, a nice Colorado town up in the northeastern part of our State. They produce carbon fiber and other components for Vestas right in our back yard.

So as you can tell, these are clear examples of how an RES can create jobs and growth in our economy. In fact, if you look at the numbers in Colorado, we have created nearly 20,000 new jobs in my State since 2004 tied to this RES.

Estimates about the solar energy requirement—that is a subset of amendment 37—have brought in nearly 1,500 jobs. So we are aggressively installing solar panels and producing electricity on the roofs of peoples' homes and businesses. These stories abound all over Colorado.

In my mind, the question then becomes—it is an obvious one—how can we replicate the success that Colorado has had on our national level? It obviously helps to be blessed with the natural resources that we have in our State. All of our States are created differently with different resources.

I know this particularly lands in front of my colleagues. My colleagues from the South are tracking this issue very closely for that reason. They have concerns that their States do not have enough renewable energy resources to meet a national RES without electricity prices increasing.

I wanted to share with my colleagues a report released this week by the Nicholas Institute at Duke University, which found that the South has more renewable resources than expected, and could reasonably receive 15 percent of its electricity from wind, biomass, and solar energy by 2020, and without an increase in electricity costs.

I know this is one study. But as we have seen in Colorado, renewable resources are only one part of the equation. Once there is a market in place, and our utilities become familiar with renewable energy, meeting an RES becomes increasingly achievable. In fact, recent analysis indicates that wind, geothermal, and biomass are already cost competitive with traditional electricity production.

The result, in many situations, is the costs across the country then are leveled. It affects each and every one of our utilities and therefore consumer rates. We can change how we generate and approach energy use to take full advantage of renewable energy resources in each of our States, and then we create new markets and business opportunities out of this clean energy focus, and that truly is a clean energy future.

This is an enormous economic opportunity for us in the 21st century. The global demand for clean energy is growing by $1 trillion. That is almost a number I cannot get in my head, $1 trillion every year. The lesson to be

learned from Colorado is that an effective RES, a real RES, can unleash the American entrepreneurial spirit.

I believe it is our job in the Senate to pursue these sorts of forward-looking policies that will help America seize and lead this growing market. Again, I want to urge my colleagues to support the strongest possible RES in any energy legislation that is brought to the floor this year.

I have alluded to the hesitation that some of my colleagues have felt about a robust RES. I saw that in Colorado firsthand for many years. It is tempting to dip your toe in the water when it comes to renewable energy. But make no mistake, we are in a race against foreign competitors, and we are being left behind. The Presiding Officer and I recently returned from China where we discussed clean energy issues with American businesses located there. And China, we found out, will soon be the owners of the largest wind and solar-powered facilities. They are pursuing renewable energy and clean energy technology so ambitiously, not because they necessarily want to save the planet, but because it makes good business and economic sense.

This week, we heard that China's energy use has surpassed ours for the very first time. But I have to tell you, in my opinion from what I read and hear, they are taking more bold action to address their growing demand than we are. Then they also announced last week that they are considering plans to invest $738 billion over the next 10 years in clean energy development. That is nearly the entire size of our Recovery Act that we put in place last year in the United States. Just imagine, their economy is using a comparable amount of energy, but they take clean energy so seriously that they plan to invest a stimulus-size amount of money solely in renewables. I saw it firsthand. And to use a well-worn term, they are about ready to eat our lunch when it comes to clean energy.

I do not want to miss this historic opportunity to implement a strong RES, so let me take a few more minutes to explain what standard I believe we must meet. I want to put a chart up here to show what different levels of percentages would mean for job creation. When you set a standard, you want to set it at a level you can be proud of and one that would spur innovation and the creativity to achieve it.

Senator TOM UDALL and I filed a bill last year in the Senate which had previously passed in the House, where we served, mandating an RES of 25 percent of renewable electricity by 2025. That is this side of the chart here. Senator DORGAN has recommended a similarly aggressive standard.

Why is it important to aim for these ambitious levels? Well, looking again at the chart, if we were to invest wisely in a robust RES, a recent Navigant report estimates that the U.S. economy could add nearly 275,000 jobs. These are excellent paying jobs. They cannot be outsourced, and they support this concept of energy independence.

I cannot think of a better deal than this for Americans. Make no mistake about it, our country must have an all-of-the-above energy policy. Conservation and energy efficiency efforts are the quickest way to reduce energy demand today. Nuclear energy and natural gas can and should fill a larger share of our energy portfolio as they both are cleaner fuels.

In addition, we all know that America is going to be dependent on fossil fuels for years to come, so all of those have to be in our energy mix. We have to acknowledge those facts in order to embrace 21st century solutions. But when you look at the future demands for clean energy and economic opportunities ahead of us, renewable energy holds the greatest promise.

The more homegrown renewable energy we can produce, the less money we need to spend buying oil from foreign nations that wish to do us harm or do not agree with our principles or values. I do not think anyone—I hope—I do think not anyone in this Chamber can argue with the proposition that we should be moving aggressively toward energy independence.

As I begin to close, it is time we make a concerted national effort to reclaim our position at the front of the pack. Many of the technologies that the Chinese are utilizing, the Europeans are utilizing, and other nations around the world, we developed in the 1970s and 1980s. But we have got to get back to the front of the parade, where we harness the wind and the Sun and other renewable resources here in America and we put Americans to work developing, building, and leading the clean energy revolution.

I urge and ask my colleagues to work with Senator DORGAN, Senator UDALL of New Mexico, and me and the many others who have joined us in this effort to have a strong renewable electricity standard. With all humility, let's follow Colorado's successful example, and let's adopt a clean energy policy that drives innovation, inspires entrepreneurs, and delivers commonsense American solutions to meet our 21st century energy challenges.

I want to close on a final note. I wanted to acknowledge that a wonderful young man, my energy fellow, Kelly Knutsen, who is in the Chamber right now, is leaving my office to join the office of Senator REED of Rhode Island as a legislative assistant. I wish to thank him for his work in my office, especially for his help on several bills I introduced this year, including my SUN Act and my E-Know bill. Although we will miss him, I know Kelly will be a very strong asset for Senator REED and Senator REED's focus on energy policy as well.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HAGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

MORNING BUSINESS

Mrs. HAGAN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING CLARENCE WOLF GUTS

Mr. JOHNSON. Mr. President, today i pay tribute to Clarence Wolf Guts who passed away on June 16, 2010, at the South Dakota State Veterans Home at the age of 86. Clarence was the last surviving Lakota Code Talker. Code talkers played a crucial role in World War II in communicating positions and messages that the enemies could not decipher. Their contributions to the war effort are immeasurable. Clarence enlisted in the Army at age 18 and was the personal code talker for MG Paul Mueller, commander of the U.S. Army's 81st Infantry. He traveled with General Mueller and the 81st as the division moved from island to island during the fight against the Japanese during World War II.

Clarence did not seek the limelight; he simply served his Nation honorably. In later years, Clarence became a spokesman among tribal elders and traditional leaders about the importance of keeping Native languages alive for future generations. He was very proud to be a veteran, a full-blooded Lakota, and a Lakota speaker.

I had the pleasure of meeting Clarence at a ceremony honoring him in 2006 on Capitol Hill. Clarence is one of many South Dakotans who make us proud with their service to our Nation. Our nation owes him a debt of gratitude, and the best way to honor his life is to emulate his commitment to our country. Mr. President, I join with all South Dakotans in expressing my deepest sympathy to the family of Clarence Wolf Guts. He will be missed, but his service to our Nation will never be forgotten.

ADDITIONAL STATEMENTS

TRIBUTE TO ROSE (PENNY) PENN ROSS

• Mr. BOND. Mr. President, today I wish to thank Rose Penn Ross for her dedicated service to our Nation during World War II. Mrs. Ross, or Penny as she is called, is a retired school teacher who selflessly answered the patriotic

call to duty when she enlisted in the Women Airforce Service Pilots—WASP—organization during World War II.

Like many of her counterparts in the ''Greatest Generation,'' Penny wanted to help the war effort. As a licensed pilot, Penny wanted to serve by flying planes, and joined 25,000 women in applying for the WASP program. After completing exactly the same rigorous military flight training as her male counterparts, Penny became one of only 1,100 women to receive her Silver Wings.

While the WASP organization was not recognized as part of the military until 1977, Penny and the other women serving in WASP played a critical role in the war effort. Within the United States, Penny brought planes from factories to bases, flew experimental aircraft, and towed targets for the gunnery school vital tasks that also freed up male pilots for combat service and duties.

Prior to the war, Penny graduated from the University of Wisconsin with a bachelor's degree in business and earned her master's in education from the University of Missouri. She married her beloved Vernon M. Ross and settled in Missouri. Vernon and Penny started a family, which grew to include four children: Robert, Barbara, David, and Richard; eight grandchildren; and five great-grandchildren. After WASP was disbanded in 1944, Penny began her teaching career. She taught secondary school for 30 years in Harrisburg, Glasgow, and Moberly, molding young minds in the subjects of business, math, and French.

In addition to her legacy of family and her love of learning, Penny has created a legacy of service to our Nation.

Penny, her fellow female pilots, and the countless other men and women who served their nation during World War II made possible the conquering of some of freedom's worst foes of the 20th century: Hitler, Mussolini, and Hirohito. Thanks to the struggles and sacrifices of all of our troops from here at home, to Normandy, Tunisia, Midway, and Guadalcanal, those of us in subsequent generations have lived in relative peace and prosperity.

It is only fitting that earlier this year Americans like Penny were recognized for their contributions to the freedom we enjoy today. On March 10, 2010, Mrs. Ross attended the WASP Congressional Gold Medal Ceremony in the U.S. Capitol. With her family by her side, she was presented with a bronze medal replica of the Gold Medal. Today, Penny resides in the Veterans Home-Mexico, MO.

Penny, we are grateful for your service to your family, your community, and your country. Your story is an inspiration to people in all generations today who want to make a difference.●

FRESNO CITY COLLEGE'S 100TH ANNIVERSARY

● Mrs. BOXER. Mr. President, I ask my colleagues to join me in celebrating the 100th anniversary of Fresno City College, California's first community college and the second oldest in the Nation.

Fresno City College was the brainchild of Charles L. McLane, the superintendent of Fresno Schools in the early 1900s. Mr. McLane was concerned that many students from the San Joaquin Valley could not afford to attend the nearest universities located outside the San Joaquin Valley. He envisioned a junior college in Fresno that would allow young students to receive an affordable and quality education through their first 2 years of college while still being able to reside at home.

Mr. McLane worked diligently to recruit instructors and design the curriculum. He secured commitments from the University of California and Stanford University that students who completed their coursework in Fresno would be accepted to those schools to further their education.

In September 1910, Fresno Junior College officially opened with 20 students and 3 full-time faculty members. Students studied mathematics, English, Latin, history, and economics. In addition, the new campus provided vocational training in areas such as agriculture, commerce and the industries that many 4-year universities did not offer.

In 1958, Fresno Junior College adopted its current name, Fresno City College. A year later, it permanently moved to its home for over the past 51 years on 1101 E. University Avenue in central Fresno.

Today, Fresno City College has grown from a small campus of 20 students and 3 faculty members to a dynamic community college whose average enrollment is approximately 25,000 students. It is a highly regarded community college that features award-winning programs in several disciplines, including nursing and vocational training.

For the past century, Fresno City College has been a dependable and accessible institute of higher learning that has empowered generations of San Joaquin Valley residents, many of whom overcame challenging backgrounds, to realize their full potential in many different aspects of life.

It is my pleasure to congratulate the administration, students, faculty, staff and proud alumni of Fresno City College on 100 years of educational leadership and excellence in the San Joaquin Valley. I send my best wishes for many more years of continued success.●

TRIBUTE TO LEWIS MONROE HUDDLESTON

● Mr. CRAPO. Mr. President, today I honor Lewis Monroe Huddleston on the upcoming occasion of his 80th birthday. Mr. Huddleston has spent his life committed in service to his country, his church and, foremost, his family.

Lewis was born September 14, 1930, although this apparently has long been a source of discussion in his family. His actual date of birth may be September 13. His mother always swore he was born on September 13, and that all the legal documents, which list his birthday at September 14, were wrong. As one should, I think I will side with Lew's mother on this one and would like to share with you some of the commendable actions of Lew's life.

He honorably served our country in the military, entering the U.S. Navy in 1950. He was assigned to the USS *Henry W. Tucker* as a boatman's mate. His military service took him on reconnaissance missions both in Korea and Red China. He received four medals: Good Conduct Medal, National Defense Service Medal, Korean Service Medal—2–Star—and United Nations Service Medal. Lew was honorably released in 1954, and then headed to the Midwest.

He found work in the oil fields there, and one of his jobs took him to Sidney, NE, where he fell head over heels for a lovely young lady, Joyce Sewell. They were married on December 20, 1955, and have built a happy life together in Sidney where they raised three children, Lewis, Jr., Cindy and Shawn, who have given them three wonderful grandchildren.

Lew and Joyce built a life committed to family, service to God and service to the community. Throughout his life, Lew has given of himself—first in military service, then to his church and his community. Always involved, he could be heard cheering for his kids at their sporting events or found heading up a DeMolay or Jobs Daughter fundraiser. Not ever characterized as shy, Lew walks into a room of strangers and leave that room as everyone's best friend. Those friends, spread across the country, know that if called upon for help and he will always answer.

Even as he approaches his 80th birthday, Lew remains very much involved with his community. Although his children are grown with families of their own, Lew continues to volunteer in the local schools and wherever he is needed.

I am honored to number his son Lewis, Jr., and his wife Leslie among my friends. Through them, I have come to know Lew Huddleston as a true patriot, who exemplified that label not only by his military service, but the continued gift he gives every day to family, community and country. Lew, it is individuals like you who are America's true heroes and give the United States its strength. We can never fully repay your contribution. Thank you for your service to our country, and happy birthday.●

TRIBUTE TO WILLIE JEFFRIES

• Mr. GRAHAM. Mr. President, today I ask the Senate to join me in recognizing Coach Willie Jeffries on the occasion of his induction into the College Football Hall of Fame on Saturday, July 17, 2010. Willie Jeffries is a legend in the State of South Carolina. As the first African-American head coach of a NCAA Division I–A football program, he was a giant in the football world, and proved to be an incredible leader both on and off the field.

Coach Jeffries was born in Union, SC, on January 4, 1937. He graduated from South Carolina State University, SCSU, where he would later return as the head football coach. If there was ever a ''glass is half full'' guy, it was Willie Jeffries. Coach Jeffries was defined by his optimistic outlook on life and the world around him.

Willie Jeffries began his career at South Carolina State University where he served as coach from 1973–1978. From there, he went on to become head coach at Wichita State University in 1979. With his hiring, Coach Jeffries became the first African-American head coach of a NCAA Division I–A program. After winning only one game his first season, he held the post for five seasons and led his team to an 8–2 record his third year. During his tenure at Wichita State University, Coach Jeffries became the only man to coach against legendary coaches Eddie Robinson of Grambling and Paul ''Bear'' Bryant of the Alabama. He left Wichita State University with a record of 21–32–2, ranking him third in university history for total wins.

From 1984–1988 Coach Jeffries took over the program at Howard University, leading them to the first of his seven Mid-Eastern Athletic Conference—MEAC—Championships. In 1989 he returned to his alma matter to take his position as head coach for the South Carolina State University Bulldogs. Coach Jeffries finished out his career as the head coach of South Carolina State.

During his time in coaching, he led his teams to numerous post-season appearances, six Mid-Eastern Athletic Conference—MEAC—titles, and two Black college national championships. Coach Jeffries won almost 60 percent of the games he coached, and when he retired in 2001 he did so as the winningest coach in MEAC history with a 179–132–6 career record. In 2010, South Carolina State University further honored him by naming him Head Football Coach Emeritus by the University Board of Trustees.

Throughout his career, Coach Jeffries was named coach of the year on eight different occasions. In 2002 he was awarded the lifetime achievement award by the Black Coaches Association. In addition to being an inductee of both the MEAC Hall of Fame and SCSU Athletic Hall of Fame, Jeffries was awarded the Order of the Silver Crescent in 2001. This is South Carolina's highest honor for Outstanding Community Service.

Coach Jeffries success on the field is not only matched but exceeded by his actions off the field. He possesses a great spirit of optimism, humor, intellect, and decency that has made him a role model for all the young men he has coached and those of us who call him a friend.

I ask that the U.S. Senate join me in honoring him for his impressive coaching career and newest honor as an inductee into the College Football Hall of Fame.•

2010 ALTUS GRAPE FESTIVAL

• Mrs. LINCOLN. Mr. President, today I join residents of Altus and all Arkansans to commemorate the 2010 Altus Grape Festival.

For 27 years, the Altus Grape Festival has celebrated area grape growers and recognized the heritage of the grape in Altus. The festival is sponsored each year by the area's local wineries—Post Familie, Mount Bethel, Wiederkehr, and Chateau Aux Arc—and by area grape growers, businesses, civic organizations and residents.

Known as the ''Arkansas Wine Capital,'' Altus welcomes visitors from across the State, Nation, and world to celebrate the area's rich heritage during the festival. The 2-day event features a variety of activities, including a Friday night street dance and fireworks display, live music, grape-related games for children and adults, a grape stomp competition, quality juried arts and crafts, and wine and juice tasting by all local wineries. Amateur winemakers are also invited to bring the best of their homemade wine to the Amateur Winemaking Competition.

I commend the residents of the Altus area for their commitment to the history and heritage of Arkansas. I wish them all the best as they celebrate during this year's Grape Festival.•

ARKANSAS'S DELEGATES TO BOYS NATION AND GIRLS NATION

• Mrs. LINCOLN. Mr. President, today I recognize four young Arkansans who have represented our State during Boys Nation and Girls Nation events in Washington, DC. These students represent the best of our State, and I was proud to visit with them during their trip to our Nation's Capitol.

Arkansas's Boys Nation delegates for 2010 are Alex Geiger from North Little Rock and Joseph Kieklak from Fayetteville. Arkansas's Girls Nation delegates for 2010 are Brittany Webb of Jonesboro and Devika Menta of Conway. These students were also a part of Boys State and Girls State, held earlier this summer in Arkansas.

I commend our Boys and Girls State delegates for their dedication and commitment to learning about our Nation's legislative process on the local, State, and Federal levels. The knowledge they gain will benefit them for the rest of their lives.

As a former delegate, I can say that attending Girls State was one of several experiences that heightened my passion for public service. It was a huge part of my overall process of growing up and learning to respect our country, government, and fellow man.

Sponsored by the American Legion and the American Legion Auxiliary, Boys and Girls Nation brings together high school students from across the country to learn about government and citizenship.

I also comment the American Legion and the American Legion Auxiliary, of which I am a member, for their efforts to educate and inform our Nation's youth.•

2010 ARKANSAS COMMUNITY SERVICE AWARD RECIPIENTS

• Mrs. LINCOLN. Mr. President, today I congratulate recipients of the 2010 Arkansas Community Service Awards. I am proud of their dedication to helping fellow Arkansans, and I commend their spirit of volunteerism, community involvement, and service. These men and women represent the best of Arkansas, and I congratulate them on this prestigious recognition.

This year's winners are:

INDIVIDUAL

Neta Stamps of Berryville
James Brown of Norphlet
Lorrie Lindeman of Heber Springs
Raul Blasini of Pochontas
Theodoshia Cooper of Little Rock
Stella Lowe of Little Rock

YOUTH HUMANITARIAN

Matt Eckess of Maumelle

SMALL CORPORATE HUMANITARIAN

Reynolds Forestry Consulting and Real Estate of Magnolia

LARGE CORPORATE

CenterPoint Entergy

For 32 years the Arkansas Community Service Awards have recognized individuals and businesses for their dedication and commitment to supporting volunteerism throughout Arkansas. The awards are sponsored by the Department of Human Services-Division of Volunteerism, DOV, KARK Channel 4, the Governor's Office, and Duncan Law Firm.

We all know the challenges that face our State and Nation. Community service is a critical component of tackling these challenges and making us stronger. I encourage all Arkansans to embrace the spirit of volunteerism and community service on display by this year's Community Service Award winners. Working together, we can make a difference in our local communities and across our great State.•

ARKANSAS HISTORIC SITES

• Mrs. LINCOLN. Mr. President, today I recognize two Arkansas historic sites that have been added to the National Register of Historic Places. These Arkansas landmarks help define our State's history and heritage, and I am

proud to see them included on the National Register.

The newly listed properties are:

WEST MEMPHIS CITY HALL

West Memphis City Hall at 100 Court Street in West Memphis in Crittenden County was constructed in 1938 through the Public Works Administration program and opened July 18, 1939.

ANTIOCH MISSIONARY BAPTIST CHURCH CEMETERY IN SHERRILL

Antioch Missionary Baptist Church Cemetery in Sherrill in Jefferson County, a Black cemetery behind the church, predates the existing church and is the oldest structure onsite. The earliest documented burial in the cemetery, the grave of the Rev. Louis Mazique, was in 1885.

Along with all Arkansans, I congratulate these communities for receiving this national recognition. I also salute the local officials and residents of our State for their efforts to maintain the beauty and history of their communities.●

OPEN ARMS SHELTER

● Mrs. LINCOLN. Mr. President, today I recognize the staff, board members, and volunteers of Open Arms Shelter in Lonoke County for their steadfast efforts to provide a home for abused or neglected children.

Over 25 years, more than 2,100 children have found a temporary home at Open Arms until they are able to be placed in a relative's home, a foster home, or a long-term facility.

Under the leadership of executive director Susan Bransford, the shelter served 177 children in 2009 and expects to serve at least that many this year.

Open Arms provides children with the resources and care they need to be successful in school and life. The children attend school in Lonoke and have access to afterschool tutors if needed. Open Arms provides food, clothing, medical care and housing, while also offering recreational and educational outings and lessons, all within a structured, disciplined environment.

The shelter employs 11 staff members, 2 of whom live at the shelter, along with 2 part-time cooks, a case coordinator, a part-time bookkeeper and 2 relief workers.

The Open Arms board of directors includes individuals from throughout Lonoke County. They are: Shelby Hillman, Kathy Millard and David Woods of Carlisle; Peggy Anderson, Merritt Holman, Kaye Anderson and Betty Wilson of Lonoke; Leann Hanshaw, Rhonda Harps, Rhonda House and Patrick J. Hagge of Cabot; Pam Foster, Gary Canada and Sherry Sandage of England; and LuAnn Ashley of Little Rock, member at large.

I commend the entire Open Arms community for their dedication to helping children in need with compassion and a loving heart.●

TRIBUTE TO DEVON ALEXANDER

● Mrs. MCCASKILL. Mr. President, I ask the Senate to join me in recognizing Devon Alexander ''The Great'' of Saint Louis, MO. It is an honor to celebrate and pay tribute to Devon's undefeated boxing career and commitment to giving back to his community.

Devon was born on February 10, 1987, in North Saint Louis. Seven years later, he began his boxing career after discovering a gym run by St. Louis police officer Kevin Cunningham. The gym was housed in the basement of a former St. Louis City Police Station in the neighborhood of Hyde Park, which had one of the highest crime rates in the city of St. Louis at the time.

Devon continued to improve in the sport of boxing, eventually joining the ranks of the most recognized amateur boxers in the United States. His long list of accomplishments stands as a testament to his love of the sport and personal dedication to success.

As an amateur, Devon participated in almost 300 fights and won every title possible in St. Louis and many at the national level. The titles included four-time Silver Gloves national champion from age 10 to 14; three-time Police Athletic League national champion; 2001 Junior Golden Gloves national champion and Junior Olympic national champion before moving on to win the World Junior Olympics, where he was also named Best Boxer; 2003 U.S. National Champion for those 19 and under; the U.S. National Championship in 2004 in the 141-pound junior welterweight division; and was invited to join the U.S. National Team.

On May 20, 2004, at the age of 17, Devon made the decision to become a professional boxer. He continued to win and amassed a professional record that stands at 20 wins and zero losses. As a professional boxer, Devon faced and received praise from some of boxing's most recognized names.

On August 7, 2010, Devon Alexander ''The Great'' marks his return to St. Louis to defend his undefeated title. He is a strong example of what hard work and perseverance can accomplish. Devon's journey from adversity to success is an inspiration to countless others and it is truly commendable.

Devon will use all proceeds from the ''Devon Alexander Hometown Hero Celebration'' that will be held on August 1, 2010, at St. Louis City Hall, to benefit nonprofit boxing organizations in the St. Louis amateur boxing community.

Devon Alexander ''The Great'' has made the city of St. Louis and the State of Missouri proud.

I ask that the Senate join me in honoring Devon Alexander ''The Great'' for his personal success and service to the Saint Louis community and to our country. I am proud to recognize this extraordinary Missourian and wish him many more healthy, happy, and successful years to come.●

REMEMBERING PAULINE MARTENS

● Ms. MURKOWSKI. Mr. President, today I honor the life and contributions of Pauline Ruth Martens, who recently passed away at the age of 87. Born in Maine and raised near Boston, Pauline came to Alaska soon after World War II with her husband Arnold. Her relationship with the Frontier State began, much as it did with her beloved Arnold, with love at first sight.

In many ways, Pauline's life was about taking the next step while never leaving those who were most important behind. The period after WWII was an exciting time in Alaska, and Pauline was an active participant in the development of Anchorage, the Great Land's largest city. While raising their family, Pauline and Arnold worked together to develop both business and residential properties, including the Palm Motel and the Forest Park South subdivision. To Pauline, however, it was her relationships with family and friends—her role in guiding her children and grandchildren and helping her friends and community—that mattered most.

In addition to the love she gave to her family, Pauline brought her ideals, her zest for life, and her strong character to bear on helping those in the community around her. Beginning as a Girl Scout troop leader during her daughter's Scouting years, to becoming a board member and chairman of the Susitna Council of the Alaska Girl Scouts, Pauline's contributions to the development of Alaska's young women were significant and positive. As her own children grew, Pauline took on the role of helping other children take positive steps forward as a member of the board of Junior Achievement and Hope Cottages, which serves developmentally disabled children and their families.

In whatever endeavor Pauline Martens took on, she was never just a name on a roster. She believed that any undertaking deserved her full participation. So it was no surprise that her commitment to the Republican Party led to her service in roles both ordinary and distinguished. Whether as the ''bouncer'' at the Annual International Food Festival, poll watcher, FREE member promoting the opening of ANWR, State chairman of the Alaska Republican Party, or president of the Alaska Federation of Republican Women, Pauline worked hard for those who shared her beliefs and ideals. Her enthusiasm, hard work, and commitment earned her the title of Woman of the Year in three separate decades from the Anchorage Republican Women's Club, and the Lifetime Achievement Award from the Republican Party of Alaska.

Pauline was a mentor to many young Republican women—including me. She gave encouragement, good counsel, and always a warm smile. I recall many Republican State conventions working side by side with Pauline while she directed so much of the political operations with a graciousness that was appreciated by all.

Still, it was Pauline's love for her family and the beauty of Alaska's

mountains and lakes that many will remember most. I know that she will continue to guide and inspire her children, grandchildren, and the many Alaskans who loved her. I am certain that each time we glimpse Alaska's majestic mountains, lakes, and rivers we will remember Pauline with a smile.●

TRIBUTE TO MRS. MARY WADE

● Mr. NELSON of Nebraska. Mr. President, today I bid farewell to a great Nebraskan. Mrs. Mary Wade, affectionately known as ''Mother Wade.'' She has selflessly served thousands of members of the Salem Baptist Church in Omaha for more than 65 years.

At the age of 92, Mrs. Wade is now moving away from Nebraska where she has lived since moving to my home State in 1944. She will be living with her adult children in Los Angeles, CA.

Mrs. Wade is known far and wide for her service to not only Salem Baptist Church but to the entire Omaha community. She worked hand in hand with her late husband, Dr. J.C. Wade, Sr., who was the pastor at Salem Baptist for many years before his retirement in 1988.

After Dr. Wade's death in 1999, Mrs. Wade continued to serve the people of Omaha and to provide counsel to members of Salem Baptist Church, whose membership, under the leadership of the Wades, grew from 250 to more than 2000.

Thanks to her wise counsel, direction, and leadership, Omaha is a better place because of Mother Mary Frazier Wade.

I join all Nebraskans in bidding Mrs. Wade a fond farewell and thanking her for her service. We will miss her, and we wish her well.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 226. Concurrent resolution supporting the observance of ''Spirit of '45 Day''.

H. Con. Res. 275. Concurrent resolution expressing support for designation of the week beginning on the second Sunday of September as Arts in Education Week.

H. Con. Res. 304. Concurrent resolution directing the Clerk of the House of Representatives to correct the enrollment of H.R. 725.

At 11:37 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1320. An act to amend the Federal Advisory Committee Act to increase the transparency and accountability of Federal advisory committees, and for other purposes.

H.R. 3101. An act to ensure that individuals with disabilities have access to emerging Internet Protocol-based communication and video programming technologies in the 21st century.

At 2:17 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5849. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

ENROLLED BILLS SIGNED

At 3:30 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 725. An act to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes.

H.R. 4684. An act to require the Secretary of the Treasury to strike medals in commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National September 11 Memorial & Museum at the World Trade Center.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUYE).

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1320. An act to amend the Federal Advisory Committee Act to increase the transparency and accountability of Federal advisory committees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 226. Concurrent resolution supporting the observance of ''Spirit of '45 Day''; to the Committee on Foreign Relations.

H. Con. Res. 275. Concurrent resolution expressing support for designation of the week beginning on the second Sunday of September as Arts in Education Week; to the Committee on Health, Education, Labor, and Pensions.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3657. A bill to establish as a standing order of the Senate that a Senator publicly disclose a notice of intent to objecting to any measure or matter.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on July 27, 2010, she had presented to the President of the United States the following enrolled bill:

S. 1053. An act to amend the National Law Enforcement Museum Act to extend the termination date.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6811. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyraclostrobin; Pesticide Tolerances'' (FRL No. 8834–8) received in the Office of the President of the Senate on July 21, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6812. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Poly(oxy-1,2-ethanediyl), a-isotridecyl-w-methoxy; Exemption from the Requirement of a Tolerance'' (FRL No. 8830–6) received in the Office of the President of the Senate on July 21, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6813. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Trichoderma Hamatum Isolate 382; Exemption from the Requirement of a Tolerance'' (FRL No. 8835–6) received in the Office of the President of the Senate on July 21, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6814. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''2-Propanol, 1,1',1''-nitrilotris-; Exemption from the Requirement of a Tolerance'' (FRL No. 8825–6) received in the Office of the President of the Senate on July 21, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6815. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a violation of the Antideficiency Act that occurred on August 25, 2004 in one of the Agency's two-year appropriation accounts titled ''Science and Technology''; to the Committee on Appropriations.

EC–6816. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Reporting of Commercially Available Off-the-Shelf Items that Contain Specialty Metals-Deletion of Obsolete Clause'' (DFARS Case 2009–D024) received in the Office of the President of the Senate on July 22, 2010; to the Committee on Armed Services.

EC–6817. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Excessive Pass-Through Charges'' (DFARS Case 2006-D057) received in the Office of the President of the Senate on July 22, 2010; to the Committee on Armed Services.

EC–6818. A communication from the Under Secretary of Defense (Comptroller), Department of Defense, transmitting, pursuant to law, a quarterly report entitled, ''Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account''; to the Committee on Armed Services.

EC–6819. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Recreational Management Measures for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Fishing Year 2010'' (RIN0648–AY04) received in the Office of the President of the Senate on July 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6820. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Comprehensive Ecosystem-Based Amendment 1 for the South Atlantic Region; Correction'' (RIN0648–AY32) received in the Office of the President of the Senate on July 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6821. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Deep-Water Species Fishery by Catcher Vessels in the Gulf of Alaska'' (RIN0648–XX32) received in the Office of the President of the Senate on July 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6822. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Western Regulatory Area of the Gulf of Alaska'' (RIN0648–XX53) received in the Office of the President of the Senate on July 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6823. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Adjustment to the Loligo Trimester 2 and 3 Quota'' (RIN0648–XW95) received in the Office of the President of the Senate on July 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6824. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska'' (RIN0648–XX39) received in the Office of the President of the Senate on July 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6825. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XX19) received in the Office of the President of the Senate on July 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6826. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XX17) received in the Office of the President of the Senate on July 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6827. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2010 Harvest Specifications for Yelloweye Rockfish and In-Season Adjustments to Fishery Management Measures'' (RIN0648–BA00) received in the Office of the President of the Senate on July 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6828. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Catcher/Processors in the Gulf of Alaska'' (RIN0648–XX31) received in the Office of the President of the Senate on July 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6829. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Catcher/Processor Rockfish Cooperatives in the Gulf of Alaska'' (RIN0648–XX33) received in the Office of the President of the Senate on July 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6830. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Amboy, California)'' (MB Docket No. 10–63) received in the Office of the President of the Senate on July 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6831. A communication from the Policy Advisor/Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Review of Personal Radio Services Rules'' (FCC 10–106) received in the Office of the President of the Senate on July 26, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6832. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish and Pelagic Shelf Rockfish for Trawl Catcher Vessels Participating in the Entry Level Rockfish Fishery in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XX34) received in the Office of the President of the Senate on July 22, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6833. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Elemental Mercury Used in Flow Meters, Natural Gas Manometers, and Pyrometers; Significant New Use Rule'' (FRL No. 8832–2) received in the Office of the President of the Senate on July 21, 2010; to the Committee on Environment and Public Works.

EC–6834. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Amendments to National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Prepared Feeds Manufacturing'' (FRL No. 9176–7) received in the Office of the President of the Senate on July 21, 2010; to the Committee on Environment and Public Works.

EC–6835. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Emissions Inventory Reporting Requirements and Conformity of General Federal Actions, Including Revisions Allowing Electronic Reporting Consistent with the Cross Media Electronic Reporting Rule'' (FRL No. 9177–4) received in the Office of the President of the Senate on July 21, 2010; to the Committee on Environment and Public Works.

EC–6836. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Rhode Island: Final Authorization of State Hazardous Waste Management Program Revisions'' (FRL No. 9179–5) received in the Office of the President of the Senate on July 21, 2010; to the Committee on Environment and Public Works.

EC–6837. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of One-Year Extension for Attaining the 1997 8-Hour Ozone Standard in the Baltimore Moderate Nonattainment Area'' (FRL No. 9179–1) received in the Office of the President of the Senate on July 21, 2010; to the Committee on Environment and Public Works.

EC–6838. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; New York Reasonably Available Control Technology and Reasonably Available Control Measures'' (FRL No. 9178–5) received in the Office of the President of the Senate on July 21, 2010; to the Committee on Environment and Public Works.

EC–6839. A communication from the Program Manager, Office of Consumer Information and Insurance Oversight, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Interim Final Rules for Group Health Plans and Health Insurance Issuers Relating to Internal Claims and Appeals and External Review Processes Under the Patient Protection

and Affordable Care Act'' (RIN0991–AB70) received in the Office of the President of the Senate on July 22, 2010; to the Committee on Finance.

EC–6840. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Hospice Wage Index for Fiscal Year 2011'' (RIN0938–AP84) received in the Office of the President of the Senate on July 22, 2010; to the Committee on Finance.

EC–6841. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities for Fiscal Year 2011'' (RIN0938–AP87) received in the Office of the President of the Senate on July 22, 2010; to the Committee on Finance.

EC–6842. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, including, technical data, and defense services to the United Arab Emirates to Support the sale of F–16 Block 60 Fighter Aircraft in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–6843. A communication from the Director of Human Resources, Railroad Retirement Board, transmitting, pursuant to law, a report relative to the category rating system; to the Committee on Health, Education, Labor, and Pensions.

EC–6844. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Sufficiency Certification for the Washington Convention and Sports Authority's Projected Revenues and Excess Reserve to Meet Projected Operating and Debt Service Expenditures and Reserve Requirements for Fiscal Year 2011''; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 1132, a bill to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes (Rept. No. 111—233).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

H.R. 1454. A bill to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp (Rept. No. 111—234).

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 Ms. KLOBUCHAR:

S. 3651. A bill to amend title 18, United States Code, with respect to the offense of stalking; to the Committee on the Judiciary.

By Mr. THUNE:

S. 3652. A bill to provide for comprehensive budget reform in order to increase transparency and reduce the deficit.

By Mr. CORNYN (for himself, Mr. HATCH, Mr. ROBERTS, Mr. COBURN, Mr. KYL, and Mr. MCCAIN):

S. 3653. A bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. FEINGOLD, and Mr. WEBB):

S. 3654. A bill to amend title 11 of the United States Code to include firearms in the types of property allowable under the alternative provision for exempting property from the estate; to the Committee on the Judiciary.

By Mr. JOHANNS:

S. 3655. A bill to establish a point of order against certain climate change legislation; to the Committee on Rules and Administration.

By Mrs. LINCOLN (for herself, Mr. CHAMBLISS, Mr. GRASSLEY, Mr. NELSON of Nebraska, Mr. JOHANNS, Mr. BAUCUS, Mr. BENNET, Mr. HARKIN, and Mr. ROBERTS):

S. 3656. A bill to amend the Agricultural Marketing Act of 1946 to improve the reporting on sales of livestock and dairy products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WYDEN (for himself, Mr. GRASSLEY, and Mrs. MCCASKILL):

S. 3657. A bill to establish as a standing order of the Senate that a Senator publicly disclose a notice of intent to objecting to any measure or matter; read the first time.

By Mr. UDALL of Colorado (for himself, Mr. BENNET, Mr. BEGICH, Mrs. SHAHEEN, and Mr. CASEY):

S. 3658. A bill to provide professional development for elementary school principals in early childhood education and development; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself and Mrs. MURRAY):

S. 3659. A bill to reauthorize certain port security programs, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BAUCUS:

S.J. Res. 36. A joint resolution proposing an amendment to the Constitution of the United States relative to authorizing regulation of contributions to candidates for State public office and Federal office by corporations and labor organizations, and expenditures by corporate entities and labor organizations in support of, or opposition to such candidates; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAHAM (for himself, Mr. ALEXANDER, Mr. BAYH, Mr. BOND, Mrs. BOXER, Mr. BROWN of Ohio, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Mr. CORKER, Mr. CORNYN, Mr. DEMINT, Mr. DURBIN, Mrs. HAGAN, Mrs. HUTCHISON, Mr. ISAKSON, Mr. KAUFMAN, Ms. LANDRIEU, Mr. LEMIEUX, Mr. LEVIN, Mrs. LINCOLN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. SESSIONS, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, and Mr. WICKER):

S. Res. 595. A resolution designating the week beginning September 12 , 2010, as ''National Historically Black Colleges and Universities Week''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 538

At the request of Mrs. LINCOLN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 538, a bill to increase the recruitment and retention of school counselors, school social workers, and school psychologists by low-income local educational agencies.

S. 653

At the request of Mr. CARDIN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 654

At the request of Mr. BUNNING, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 654, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1295

At the request of Mrs. SHAHEEN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1295, a bill to amend title XVIII of the Social Security Act to cover transitional care services to improve the quality and cost effectiveness of care under the Medicare program.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1633

At the request of Ms. CANTWELL, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1633, a bill to require the Secretary of Homeland Security, in consultation with the Secretary of State, to establish a program to issue Asia-Pacific

Economic Cooperation Business Travel Cards, and for other purposes.

S. 2902

At the request of Ms. COLLINS, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Ohio (Mr. VOINOVICH) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of S. 2902, a bill to improve the Federal Acquisition Institute.

S. 2942

At the request of Mr. PRYOR, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2942, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish a nanotechnology program.

S. 3078

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3078, a bill to provide for the establishment of a Health Insurance Rate Authority to establish limits on premium rating, and for other purposes.

S. 3260

At the request of Mr. HARKIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3260, a bill to enhance and further research into the prevention and treatment of eating disorders, to improve access to treatment of eating disorders, and for other purposes.

S. 3320

At the request of Mr. WHITEHOUSE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 3320, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 3466

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 3466, a bill to require restitution for victims of criminal violations of the Federal Water Pollution Control Act, and for other purposes.

S. 3621

At the request of Mr. JOHNSON, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 3621, a bill to amend the Internal Revenue Code of 1986 to provide for an exclusion for assistance provided to participants in certain veterinary student loan repayment or forgiveness programs.

S. 3622

At the request of Mr. JOHANNS, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 3622, a bill to require the Administrator of the Environmental Protection Agency to finalize a proposed rule to amend the spill prevention, control, and countermeasure rule to tailor and streamline the requirements for the dairy industry, and for other purposes.

S. 3628

At the request of Mr. SCHUMER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3628, a bill to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

S. 3640

At the request of Mr. UDALL of Colorado, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3640, a bill to amend the Internal Revenue Code of 1986 to increase the limitations on the amount excluded from the gross estate with respect to land subject to a qualified conservation easement.

S. 3642

At the request of Mrs. BOXER, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 3642, a bill to ensure that the underwriting standards of Fannie Mae and Freddie Mac facilitate the use of property assessed clean energy programs to finance the installation of renewable energy and energy efficiency improvements.

S. 3643

At the request of Mr. MCCONNELL, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Texas (Mrs. HUTCHISON) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 3643, a bill to amend the Outer Continental Shelf Lands Act to reform the management of energy and mineral resources on the Outer Continental Shelf, to improve oil spill compensation, to terminate the moratorium on deepwater drilling, and for other purposes.

S. RES. 555

At the request of Ms. STABENOW, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Res. 555, a resolution supporting the goals and ideals of National Ovarian Cancer Awareness Month.

AMENDMENT NO. 4471

At the request of Mr. CORNYN, the names of the Senator from Missouri (Mr. BOND) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of amendment No. 4471 intended to be proposed to H.R. 5297, an act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THUNE:

S. 3652. A bill to provide for comprehensive budget reform in order to increase transparency and reduce the deficit.

Mr. THUNE. Mr. President, we have been bombarded with some pretty big numbers lately. Our total national debt recently topped $13 trillion. In 5 years, it is expected to pass $20 trillion. This fiscal year alone, the Federal Government plans to run a deficit of $1.4 trillion. In other words, we are borrowing 41 cents out of every $1 we spend.

The numbers are mind blowing. We cannot even wrap our heads around the immensity of these numbers that run into the trillions. But they should be a very big red flag indicating that something—something—has gone very wrong here in Washington.

The American people are struggling with high unemployment and a difficult economy, trying to make ends meet. The American Government—their government—ought to be doing what it can to balance its own budget, not spending like drunken sailors in a way that will put the future of many American families at risk.

I hear it in my State. I know most of my colleagues do. I hear it as I drive around the country. There is a palpable fear that this enormous burden of debt is going to crush us.

The Federal budget for 2010 is already 24 percent higher than it was in 2008. How many families are able to increase their spending by 24 percent over a 2-year period? Congress has to realize what the American people already know: Our current rate of spending is unsustainable. There is an old saying that if the only tool you have is a hammer, you tend to see everything as a nail. Well, this administration and the Democratic leadership of Congress seem to think the only tool they have is a checkbook and every problem can be solved with more money.

But all of this reckless spending is not solving the problems it was meant to solve. If you recall, the trillion dollar stimulus was supposed to create jobs and get the economy growing again. Unfortunately, it has not worked that way.

Look at the latest jobs report for last month. We actually lost 125,000 total jobs across the country. Where I come from, that is known as heading in the wrong direction. Look as the massive health care law passed earlier this year. When the other side was jamming this bill through the Senate, they said, even though it would cost $2.5 trillion, it would actually bring down—down—our spending on health care and lower the deficit over time.

In the past few weeks, however, we have gotten new estimates that the law will cost billions more than was thought a few months ago. On top of that, health care spending is expected to rise even faster as a result of the law than if we had done nothing at all.

Time after time after time that is what we have seen: more spending, more debt, and a bill we will hand to

our children—all because we cannot live within our means and we refuse to make the tough choices we were elected to make.

The irresponsible spending and borrowing that is making our mountain of debt bigger every day has to stop. Today, I am introducing a bill entitled the Deficit Reduction and Budget Reform Act that will take the first steps toward reining in our spending. It is high time we show the American taxpayers we are responsible stewards not just of their tax dollars but of the future of this country.

The goal here is to reform the budget process and to reduce our structural deficits so we will live within our means. My proposal is a three-legged stool that aims to support our country and economy while reducing the burden our rapidly expanding government places on American families and businesses.

The first proposal is to create a new standing joint committee of Congress for budget deficit reduction. The committee would be required to put forward a plan to cut the deficit by 10 percent every budget cycle, and to do it without raising taxes. This would be Members of Congress—both parties—taking responsibility and not punting the job to outsiders.

This bill would then receive expedited consideration in both Chambers of Congress. We have 26 committees and subcommittees in Congress that are dedicated to spending tax dollars. We should have at least one dedicated to saving tax dollars.

Second, to make sure those changes have a better chance of success in practice, I am proposing additional reforms to the budget process. Crucially, we would reform pay-go rules to prevent the double counting of new revenues or reduced spending in trust funds for the purpose of offsetting other expenditures.

When pay-go rules were set up earlier this year, they allowed for these kinds of gimmicks that have been used over and over to subvert the budget responsibility the rules were meant to impose.

More than $600 billion in trust fund offsets was used to pass the health care reform bill, and an attempt was made to increase the per-barrel tax for the Oil Spill Liability Trust Fund to offset other unrelated measures. By preventing these changes from being used as an offset under pay-go rules, this provision would end the practice of double counting these spending reductions and revenue increases.

Then we would add teeth to the budget by making it a binding joint resolution signed into law by the President. This would force the administration and Congress to work more closely together, and Congress would have less flexibility to violate the nonbinding resolutions we currently use.

My legislation would also establish a biennial budget timeline to give Congress more time for oversight and to determine whether our spending is doing what it is supposed to do.

I will simply point out that it seems to me the way we do the budget process currently is broken. In the last 34 years, I think there have been 4 times when all of the appropriations bills have been passed by the Congress on time, according to schedule. If you look at the number of budgets that have been passed here in the past few years, there have been a lot of years when we have not passed budgets at all.

It seems to me it would make sense—in an even-numbered year, when there is an election going to be held—that we ought to do oversight, that we ought to be looking at ways to save taxpayer money rather than spend taxpayer money. Then we could do the budget in the odd-numbered years, after an election, so we have an opportunity to do the appropriations bills and go through the budget process in the odd-numbered year, so when the even-numbered year comes around again we are not consumed with trying to spend money to attract some constituency to vote for us in an election year, but, rather, we are focused on oversight and on ways we could actually save the taxpayers money as opposed to spending it.

So a biennial budget process, budget timeline, is something this bill would also do. When Congress inevitably resorts to pork-barrel politics that inflates our budgets, we need a legislative line-item veto to allow the President to cut them out and to send a more responsible budget back to Congress for an up-or-down vote. Governors of most States, including my State of South Dakota, have some kind of a line-item veto. The President ought to have that power as well.

Third, on top of these vital systemic changes, we need to take control of the government's outrageous spending. My bill would impose a 10-year spending freeze to cap the Federal Government's discretionary spending at the level it was in fiscal year 2008, adjusted for inflation. I said earlier that between 2008 and 2010, Federal spending had increased 24 percent, at a time when inflation in this country was about 3.5 percent. If we take that baseline back to that 2008 level and index it for inflation every year for the next 10 years, we can save the taxpayers literally hundreds of billions of dollars.

Beyond that freeze, we should end the failed stimulus program and reclaim any money remaining unspent and unobligated and apply it to the Federal debt.

Those are not the only possible answers, and many are not new. Many of these are ideas my Republican colleagues and I have proposed and that we fought for in the past. We will keep fighting for them because they are the kinds of things we need to do to break the back of this budget problem we are fighting.

The government's current level of borrowing, this out-of-control spending, and this amount of taxation are too much for our economy and our taxpayers to bear. What may be even more troubling is the point that was made by the Chairman of the Joint Chiefs of Staff, ADM Mike Mullen. He said the biggest threat to our national security is our debt, not al-Qaida, not Iran's nuclear program, not Russian spies, but the debt Congress itself has created.

It does not have to be this way. My plan is a responsible approach that takes prudent but manageable steps to get our spending under control and to start to draw down our debt. It provides concrete savings of nearly a trillion dollars, and it puts in place a framework to help us save trillions more over time.

It is easy to say: I will be responsible tomorrow, but first I want to spend a little more today. Well, there will always be something that seems important to spend tax dollars on, and if we keep taking that same old approach that the other side has been pushing since they took control of Congress in 2007, we will be waiting for fiscal responsibility forever.

Tackling our outrageous national debt is not a priority we should put off until the long term, after the debt has gone up even higher and higher and higher than it is today. It needs to be a priority now.

I will also note that we cannot afford the old trick where the President calls for spending cuts in theory but then happily signs congressional spending bills that do not save a dime. We have to move beyond the same old political games and the same old phony rhetoric. We need real commitment to making a real difference.

There is another old saying that the definition of insanity is doing the same thing over and over and expecting different results. The President and the Democratic leadership of Congress want to keep doing the same thing over and over: borrowing money, spending too much, and then borrowing even more.

But thinking that somehow with all that borrowing and spending we will buy our way out of the hole we are in, that is insanity. In reality, all we are doing is digging ourselves deeper and deeper into debt.

I am going to conclude by urging my colleagues to take up this legislation I am introducing and to take that first crucial step to fiscal responsibility. The American people expect us to take our debt seriously, and it is high time we lived up to that expectation.

By Mr. LEAHY (for himself, Mr. FEINGOLD, and Mr. WEBB):

S. 3654. A bill to amend title 11 of the United States Code to include firearms in the type of property allowable under the alternative provision for exempting property from the estate; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I introduce legislation to create an express exemption in the Federal Bankruptcy Code for personal firearms.

Given the place that firearms occupy in our culture for law-abiding Americans, I believe it makes sense for the Federal Bankruptcy Code to reflect these values. The Supreme Court has confirmed that the Second Amendment protects a fundamental right. I agree that the right protected by the Second Amendment is ''deeply rooted in this Nation's history and tradition.'' One needs to look no further than the woods of Vermont in the autumn to know this is true. Amending the Code to expressly include this exemption will not only allow more Americans to participate in these traditions, but will further the exercise of the Second Amendment right itself.

Under the Bankruptcy Code, debtors are permitted to exempt from the bankruptcy estate a wide variety of household goods and other personal effects. For example, a debtor using the Federal bankruptcy exemptions may exempt furniture, musical instruments, jewelry, and other household goods. The code defines ''household goods'' to include items such as linens, china, and a television or other entertainment equipment. All of this is subject to limitations on monetary value, which is important to ensure that the exemptions are not abused to the detriment of creditors. The code's list of exemptions is designed to permit a debtor to obtain a fresh start in such a way that he or she has the continued use of personal items that are both utilitarian and that add to the enjoyment of day to day life. I believe many Americans would place personal firearms squarely within both of these categories.

Several States have enacted specific bankruptcy exemptions for firearms in their State laws. The Federal exemption I propose would leave all of these state exemptions untouched and would only apply if a debtor affirmatively chose, where permitted, to use the Federal exemptions. The exemption is modeled on the work these states have done and takes a modest approach that will nonetheless be meaningful for someone using the Federal exemptions. This legislation would permit a debtor using the Federal exemptions to at least exempt one rifle, shotgun, or pistol, separately or in combination, with an aggregate value of $3,000.

For many Americans, a personal firearm—whether a hunting rifle, a family heirloom, or a firearm for self-protection—is an important possession. It is one that in many cases may have little significant monetary value to creditors. People own firearms for many lawful reasons. In many parts of the United States, hunting is an essential part of life. In others, people feel strongly about the need to own a firearm to help keep themselves and their families safe. For still others, firearms have deep historical or sentimental value. The Bankruptcy Code should reflect these values.

Our bankruptcy policy is intended to help those in severe financial difficulty regain financial health and repay what they owe to their creditors to the extent possible. And in encouraging and helping those in bankruptcy to make a new start we are right to do so in a way that allows room for the things that give our lives enjoyment and meaning. If the amendment made by this legislation makes it possible for a parent and child to continue a family hunting tradition or a person to retain a piece of family history passed down through generations to them, those are good things.

I hope all Senators will join me in supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3654

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 ''Protecting Gun Owners in Bankruptcy Act of 2010''.

SEC. 2. EXEMPTIONS.

Section 522 of title 11, the United States Code, is amended—

(1) in subsection (d) by adding at the end the following:

''(13) The debtor's aggregate interest, not to exceed $3,000 in value, in a single rifle, shotgun, or pistol, or any combination thereof.''; and

(2) in subsection (f)(4)(A)—

(A) in clause (xiv), by striking ''and'' at the end;

(B) in clause (xv), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(xvi) the debtor's aggregate interest, not to exceed $3,000 in value, in a single rifle, shotgun, or pistol, or any combination thereof.''.

SEC. 3. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall apply only with respect to cases commenced under title 11, United States Code, on or after the date of the enactment of this Act.

By Mrs. LINCOLN (for herself, Mr. CHAMBLISS, Mr. GRASSLEY, Mr. NELSON of Nebraska, Mr. JOHANNS, Mr. BAUCUS, Mr. BENNET, Mr. HARKIN, and Mr. ROBERTS):

S. 3656. A bill to amend the Agricultural Marketing Act of 1946 to improve the reporting on sales of livestock and dairy products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. LINCOLN. Mr. President, I am pleased to be joined by my colleagues, Senators CHAMBLISS and GRASSLEY, to introduce legislation that would reauthorize mandatory price reporting for another 5 years. This bill will guarantee transparency of the livestock marketing sector and help improve producers' timely access to market prices so that they can make the best decision on when to sell the livestock they have worked hard to bring to market.

To address producers' concerns regarding low livestock prices, industry concentration, and the unavailability of accurate market information, Congress passed the Livestock Mandatory Reporting Act in 1999 to help improve market transparency.

Producers tell me that Mandatory Price Reporting yields valuable information, helps to keep the markets honest, and helps take the guess work out of business decisions for producers and packers.

This legislation, which is supported by producers and packers alike, will extend for an additional 5 years the reporting requirements of livestock daily markets. This bill makes two important changes from existing law.

First, as specified in the 2008 Farm Bill, this bill will require Mandatory Reporting of Wholesale Pork, MRWP, cuts. A study on MRWP, required by the 2008 Farm Bill and published earlier this year, will help guide the new regulations. This legislation also included negotiated rule making that requires the Secretary of Agriculture to bring stakeholders, as well as representatives from industry and the Department of Agriculture together to design the regulations for reporting MRWP cuts. The bill requires that a final rule be completed no later than 18 months after it is signed by the President. This important addition, once completed, would simply expand transparency to the pork industry that was not previously required and further protect producers.

Second, the bill instructs the Secretary of Agriculture to establish within 1 year an electronic price reporting system for dairy products. Published reports will be required on a weekly and monthly basis. This is a first critical step in continuing to assist our producers as they make decisions that impact their businesses. Furthermore, on a weekly basis, the Secretary of Agriculture must publish a report disclosing milk prices from the previous week. This too was included in the Farm Bill, and I am hopeful it will be another tool for dairy farmers across the country.

This bill represents several months of negotiations by all interested stakeholders who worked hard to find compromise on these critical issues. I want to thank everyone involved in this process for working together to reach consensus. Those groups supporting the reauthorization bill include:

American Farm Bureau Federation, American Meat Institute, American Sheep Industry Association, National Cattlemen's Beef Association, National Farmers Union, National Pork Producers Council, National Meat Association, and the United States Cattleman's Association.

I look forward to moving this critical reauthorization through Congress so we do not disrupt the critical reporting

on livestock markets and so that family farmers and ranchers in Arkansas can have confidence that they are receiving fair market value.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 9, 2010.

Hon. BLANCHE LINCOLN,
Chairman, Committee on Agriculture, U.S. Senate, Russell Senate Office Building, Washington, DC.

Hon. SAXBY CHAMBLISS,
Ranking Minority Member, Committee on Agriculture, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR CHAIRMAN LINCOLN AND RANKING MEMBER CHAMBLISS: We, the undersigned organizations, are writing to request that the Senate Agriculture Committee work with relevant stakeholders in the livestock industry to reauthorize for a period of five (5) years the Livestock Mandatory Price Reporting provisions contained in the 2006 Livestock Mandatory Reauthorization Act (P.L. 109–296).

The original 1999 Livestock Mandatory Price Reporting Act was a culmination of many hours of negotiations among industry participants and required packers to report, among other things, livestock purchase prices to the USDA's Agricultural Marketing Service. Livestock producers and processors continue to need a transparent, accurate and timely market price reporting system to make informed business decisions. Mandatory price reporting makes markets more transparent and offers new market information with regard to pricing, contracting for purchase and supply and demand conditions for cattle, hogs and sheep. During the 109th Congress, the Mandatory Price Reporting provisions were reauthorized until September 30, 2010.

The U.S. pork industry supports the inclusion in this reauthorization of two new pork industry-specific provisions. We believe these consensus recommendations will increase and improve the transparency of the Livestock Mandatory Price Reporting system. We recommend that the following consensus provisions be included:

1. Reporting of wholesale pork cuts. Require USDA to enter a negotiated rulemaking process to develop this system.

2. Reporting on a weekly basis of pork exports. These exports should be added to the list of commodities that are required to be reported to the Secretary of Agriculture. Information reported should include any contract for export sales entered into during the reporting period.

These proposed provisions are part of a carefully balanced consensus legislative package reached by interested stakeholders over a long period of negotiation and discussion representing all segments of the industry. We support the consensus legislative package, including the new pork reporting provisions, with the collective goal that mandatory price reporting will be enacted before September 30, 2010.

We recognize that the Committee has a full slate of legislative business ahead, and we urge expeditious action to reauthorize the Act for a period of five years with these industry consensus recommendations. We look forward to working with the Senate Agriculture Committee on this important issue to America's livestock industry.

Sincerely,

AMERICAN FARM BUREAU FEDERATION,
AMERICAN MEAT INSTITUTE,
AMERICAN SHEEP INDUSTRY ASSOCIATION,
NATIONAL CATTLEMEN'S BEEF ASSOCIATION,
NATIONAL FARMERS UNION,
NATIONAL PORK PRODUCERS COUNCIL,
NATIONAL MEAT ASSOCIATION,
UNITED STATES CATTLEMAN'S ASSOCIATION.

By Mr. UDALL of Colorado (for himself, Mr. BENNET, Mr. BEGICH, Mrs. SHAHEEN, and Mr. CASEY):

S. 3658. A bill to provide professional development for elementary school principals in early childhood education and development; to the Committee on Health, Education, Labor, and Pensions.

Mr. UDALL of Colorado. Mr. President, today I am introducing, along with Senators MICHAEL BENNET, MARK BEGICH, BOB CASEY, and JEANNE SHAHEEN, legislation to support elementary school principals and help prepare America's children for a successful education. Our bill would provide grant funds to train elementary school principals on how best to bridge the gap between early childhood development programs and elementary school learning.

Oftentimes for elementary school principals, the competing demands of running a school, without the proper training or experience, can crowd out successful partnerships with early childhood learning programs. This can lead to an assortment of educational approaches and, on a practical level, disjointed efforts to ensure students receive a continuum of learning.

The aim of my bill is to provide elementary school principals with the ability to take research-based, early childhood development practices and incorporate those skills into their schools in order to better prepare our Nation's youth for success. As part of this effort, our House colleagues, Congressmen ALTMIRE and HIMES, will be introducing a companion version to this legislation in their chamber.

As we all know, a child's education does not begin on that first day of kindergarten; rather, it begins much earlier in life as an infant's brain develops and cognitive skills are acquired through daily interaction with parents, grandparents, siblings, and other caregivers. As a parent, I remember firsthand the interactions I had with my two children during their infant years. When the time came, my wife and I knew that our children were prepared for pre-school, where they would acquire additional skills to further prepare them for their K–3 years. We wanted them to be ready to learn on day one.

My story is similar to the stories of millions of American parents who do what they can to ensure their children are fully prepared for that first day of kindergarten. While there are many different early learning settings, whether through the Head Start or other programs, we can all agree that ensuring our children are school-ready is an admirable goal.

As the research suggests, children who participate in early learning programs often perform better upon entering elementary school than their peers who do not. In order to build on that success and do right by our children by giving them the best chance to succeed when they begin kindergarten, our bill will help train principals on how to establish relationships with early childhood learning providers and collaborate to ensure they are on the same page when it comes to a child's development.

Building this pathway and ensuring a close connection between these two critical educational settings, especially for principals early in their careers, is a common-sense way to build better learning environments for our children. Our legislation has the support of the National Association of Elementary School Principals and a host of early learning advocacy organizations. I urge my colleagues to support this important effort.

By Ms. COLLINS (for herself and Mrs. MURRAY):

S. 3659. A bill to reauthorize certain port security programs, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise to introduce the SAFE Port Reauthorization Act of 2010. This bill extends important programs that protect our nation's critical shipping lanes and seaports from attack and sabotage.

The SAFE Port Reauthorization Act of 2010 is co-sponsored by my colleague, Senator MURRAY. Senator MURRAY and I drafted the original SAFE Port Act in 2005, leading to its enactment in 2006. I am pleased that she has again joined me to extend and strengthen this important law. Several stakeholders have expressed their support for our efforts, including the American Association of Port Authorities, the National Retail Federation, and the National Association of State Boating Law Administrators.

The scope of what we need to protect is broad. America has 361 seaports—each vital links in our Nation's transportation network. Our seaports move more than 95 percent of overseas trade. In 2009, U.S. ports logged 68,000 ports-of-call by foreign-flagged vessels, bringing 9.8 million shipping containers to our shores.

The largest 21 ports handle 98 percent of the shipping container traffic. Indeed, nearly 60 percent of all containership calls are made in just three States—California, New York, and Georgia—but this container traffic arrives at many points across the United States, from Maine to Hawaii.

Coming from a State with three international cargo ports—including

Portland, the largest port by tonnage in New England—I am keenly aware of the importance of seaports to our national economy and to the communities in which they are located.

Because seaports are flourishing, our harbors operate as vital centers of economic activity; they also represent vulnerable targets. Shipping containers are a special source of concern.

A single obscure container, hidden among a ship's cargo of several hundred containers, could be used to hide a squad of terrorists or a dirty bomb. In other words, a container could be turned into a 21st-Century Trojan horse.

The shipping container's security vulnerabilities are so well known that it has also been called ''the poor man's missile,'' because for only a few thousand dollars, a terrorist could ship one across the Atlantic or the Pacific to a U.S. port.

The contents of such a container don't have to be something as complex as a nuclear or biological weapon. As former Customs and Border Protection Commissioner Robert Bonner told The New York Times, a single container packed with readily available ammonium sulfate fertilizer and a detonation system could produce ten times the blast that destroyed the Murrah Federal Building in Oklahoma City.

Whatever the type of weapon, an attack on one or more U.S. ports could cause great loss of life and large numbers of injuries; it could damage our energy supplies and infrastructure; it could cripple retailers and manufacturers dependent on incoming inventory; and it could hamper our ability to move and supply American military forces fighting against the forces of terrorism.

I have had the opportunity to visit seaports across the country and, as one looks at some of the nation's busiest harbors, one sees what a terrorist might call ''high-value targets.'' Ferries move thousands of people daily. Large and sprawling urban populations are situated around the ports. At some locations, there are large sports stadiums nearby as well.

Add up those factors and one realizes immediately the death and destruction that a ship carrying a container hiding a weapon of mass destruction could inflict at a single port.

Of course, a port can be a conduit for an attack as well as a target. A container with dangerous cargo could be loaded on a truck or rail car, or have its contents unpacked at the port and distributed to support attacks elsewhere. In 2008, we saw that the port in Mumbai, India, offered the means for a gang of terrorists to launch an attack on a section of the city's downtown. That attack killed more than 170 people and wounded hundreds more.

To address these security threats, our bill would reauthorize the SAFE Port Act cargo security programs that have proven to be successful: the Automated Targeting System that identifies high-risk cargo; the Container Security Initiative that ensures high-risk cargo containers are inspected at ports overseas before they travel to the United States; and the Customs–Trade Partnership Against Terrorism, or C–TPAT, that provides incentives to importers to enhance the security of their cargo from point of origin to destination.

The bill would also strengthen the C–TPAT program by providing new benefits, including voluntary security training to industry participants and providing participants an information sharing mechanism on maritime and port security threats, and by authorizing Customs and Border Protection to conduct unannounced inspections to ensure that security practices are robust. The cooperation of private industry is vital to protecting supply chains, and C–TPAT is a necessary tool for securing their active cooperation in supply chain security efforts.

The bill also would extend the competitive, risk-based, port security grants that have provided $1.5 billion to improve the security of our ports. An authorization for the next 5 years at $400 million per year is a continued major commitment of resources, but it is fully proportional to what is at stake, and a priority that we cannot ignore.

In addition to continuing and strengthening critical programs, the bill also would expand the America's Waterway Watch Program to promote voluntary reporting of suspected terrorist activity or suspicious behavior against a vessel, facility, port, or waterway. While the program has proven valuable in ports throughout the country, the legislation would broaden its scope and increase public awareness through boating education and industry stakeholder meetings coordinated by the Coast Guard and its Reserve and Auxiliary components. The America's Waterway Watch Program has received strong endorsements from numerous professional boating associations for the enhanced situational awareness it will bring to our nation's ports and waterways.

Our bill would protect citizens from frivolous lawsuits when they report, in good faith, suspicious behavior that may indicate terrorist activity against the United States. It builds on a provision from the 2007 homeland security law that encourages people to report potential terrorist threats directed against transportation systems by protecting people from those who would misuse our legal system in an attempt to chill the willingness of citizens to come forward and report possible dangers.

In addition, this legislation enhances the research and development efforts to improve maritime cargo security. The demonstration project authorized by this law would study the feasibility of using composite materials in cargo containers to improve container integrity and deploy next generation sensors.

This legislation also addresses the difficulties in administering the mandate of x-raying and scanning for radiation all cargo containers overseas that are destined for the United States by July 2012. Until x-ray scanning technology is proven effective at detecting radiological material and not disruptive of trade, requiring the x-raying of all U.S. bound cargo, regardless of its risk, at every foreign port, is misguided and provides a false sense of security. It would also impose onerous restrictions on the flow of commerce, costing billions with little additional security benefit.

Under the original provisions of the SAFE Port Act, all cargo designated as high-risk at foreign ports is already scanned for radiation and x-rayed. In addition, cargo entering the U.S. at all major seaports is scanned for radiation. These security measures currently in place are part of a layered, risk-based method to ensure cargo entering the U.S. is safe.

This legislation would eliminate the deadline for 100 percent x-raying of containers if the Secretary of Homeland Security certifies the effectiveness of individual security measures of that layered security approach. This is a more reasonable method to secure our cargo until a new method of x-raying containers is proven effective.

The SAFE Port Reauthorization Act of 2010 will help us to continue an effective, layered, coordinated security system that extends from point of origin to point of destination, and that covers the people, the vessels, the cargo, and the facilities involved in our maritime commerce. It will continue to address a major vulnerability in our homeland security critical infrastructure while preserving the flow of goods on which our economy depends.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 595—DESIGNATING THE WEEK BEGINNING SEPTEMBER 12, 2010, AS ''NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK''

Mr. GRAHAM (for himself, Mr. ALEXANDER, Mr. BAYH, Mr. BOND, Mrs. BOXER, Mr. BROWN of Ohio, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Mr. CORKER, Mr. CORNYN, Mr. DEMINT, Mr. DURBIN, Mrs. HAGAN, Mrs. HUTCHISON, Mr. ISAKSON, Mr. KAUFMAN, Ms. LANDRIEU, Mr. LEMIEUX, Mr. LEVIN, Mrs. LINCOLN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. SESSIONS, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, and Mr. WICKER) submitted the following resolution; which was considered and agreed to:

S. RES. 595

Whereas there are 105 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities provide the quality education essential to full participation in a complex, highly technological society;

Whereas historically Black colleges and universities have a rich heritage and have played a prominent role in the history of the United States;

Whereas historically Black colleges and universities allow talented and diverse students, many of whom represent underserved populations, to attain their full potential through higher education; and

Whereas the achievements and goals of historically Black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning September 12, 2010, as ''National Historically Black Colleges and Universities Week''; and

(2) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically Black colleges and universities in the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4518. Mr. SCHUMER (for Mr. HARKIN) proposed an amendment to the bill H.R. 5610, to provide a technical adjustment with respect to funding for independent living centers under the Rehabilitation Act of 1973 in order to ensure stability for such centers.

SA 4519. Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) proposed an amendment to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

SA 4520. Mr. REID proposed an amendment to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra.

SA 4521. Mr. REID proposed an amendment to amendment SA 4520 proposed by Mr. REID to the amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra.

SA 4522. Mr. REID proposed an amendment to the bill H.R. 5297, supra.

SA 4523. Mr. REID proposed an amendment to amendment SA 4522 proposed by Mr. REID to the bill H.R. 5297, supra.

SA 4524. Mr. REID proposed an amendment to the bill H.R. 5297, supra.

SA 4525. Mr. REID proposed an amendment to amendment SA 4524 proposed by Mr. REID to the bill H.R. 5297, supra.

SA 4526. Mr. REID proposed an amendment to amendment SA 4525 proposed by Mr. REID to the amendment SA 4524 proposed by Mr. REID to the bill H.R. 5297, supra.

SA 4527. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4528. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4529. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4530. Mr. KERRY (for himself, Mr. WHITEHOUSE, Mr. WYDEN, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4531. Mr. JOHANNS submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4518. Mr. SCHUMER (for Mr. HARKIN) proposed an amendment to the bill H.R. 5610, to provide a technical adjustment with respect to funding for independent living centers under the Rehabilitation Act of 1973 in order to ensure stability for such centers; as follows:

In section 2(a)(2)(A), strike ''July 30'' and insert ''August 5''.

SA 4519. Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) proposed an amendment to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Business Jobs Act of 2010''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—SMALL BUSINESSES

Sec. 1001. Definitions.

Subtitle A—Small Business Access to Credit

Sec. 1101. Short title.

PART I—NEXT STEPS FOR MAIN STREET CREDIT AVAILABILITY

Sec. 1111. Section 7(a) business loans.
Sec. 1112. Maximum loan amounts under 504 program.
Sec. 1113. Maximum loan limits under microloan program.
Sec. 1114. Loan guarantee enhancement extensions.
Sec. 1115. New Markets Venture Capital company investment limitations.
Sec. 1116. Alternative size standards.
Sec. 1117. Sale of 7(a) loans in secondary market.
Sec. 1118. Online lending platform.
Sec. 1119. SBA Secondary Market Guarantee Authority.

PART II—SMALL BUSINESS ACCESS TO CAPITAL

Sec. 1122. Low-interest refinancing under the local development business loan program.

PART III—OTHER MATTERS

Sec. 1131. Small business intermediary lending pilot program.
Sec. 1132. Public policy goals.
Sec. 1133. Floor plan pilot program extension.
Sec. 1134. Guarantees for bonds and notes issued for community or economic development purposes.
Sec. 1135. Temporary express loan enhancement.
Sec. 1136. Prohibition on using TARP funds or tax increases.

Subtitle B—Small Business Trade and Exporting

Sec. 1201. Short title.
Sec. 1202. Definitions.
Sec. 1203. Office of International Trade.
Sec. 1204. Duties of the Office of International Trade.
Sec. 1205. Export assistance centers.
Sec. 1206. International trade finance programs.
Sec. 1207. State Trade and Export Promotion Grant Program.
Sec. 1208. Rural export promotion.
Sec. 1209. International trade cooperation by small business development centers.

Subtitle C—Small Business Contracting

PART I—CONTRACT BUNDLING

Sec. 1311. Small Business Act.
Sec. 1312. Leadership and oversight.
Sec. 1313. Consolidation of contract requirements.
Sec. 1314. Small business teams pilot program.

PART II—SUBCONTRACTING INTEGRITY

Sec. 1321. Subcontracting misrepresentations.
Sec. 1322. Small business subcontracting improvements.

PART III—ACQUISITION PROCESS

Sec. 1331. Reservation of prime contract awards for small businesses.
Sec. 1332. Micro-purchase guidelines.
Sec. 1333. Agency accountability.
Sec. 1334. Payment of subcontractors.
Sec. 1335. Repeal of Small Business Competitiveness Demonstration Program.

PART IV—SMALL BUSINESS SIZE AND STATUS INTEGRITY

Sec. 1341. Policy and presumptions.
Sec. 1342. Annual certification.
Sec. 1343. Training for contracting and enforcement personnel.
Sec. 1344. Updated size standards.
Sec. 1345. Study and report on the mentor-protege program.
Sec. 1346. Contracting goals reports.
Sec. 1347. Small business contracting parity.

Subtitle D—Small Business Management and Counseling Assistance

Sec. 1401. Matching requirements under small business programs.
Sec. 1402. Grants for SBDCs.

Subtitle E—Disaster Loan Improvement

Sec. 1501. Aquaculture business disaster assistance.

Subtitle F—Small Business Regulatory Relief

Sec. 1601. Requirements providing for more detailed analyses.
Sec. 1602. Office of advocacy.

Subtitle G—Appropriations Provisions

Sec. 1701. Salaries and expenses.
Sec. 1702. Business loans program account.
Sec. 1703. Community Development Financial Institutions Fund program account.
Sec. 1704. Small business loan guarantee enhancement extensions.

TITLE II—TAX PROVISIONS

Sec. 2001. Short title.

Subtitle A—Small Business Relief

PART I—PROVIDING ACCESS TO CAPITAL

Sec. 2011. Temporary exclusion of 100 percent of gain on certain small business stock.
Sec. 2012. General business credits of eligible small businesses for 2010 carried back 5 years.

Sec. 2013. General business credits of eligible small businesses in 2010 not subject to alternative minimum tax.
Sec. 2014. Temporary reduction in recognition period for built-in gains tax.
PART II—ENCOURAGING INVESTMENT
Sec. 2021. Increased expensing limitations for 2010 and 2011; certain real property treated as section 179 property.
Sec. 2022. Additional first-year depreciation for 50 percent of the basis of certain qualified property.
Sec. 2023. Special rule for long-term contract accounting.
PART III—PROMOTING ENTREPRENEURSHIP
Sec. 2031. Increase in amount allowed as deduction for start-up expenditures in 2010.
Sec. 2032. Authorization of appropriations for the United States Trade Representative to develop market access opportunities for United States small- and medium-sized businesses and to enforce trade agreements.
PART IV—PROMOTING SMALL BUSINESS FAIRNESS
Sec. 2041. Limitation on penalty for failure to disclose reportable transactions based on resulting tax benefits.
Sec. 2042. Deduction for health insurance costs in computing self-employment taxes in 2010.
Sec. 2043. Removal of cellular telephones and similar telecommunications equipment from listed property.
Subtitle B—Revenue Provisions
PART I—REDUCING THE TAX GAP
Sec. 2101. Information reporting for rental property expense payments.
Sec. 2102. Increase in information return penalties.
Sec. 2103. Report on tax shelter penalties and certain other enforcement actions.
Sec. 2104. Application of continuous levy to tax liabilities of certain Federal contractors.
PART II—PROMOTING RETIREMENT PREPARATION
Sec. 2111. Participants in government section 457 plans allowed to treat elective deferrals as Roth contributions.
Sec. 2112. Rollovers from elective deferral plans to designated Roth accounts.
Sec. 2113. Special rules for annuities received from only a portion of a contract.
PART III—CLOSING UNINTENDED LOOPHOLES
Sec. 2121. Crude tall oil ineligible for cellulosic biofuel producer credit.
Sec. 2122. Source rules for income on guarantees.
Sec. 2123. Elimination of advance refundability of earned income credit.
PART IV—TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES
Sec. 2131. Time for payment of corporate estimated taxes.
TITLE III—STATE SMALL BUSINESS CREDIT INITIATIVE
Sec. 3001. Short title.
Sec. 3002. Definitions.
Sec. 3003. Federal funds allocated to States.
Sec. 3004. Approving States for participation.
Sec. 3005. Approving State capital access programs.
Sec. 3006. Approving collateral support and other innovative credit access and guarantee initiatives for small businesses and manufacturers.
Sec. 3007. Reports.
Sec. 3008. Remedies for State program termination or failures.
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TITLE IV—ADDITIONAL SMALL BUSINESS PROVISIONS
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Sec. 4101. Purpose.
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Sec. 4103. Small business lending fund.
Sec. 4104. Additional authorities of the Secretary.
Sec. 4105. Considerations.
Sec. 4106. Reports.
Sec. 4107. Oversight and audits.
Sec. 4108. Credit reform; funding.
Sec. 4109. Termination and continuation of authorities.
Sec. 4110. Preservation of authority.
Sec. 4111. Assurances.
Sec. 4112. Study and report with respect to women-owned, veteran-owned, and minority-owned businesses.
Sec. 4113. Sense of Congress.
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PART I—SMALL BUSINESS EXPORT PROMOTION INITIATIVES
Sec. 4221. Short title.
Sec. 4222. Global business development and promotion activities of the Department of Commerce.
Sec. 4223. Additional funding to improve access to global markets for rural businesses.
Sec. 4224. Additional funding for the ExporTech program.
Sec. 4225. Additional funding for the market development cooperator program of the department of commerce.
Sec. 4226. Hollings Manufacturing Partnership Program; Technology Innovation Program.
Sec. 4227. Sense of the Senate concerning Federal collaboration with States on export promotion issues.
Sec. 4228. Report on tariff and nontariff barriers.
PART II—MEDICARE FRAUD
Sec. 4241. Use of predictive modeling and other analytics technologies to identify and prevent waste, fraud, and abuse in the Medicare fee-for-service program.
PART III—AGRICULTURAL DISASTERS
Sec. 4261. Emergency agricultural disaster assistance.
Sec. 4262. Use of unspent future funds from the American Recovery and Reinvestment Act.
TITLE V—BUDGETARY PROVISIONS
Sec. 5001. Determination of budgetary effects.

TITLE I—SMALL BUSINESSES

SEC. 1001. DEFINITIONS.

In this title—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the term ''small business concern'' has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

Subtitle A—Small Business Access to Credit

SEC. 1101. SHORT TITLE.

This subtitle may be cited as the ''Small Business Job Creation and Access to Capital Act of 2010''.

PART I—NEXT STEPS FOR MAIN STREET CREDIT AVAILABILITY

SEC. 1111. SECTION 7(a) BUSINESS LOANS.

(a) AMENDMENT.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking ''75 percent'' and inserting ''90 percent''; and

(B) in clause (ii), by striking ''85 percent'' and inserting ''90 percent''; and

(2) in paragraph (3)(A), by striking ''$1,500,000 (or if the gross loan amount would exceed $2,000,000'' and inserting ''$4,500,000 (or if the gross loan amount would exceed $5,000,000''.

(b) PROSPECTIVE REPEAL.—Effective January 1, 2011, section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking ''90 percent'' and inserting ''75 percent''; and

(B) in clause (ii), by striking ''90 percent'' and inserting ''85 percent''; and

(2) in paragraph (3)(A), by striking ''$4,500,000'' and inserting ''$3,750,000''.

SEC. 1112. MAXIMUM LOAN AMOUNTS UNDER 504 PROGRAM.

Section 502(2)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)) is amended—

(1) in clause (i), by striking ''$1,500,000'' and inserting ''$5,000,000'';

(2) in clause (ii), by striking ''$2,000,000'' and inserting ''$5,000,000'';

(3) in clause (iii), by striking ''$4,000,000'' and inserting ''$5,500,000'';

(4) in clause (iv), by striking ''$4,000,000'' and inserting ''$5,500,000''; and

(5) in clause (v), by striking ''$4,000,000'' and inserting ''$5,500,000''.

SEC. 1113. MAXIMUM LOAN LIMITS UNDER MICROLOAN PROGRAM.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (1)(B)(iii), by striking ''$35,000'' and inserting ''$50,000'';

(2) in paragraph (3)—

(A) in subparagraph (C), by striking ''$3,500,000'' and inserting ''$5,000,000''; and

(B) in subparagraph (E), by striking ''$35,000'' each place that term appears and inserting ''$50,000''; and

(3) in paragraph (11)(B), by striking ''$35,000'' and inserting ''$50,000''.

SEC. 1114. LOAN GUARANTEE ENHANCEMENT EXTENSIONS.

(a) FEES.—Section 501 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151) is amended by striking ''September 30, 2010'' each place that term appears and inserting ''December 31, 2010''.

(b) LOAN GUARANTEES.—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 ''May 31, 2010'' and inserting ''December 31, 2010''.

SEC. 1115. NEW MARKETS VENTURE CAPITAL COMPANY INVESTMENT LIMITATIONS.

Section 355 of the Small Business Investment Act of 1958 (15 U.S.C. 689d) is amended by adding at the end the following:

''(e) INVESTMENT LIMITATIONS.—

''(1) DEFINITION.—In this subsection, the term 'covered New Markets Venture Capital company' means a New Markets Venture Capital company—

''(A) granted final approval by the Administrator under section 354(e) on or after March 1, 2002; and

''(B) that has obtained a financing from the Administrator.

''(2) LIMITATION.—Except to the extent approved by the Administrator, a covered New Markets Venture Capital company may not acquire or issue commitments for securities under this title for any single enterprise in an aggregate amount equal to more than 10 percent of the sum of—

''(A) the regulatory capital of the covered New Markets Venture Capital company; and

''(B) the total amount of leverage projected in the participation agreement of the covered New Markets Venture Capital.''.

SEC. 1116. ALTERNATIVE SIZE STANDARDS.

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

''(5) ALTERNATIVE SIZE STANDARD.—

''(A) IN GENERAL.—The Administrator shall establish an alternative size standard for applicants for business loans under section 7(a) and applicants for development company loans under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), that uses maximum tangible net worth and average net income as an alternative to the use of industry standards.

''(B) INTERIM RULE.—Until the date on which the alternative size standard established under subparagraph (A) is in effect, an applicant for a business loan under section 7(a) or an applicant for a development company loan under title V of the Small Business Investment Act of 1958 may be eligible for such a loan if—

''(i) the maximum tangible net worth of the applicant is not more than $15,000,000; and

''(ii) the average net income after Federal income taxes (excluding any carry-over losses) of the applicant for the 2 full fiscal years before the date of the application is not more than $5,000,000.''.

SEC. 1117. SALE OF 7(a) LOANS IN SECONDARY MARKET.

Section 5(g) of the Small Business Act (15 U.S.C. 634(g)) is amended by adding at the end the following:

''(6) If the amount of the guaranteed portion of any loan under section 7(a) is more than $500,000, the Administrator shall, upon request of a pool assembler, divide the loan guarantee into increments of $500,000 and 1 increment of any remaining amount less than $500,000, in order to permit the maximum amount of any loan in a pool to be not more than $500,000. Only 1 increment of any loan guarantee divided under this paragraph may be included in the same pool. Increments of loan guarantees to different borrowers that are divided under this paragraph may be included in the same pool.''.

SEC. 1118. ONLINE LENDING PLATFORM.

It is the sense of Congress that the Administrator of the Small Business Administration should establish a website that—

(1) lists each lender that makes loans guaranteed by the Small Business Administration and provides information about the loan rates of each such lender; and

(2) allows prospective borrowers to compare rates on loans guaranteed by the Small Business Administration.

SEC. 1119. SBA SECONDARY MARKET GUARANTEE AUTHORITY.

Section 503(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 155) is amended by striking ''on the date 2 years after the date of enactment of this section'' and inserting ''2 years after the date of the first sale of a pool of first lien position 504 loans guaranteed under this section to a third-party investor''.

PART II—SMALL BUSINESS ACCESS TO CAPITAL

SEC. 1122. LOW-INTEREST REFINANCING UNDER THE LOCAL DEVELOPMENT BUSINESS LOAN PROGRAM.

(a) REFINANCING.—Section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) is amended by adding at the end the following:

''(C) REFINANCING NOT INVOLVING EXPANSIONS.—

''(i) DEFINITIONS.—In this subparagraph—

''(I) the term 'borrower' means a small business concern that submits an application to a development company for financing under this subparagraph;

''(II) the term 'eligible fixed asset' means tangible property relating to which the Administrator may provide financing under this section; and

''(III) the term 'qualified debt' means indebtedness—

''(aa) that—

''(AA) was incurred not less than 2 years before the date of the application for assistance under this subparagraph;

''(BB) is a commercial loan;

''(CC) is not subject to a guarantee by a Federal agency;

''(DD) the proceeds of which were used to acquire an eligible fixed asset;

''(EE) was incurred for the benefit of the small business concern; and

''(FF) is collateralized by eligible fixed assets; and

''(bb) for which the borrower has been current on all payments for not less than 1 year before the date of the application.

''(ii) AUTHORITY.—A project that does not involve the expansion of a small business concern may include the refinancing of qualified debt if—

''(I) the amount of the financing is not more than 90 percent of the value of the collateral for the financing, except that, if the appraised value of the eligible fixed assets serving as collateral for the financing is less than the amount equal to 125 percent of the amount of the financing, the borrower may provide additional cash or other collateral to eliminate any deficiency;

''(II) the borrower has been in operation for all of the 2-year period ending on the date of the loan; and

''(III) for a financing for which the Administrator determines there will be an additional cost attributable to the refinancing of the qualified debt, the borrower agrees to pay a fee in an amount equal to the anticipated additional cost.

''(iii) FINANCING FOR BUSINESS EXPENSES.—

''(I) FINANCING FOR BUSINESS EXPENSES.—The Administrator may provide financing to a borrower that receives financing that includes a refinancing of qualified debt under clause (ii), in addition to the refinancing under clause (ii), to be used solely for the payment of business expenses.

''(II) APPLICATION FOR FINANCING.—An application for financing under subclause (I) shall include—

''(aa) a specific description of the expenses for which the additional financing is requested; and

''(bb) an itemization of the amount of each expense.

''(III) CONDITION ON ADDITIONAL FINANCING.—A borrower may not use any part of the financing under this clause for non-business purposes.

''(iv) LOANS BASED ON JOBS.—

''(I) JOB CREATION AND RETENTION GOALS.—

''(aa) IN GENERAL.—The Administrator may provide financing under this subparagraph for a borrower that meets the job creation goals under subsection (d) or (e) of section 501.

''(bb) ALTERNATE JOB RETENTION GOAL.—The Administrator may provide financing under this subparagraph to a borrower that does not meet the goals described in item (aa) in an amount that is not more than the product obtained by multiplying the number of employees of the borrower by $65,000.

''(II) NUMBER OF EMPLOYEES.—For purposes of subclause (I), the number of employees of a borrower is equal to the sum of—

''(aa) the number of full-time employees of the borrower on the date on which the borrower applies for a loan under this subparagraph; and

''(bb) the product obtained by multiplying—

''(AA) the number of part-time employees of the borrower on the date on which the borrower applies for a loan under this subparagraph; by

''(BB) the quotient obtained by dividing the average number of hours each part time employee of the borrower works each week by 40.

''(v) NONDELEGATION.—Notwithstanding section 508(e), the Administrator may not permit a premier certified lender to approve or disapprove an application for assistance under this subparagraph.

''(vi) TOTAL AMOUNT OF LOANS.—The Administrator may provide not more than a total of $7,500,000,000 of financing under this subparagraph for each fiscal year.''.

(b) PROSPECTIVE REPEAL.—Effective 2 years after the date of enactment of this Act, section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) is amended by striking subparagraph (C).

(c) TECHNICAL CORRECTION.—Section 502(2)(A)(i) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)(i)) is amended by striking ''subparagraph (B) or (C)'' and inserting ''clause (ii), (iii), (iv), or (v)''.

PART III—OTHER MATTERS

SEC. 1131. SMALL BUSINESS INTERMEDIARY LENDING PILOT PROGRAM.

(a) IN GENERAL.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended by striking subsection (l) and inserting the following:

''(l) SMALL BUSINESS INTERMEDIARY LENDING PILOT PROGRAM.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'eligible intermediary'—

''(i) means a private, nonprofit entity that—

''(I) seeks or has been awarded a loan from the Administrator to make loans to small business concerns under this subsection; and

''(II) has not less than 1 year of experience making loans to startup, newly established, or growing small business concerns; and

''(ii) includes—

''(I) a private, nonprofit community development corporation;

''(II) a consortium of private, nonprofit organizations or nonprofit community development corporations; and

''(III) an agency of or nonprofit entity established by a Native American Tribal Government; and

''(B) the term 'Program' means the small business intermediary lending pilot program established under paragraph (2).

''(2) ESTABLISHMENT.—There is established a 3-year small business intermediary lending pilot program, under which the Administrator may make direct loans to eligible intermediaries, for the purpose of making loans to startup, newly established, and growing small business concerns.

''(3) PURPOSES.—The purposes of the Program are—

''(A) to assist small business concerns in areas suffering from a lack of credit due to poor economic conditions or changes in the financial market; and

''(B) to establish a loan program under which the Administrator may provide loans to eligible intermediaries to enable the eligible intermediaries to provide loans to start-up, newly established, and growing small business concerns for working capital, real estate, or the acquisition of materials, supplies, or equipment.

''(4) LOANS TO ELIGIBLE INTERMEDIARIES.—

''(A) APPLICATION.—Each eligible intermediary desiring a loan under this subsection shall submit an application to the Administrator that describes—

''(i) the type of small business concerns to be assisted;

''(ii) the size and range of loans to be made;

''(iii) the interest rate and terms of loans to be made;

''(iv) the geographic area to be served and the economic, poverty, and unemployment characteristics of the area;

''(v) the status of small business concerns in the area to be served and an analysis of the availability of credit; and

''(vi) the qualifications of the applicant to carry out this subsection.

''(B) LOAN LIMITS.—No loan may be made to an eligible intermediary under this subsection if the total amount outstanding and committed to the eligible intermediary by the Administrator would, as a result of such loan, exceed $1,000,000 during the participation of the eligible intermediary in the Program.

''(C) LOAN DURATION.—Loans made by the Administrator under this subsection shall be for a term of 20 years.

''(D) APPLICABLE INTEREST RATES.—Loans made by the Administrator to an eligible intermediary under the Program shall bear an annual interest rate equal to 1.00 percent.

''(E) FEES; COLLATERAL.—The Administrator may not charge any fees or require collateral with respect to any loan made to an eligible intermediary under this subsection.

''(F) DELAYED PAYMENTS.—The Administrator shall not require the repayment of principal or interest on a loan made to an eligible intermediary under the Program during the 2-year period beginning on the date of the initial disbursement of funds under that loan.

''(G) MAXIMUM PARTICIPANTS AND AMOUNTS.—During each of fiscal years 2011, 2012, and 2013, the Administrator may make loans under the Program—

''(i) to not more than 20 eligible intermediaries; and

''(ii) in a total amount of not more than $20,000,000.

''(5) LOANS TO SMALL BUSINESS CONCERNS.—

''(A) IN GENERAL.—The Administrator, through an eligible intermediary, shall make loans to startup, newly established, and growing small business concerns for working capital, real estate, and the acquisition of materials, supplies, furniture, fixtures, and equipment.

''(B) MAXIMUM LOAN.—An eligible intermediary may not make a loan under this subsection of more than $200,000 to any 1 small business concern.

''(C) APPLICABLE INTEREST RATES.—A loan made by an eligible intermediary to a small business concern under this subsection, may have a fixed or a variable interest rate, and shall bear an interest rate specified by the eligible intermediary in the application of the eligible intermediary for a loan under this subsection.

''(D) REVIEW RESTRICTIONS.—The Administrator may not review individual loans made by an eligible intermediary to a small business concern before approval of the loan by the eligible intermediary.

''(6) TERMINATION.—The authority of the Administrator to make loans under the Program shall terminate 3 years after the date of enactment of the Small Business Job Creation and Access to Capital Act of 2010.''.

(b) RULEMAKING AUTHORITY.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue regulations to carry out section 7(l) of the Small Business Act, as amended by subsection (a).

(c) AVAILABILITY OF FUNDS.—Any amounts provided to the Administrator for the purposes of carrying out section 7(l) of the Small Business Act, as amended by subsection (a), shall remain available until expended.

SEC. 1132. PUBLIC POLICY GOALS.

Section 501(d)(3) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)) is amended—

(1) in subparagraph (J), by striking ''or'' at the end;

(2) in subparagraph (K), by striking the period at the end and inserting '', or''; and

(3) by adding at the end the following:

''(L) reduction of rates of unemployment in labor surplus areas, as such areas are determined by the Secretary of Labor.''.

SEC. 1133. FLOOR PLAN PILOT PROGRAM EXTENSION.

(a) IN GENERAL.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) by redesignating paragraph (32), relating to increased veteran participation, as added by section 208 of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2008 (Public Law 110–186; 122 Stat. 631), as paragraph (33); and

(2) by adding at the end the following:

''(34) FLOOR PLAN FINANCING PROGRAM.—

''(A) DEFINITION.—In this paragraph, the term 'eligible retail good'—

''(i) means a good for which a title may be obtained under State law; and

''(ii) includes an automobile, recreational vehicle, boat, and manufactured home.

''(B) PROGRAM.—The Administrator may guarantee the timely payment of an open-end extension of credit to a small business concern, the proceeds of which may be used for the purchase of eligible retail goods for resale.

''(C) AMOUNT.—An open-end extension of credit guaranteed under this paragraph shall be in an amount not less than $500,000 and not more than $5,000,000.

''(D) TERM.—An open-end extension of credit guaranteed under this paragraph shall have a term of not more than 5 years.

''(E) GUARANTEE PERCENTAGE.—The Administrator may guarantee—

''(i) not less than 60 percent of an open-end extension of credit under this paragraph; and

''(ii) not more than 75 percent of an open-end extension of credit under this paragraph.

''(F) ADVANCE RATE.—The lender for an open-end extension of credit guaranteed under this paragraph may allow the borrower to draw funds on the line of credit in an amount equal to not more than 100 percent of the value of the eligible retail goods to be purchased.''.

(b) SUNSET.—Effective September 30, 2013, section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) by striking paragraph (34); and

(2) by redesignating paragraph (35), as added by section 1206 of this Act, as paragraph (34).

SEC. 1134. GUARANTEES FOR BONDS AND NOTES ISSUED FOR COMMUNITY OR ECONOMIC DEVELOPMENT PURPOSES.

The Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4701 et seq.) is amended by inserting after section 114 (12 U.S.C. 4713) the following:

''SEC. 114A. GUARANTEES FOR BONDS AND NOTES ISSUED FOR COMMUNITY OR ECONOMIC DEVELOPMENT PURPOSES.

''(a) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) ELIGIBLE COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term 'eligible community development financial institution' means a community development financial institution (as described in section 1805.201 of title 12, Code of Federal Regulations, or any successor thereto) certified by the Secretary that has applied to a qualified issuer for, or been granted by a qualified issuer, a loan under the Program.

''(2) ELIGIBLE COMMUNITY OR ECONOMIC DEVELOPMENT PURPOSE.—The term 'eligible community or economic development purpose'—

''(A) means any purpose described in section 108(b); and

''(B) includes the provision of community or economic development in low-income or underserved rural areas.

''(3) GUARANTEE.—The term 'guarantee' means a written agreement between the Secretary and a qualified issuer (or trustee), pursuant to which the Secretary ensures repayment of the verifiable losses of principal, interest, and call premium, if any, on notes or bonds issued by a qualified issuer to finance or refinance loans to eligible community development financial institutions.

''(4) LOAN.—The term 'loan' means any credit instrument that is extended under the Program for any eligible community or economic development purpose.

''(5) MASTER SERVICER.—

''(A) IN GENERAL.—The term 'master servicer' means any entity approved by the Secretary in accordance with subparagraph (B) to oversee the activities of servicers, as provided in subsection (f)(4).

''(B) APPROVAL CRITERIA FOR MASTER SERVICERS.—The Secretary shall approve or deny any application to become a master servicer under the Program not later than 90 days after the date on which all required information is submitted to the Secretary, based on the capacity and experience of the applicant in—

''(i) loan administration, servicing, and loan monitoring;

''(ii) managing regional or national loan intake, processing, or servicing operational systems and infrastructure;

''(iii) managing regional or national originator communication systems and infrastructure;

''(iv) developing and implementing training and other risk management strategies on a regional or national basis; and

''(v) compliance monitoring, investor relations, and reporting.

''(6) PROGRAM.—The term 'Program' means the guarantee Program for bonds and notes issued for eligible community or economic development purposes established under this section.

''(7) PROGRAM ADMINISTRATOR.—The term 'Program administrator' means an entity designated by the issuer to perform administrative duties, as provided in subsection (f)(2).

''(8) QUALIFIED ISSUER.—

''(A) IN GENERAL.—The term 'qualified issuer' means a community development financial institution (or any entity designated to issue notes or bonds on behalf of such community development financial institution) that meets the qualification requirements of this paragraph.

''(B) APPROVAL CRITERIA FOR QUALIFIED ISSUERS.—

''(i) IN GENERAL.—The Secretary shall approve a qualified issuer for a guarantee under the Program in accordance with the

requirements of this paragraph, and such additional requirements as the Secretary may establish, by regulation.

''(ii) TERMS AND QUALIFICATIONS.—A qualified issuer shall—

''(I) have appropriate expertise, capacity, and experience, or otherwise be qualified to make loans for eligible community or economic development purposes;

''(II) provide to the Secretary—

''(aa) an acceptable statement of the proposed sources and uses of the funds; and

''(bb) a capital distribution plan that meets the requirements of subsection (c)(1); and

''(III) certify to the Secretary that the bonds or notes to be guaranteed are to be used for eligible community or economic development purposes.

''(C) DEPARTMENT OPINION; TIMING.—

''(i) DEPARTMENT OPINION.—Not later than 30 days after the date of a request by a qualified issuer for approval of a guarantee under the Program, the Secretary shall provide an opinion regarding compliance by the issuer with the requirements of the Program under this section.

''(ii) TIMING.—The Secretary shall approve or deny a guarantee under this section after consideration of the opinion provided to the Secretary under clause (i), and in no case later than 90 days after receipt of all required information by the Secretary with respect to a request for such guarantee.

''(9) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

''(10) SERVICER.—The term 'servicer' means an entity designated by the issuer to perform various servicing duties, as provided in subsection (f)(3).

''(b) GUARANTEES AUTHORIZED.—The Secretary shall guarantee payments on bonds or notes issued by any qualified issuer, if the proceeds of the bonds or notes are used in accordance with this section to make loans to eligible community development financial institutions—

''(1) for eligible community or economic development purposes; or

''(2) to refinance loans or notes issued for such purposes.

''(c) GENERAL PROGRAM REQUIREMENTS.—

''(1) IN GENERAL.—A capital distribution plan meets the requirements of this subsection, if not less than 90 percent of the principal amount of guaranteed bonds or notes (other than costs of issuance fees) are used to make loans for any eligible community or economic development purpose, measured annually, beginning at the end of the 1-year period beginning on the issuance date of such guaranteed bonds or notes.

''(2) RELENDING ACCOUNT.—Not more than 10 percent of the principal amount of guaranteed bonds or notes, multiplied by an amount equal to the outstanding principal balance of issued notes or bonds, minus the risk-share pool amount under subsection (d), may be held in a relending account and may be made available for new eligible community or economic development purposes.

''(3) LIMITATIONS ON UNPAID PRINCIPAL BALANCES.—The proceeds of guaranteed bonds or notes under the Program may not be used to pay fees (other than costs of issuance fees), and shall be held in—

''(A) community or economic development loans;

''(B) a relending account, to the extent authorized under paragraph (2); or

''(C) a risk-share pool established under subsection (d).

''(4) REPAYMENT.—If a qualified issuer fails to meet the requirements of paragraph (1) by the end of the 90-day period beginning at the end of the annual measurement period, repayment shall be made on that portion of bonds or notes necessary to bring the bonds or notes that remain outstanding after such repayment into compliance with the 90 percent requirement of paragraph (1).

''(5) PROHIBITED USES.—The Secretary shall, by regulation—

''(A) prohibit, as appropriate, certain uses of amounts from the guarantee of a bond or note under the Program, including the use of such funds for political activities, lobbying, outreach, counseling services, or travel expenses; and

''(B) provide that the guarantee of a bond or note under the Program may not be used for salaries or other administrative costs of—

''(i) the qualified issuer; or

''(ii) any recipient of amounts from the guarantee of a bond or note.

''(d) RISK-SHARE POOL.—Each qualified issuer shall, during the term of a guarantee provided under the Program, establish a risk-share pool, capitalized by contributions from eligible community development financial institution participants an amount equal to 3 percent of the guaranteed amount outstanding on the subject notes and bonds.

''(e) GUARANTEES.—

''(1) IN GENERAL.—A guarantee issued under the Program shall—

''(A) be for the full amount of a bond or note, including the amount of principal, interest, and call premiums;

''(B) be fully assignable and transferable to the capital market, on terms and conditions that are consistent with comparable Government-guaranteed bonds, and satisfactory to the Secretary;

''(C) represent the full faith and credit of the United States; and

''(D) not exceed 30 years.

''(2) LIMITATIONS.—

''(A) ANNUAL NUMBER OF GUARANTEES.—The Secretary shall issue not more than 10 guarantees in any calendar year under the Program.

''(B) GUARANTEE AMOUNT.—The Secretary may not guarantee any amount under the Program equal to less than $100,000,000, but the total of all such guarantees in any fiscal year may not exceed $1,000,000,000.

''(f) SERVICING OF TRANSACTIONS.—

''(1) IN GENERAL.—To maximize efficiencies and minimize cost and interest rates, loans made under this section may be serviced by qualified Program administrators, bond servicers, and a master servicer.

''(2) DUTIES OF PROGRAM ADMINISTRATOR.—The duties of a Program administrator shall include—

''(A) approving and qualifying eligible community development financial institution applications for participation in the Program;

''(B) compliance monitoring;

''(C) bond packaging in connection with the Program; and

''(D) all other duties and related services that are customarily expected of a Program administrator.

''(3) DUTIES OF SERVICER.—The duties of a servicer shall include—

''(A) billing and collecting loan payments;

''(B) initiating collection activities on past-due loans;

''(C) transferring loan payments to the master servicing accounts;

''(D) loan administration and servicing;

''(E) systematic and timely reporting of loan performance through remittance and servicing reports;

''(F) proper measurement of annual outstanding loan requirements; and

''(G) all other duties and related services that are customarily expected of servicers.

''(4) DUTIES OF MASTER SERVICER.—The duties of a master servicer shall include—

''(A) tracking the movement of funds between the accounts of the master servicer and any other servicer;

''(B) ensuring orderly receipt of the monthly remittance and servicing reports of the servicer;

''(C) monitoring the collection comments and foreclosure actions;

''(D) aggregating the reporting and distribution of funds to trustees and investors;

''(E) removing and replacing a servicer, as necessary;

''(F) loan administration and servicing;

''(G) systematic and timely reporting of loan performance compiled from all bond servicers' reports;

''(H) proper distribution of funds to investors; and

''(I) all other duties and related services that are customarily expected of a master servicer.

''(g) FEES.—

''(1) IN GENERAL.—A qualified issuer that receives a guarantee issued under this section on a bond or note shall pay a fee to the Secretary, in an amount equal to 10 basis points of the amount of the unpaid principal of the bond or note guaranteed.

''(2) PAYMENT.—A qualified issuer shall pay the fee required under this subsection on an annual basis.

''(3) USE OF FEES.—Fees collected by the Secretary under this subsection shall be used to reimburse the Department of the Treasury for any administrative costs incurred by the Department in implementing the Program established under this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary, such sums as are necessary to carry out this section.

''(2) USE OF FEES.—To the extent that the amount of funds appropriated for a fiscal year under paragraph (1) are not sufficient to carry out this section, the Secretary may use the fees collected under subsection (g) for the cost of providing guarantees of bonds and notes under this section.

''(i) INVESTMENT IN GUARANTEED BONDS INELIGIBLE FOR COMMUNITY REINVESTMENT ACT PURPOSES.—Notwithstanding any other provision of law, any investment by a financial institution in bonds or notes guaranteed under the Program shall not be taken into account in assessing the record of such institution for purposes of the Community Reinvestment Act of 1977 (12 U.S.C. 2901).

''(j) ADMINISTRATION.—

''(1) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations to carry out this section.

''(2) IMPLEMENTATION.—Not later than 2 years after the date of enactment of this section, the Secretary shall implement this section.

''(k) TERMINATION.—This section is repealed, and the authority provided under this section shall terminate, on September 30, 2014.''.

SEC. 1135. TEMPORARY EXPRESS LOAN ENHANCEMENT.

(a) IN GENERAL.—Section 7(a)(31)(D) of the Small Business Act (15 U.S.C. 636(a)(31)(D)) is amended by striking ''$350,000'' and inserting ''$1,000,000''.

(b) PROSPECTIVE REPEAL.—Effective 1 year after the date of enactment of this Act, section 7(a)(31)(D) of the Small Business Act (15 U.S.C. 636(a)(31)(D)) is amended by striking ''$1,000,000'' and inserting ''$350,000''.

SEC. 1136. PROHIBITION ON USING TARP FUNDS OR TAX INCREASES.

(a) IN GENERAL.—Except as provided in subsection (b), nothing in section 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1122, or 1131, or an amendment made by such sections, shall

be construed to limit the ability of Congress to appropriate funds.

(b) TARP FUNDS AND TAX INCREASES.—

(1) IN GENERAL.—Any covered amounts may not be used to carry out section 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1122, or 1131, or an amendment made by such sections.

(2) DEFINITION.—In this subsection, the term ''covered amounts'' means—

(A) the amounts made available to the Secretary of the Treasury under title I of the Emergency Economic Stabilization Act of 2008 S.C. 5201 et seq.) to purchase (under section 101) or guarantee (under section 102) assets under that Act; and

(B) any revenue increase attributable to any amendment to the Internal Revenue Code of 1986 made during the period beginning on the date of enactment of this Act and ending on December 31, 2010.

Subtitle B—Small Business Trade and Exporting

SEC. 1201. SHORT TITLE.

This subtitle may be cited as the ''Small Business Export Enhancement and International Trade Act of 2010''.

SEC. 1202. DEFINITIONS.

(a) DEFINITIONS.—In this subtitle—

(1) the term ''Associate Administrator'' means the Associate Administrator for International Trade appointed under section 22(a)(2) of the Small Business Act, as amended by this subtitle;

(2) the term ''Export Assistance Center'' means a one-stop shop referred to in section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8)); and

(3) the term ''rural small business concern'' means a small business concern located in a rural area, as that term is defined in section 1393(a)(2) of the Internal Revenue Code of 1986.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

''(t) SMALL BUSINESS DEVELOPMENT CENTER.—In this Act, the term 'small business development center' means a small business development center described in section 21.

''(u) REGION OF THE ADMINISTRATION.—In this Act, the term 'region of the Administration' means the geographic area served by a regional office of the Administration established under section 4(a).''.

(2) CONFORMING AMENDMENT.—Section 4(b)(3)(B)(x) of the Small Business Act (15 U.S.C. 633(b)(3)(B)(x)) is amended by striking ''Administration district and region'' and inserting ''district and region of the Administration''.

SEC. 1203. OFFICE OF INTERNATIONAL TRADE.

(a) ESTABLISHMENT.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by striking ''SEC. 22. (a) There'' and inserting the following:

''SEC. 22. OFFICE OF INTERNATIONAL TRADE.

''(a) ESTABLISHMENT.—

''(1) OFFICE.—There''; and

(2) in subsection (a)—

(A) in paragraph (1), as so designated, by striking the period and inserting ''for the primary purposes of increasing—

''(A) the number of small business concerns that export; and

''(B) the volume of exports by small business concerns.''; and

(B) by adding at the end the following:

''(2) ASSOCIATE ADMINISTRATOR.—The head of the Office shall be the Associate Administrator for International Trade, who shall be responsible to the Administrator.''.

(b) AUTHORITY FOR ADDITIONAL ASSOCIATE ADMINISTRATOR.—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended—

(1) in the fifth sentence, by striking ''five Associate Administrators'' and inserting ''Associate Administrators''; and

(2) by adding at the end the following: ''One such Associate Administrator shall be the Associate Administrator for International Trade, who shall be the head of the Office of International Trade established under section 22.''.

(c) DISCHARGE OF INTERNATIONAL TRADE RESPONSIBILITIES OF ADMINISTRATION.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended by adding at the end the following:

''(h) DISCHARGE OF INTERNATIONAL TRADE RESPONSIBILITIES OF ADMINISTRATION.—The Administrator shall ensure that—

''(1) the responsibilities of the Administration regarding international trade are carried out by the Associate Administrator;

''(2) the Associate Administrator has sufficient resources to carry out such responsibilities; and

''(3) the Associate Administrator has direct supervision and control over—

''(A) the staff of the Office; and

''(B) any employee of the Administration whose principal duty station is an Export Assistance Center, or any successor entity.''.

(d) ROLE OF ASSOCIATE ADMINISTRATOR IN CARRYING OUT INTERNATIONAL TRADE POLICY.—Section 2(b)(1) of the Small Business Act (15 U.S.C. 631(b)(1)) is amended in the matter preceding subparagraph (A)—

(1) by inserting ''the Administrator of'' before ''the Small Business Administration''; and

(2) by inserting ''through the Associate Administrator for International Trade, and'' before ''in cooperation with''.

(e) IMPLEMENTATION DATE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall appoint an Associate Administrator for International Trade under section 22(a) of the Small Business Act (15 U.S.C. 649(a)), as added by this section.

SEC. 1204. DUTIES OF THE OFFICE OF INTERNATIONAL TRADE.

(a) AMENDMENTS TO SECTION 22.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) TRADE DISTRIBUTION NETWORK.—The Associate Administrator, working in close cooperation with the Secretary of Commerce, the United States Trade Representative, the Secretary of Agriculture, the Secretary of State, the President of the Export-Import Bank of the United States, the President of the Overseas Private Investment Corporation, Director of the United States Trade and Development Agency, and other relevant Federal agencies, small business development centers engaged in export promotion efforts, Export Assistance Centers, regional and district offices of the Administration, the small business community, and relevant State and local export promotion programs, shall—

''(1) maintain a distribution network, using regional and district offices of the Administration, the small business development center network, networks of women's business centers, the Service Corps of Retired Executives authorized by section 8(b)(1), and Export Assistance Centers, for programs relating to—

''(A) trade promotion;

''(B) trade finance;

''(C) trade adjustment assistance;

''(D) trade remedy assistance; and

''(E) trade data collection;

''(2) aggressively market the programs described in paragraph (1) and disseminate information, including computerized marketing data, to small business concerns on exporting trends, market-specific growth, industry trends, and international prospects for exports;

''(3) promote export assistance programs through the district and regional offices of the Administration, the small business development center network, Export Assistance Centers, the network of women's business centers, chapters of the Service Corps of Retired Executives, State and local export promotion programs, and partners in the private sector; and

''(4) give preference in hiring or approving the transfer of any employee into the Office or to a position described in subsection (c)(9) to otherwise qualified applicants who are fluent in a language in addition to English, to—

''(A) accompany small business concerns on foreign trade missions; and

''(B) translate documents, interpret conversations, and facilitate multilingual transactions, including by providing referral lists for translation services, if required.'';

(2) in subsection (c)—

(A) by striking ''(c) The Office'' and inserting the following:

''(c) PROMOTION OF SALES OPPORTUNITIES.—The Associate Administrator'';

(B) by redesignating paragraphs (1) through (8) as paragraphs (2) through (9), respectively;

(C) by inserting before paragraph (2), as so redesignated, the following:

''(1) establish annual goals for the Office relating to—

''(A) enhancing the exporting capability of small business concerns and small manufacturers;

''(B) facilitating technology transfers;

''(C) enhancing programs and services to assist small business concerns and small manufacturers to compete effectively and efficiently in foreign markets;

''(D) increasing the ability of small business concerns to access capital; and

''(E) disseminating information concerning Federal, State, and private programs and initiatives;'';

(D) in paragraph (2), as so redesignated, by striking ''mechanism for'' and all that follows through ''(D) assisting'' and inserting the following: ''mechanism for—

''(A) identifying subsectors of the small business community with strong export potential;

''(B) identifying areas of demand in foreign markets;

''(C) prescreening foreign buyers for commercial and credit purposes; and

''(D) assisting'';

(E) in paragraph (3), as so redesignated, by striking ''assist small businesses in the formation and utilization of'' and inserting ''assist small business concerns in forming and using'';

(F) in paragraph (4), as so redesignated—

(i) by striking ''local'' and inserting ''district'';

(ii) by striking ''existing'';

(iii) by striking ''Small Business Development Center network'' and inserting ''small business development center network''; and

(iv) by striking ''Small Business Development Center Program'' and inserting ''small business development center program'';

(G) in paragraph (5), as so redesignated—

(i) in subparagraph (A), by striking ''Gross State Produce'' and inserting ''Gross State Product'';

(ii) in subparagraph (B), by striking ''SIC'' each place it appears and inserting ''North American Industry Classification System''; and

(iii) in subparagraph (C), by striking ''small businesses'' and inserting ''small business concerns'';

(H) in paragraph (6), as so redesignated, by striking the period at the end and inserting a semicolon;

(I) in paragraph (7), as so redesignated—

(i) in the matter preceding subparagraph (A)—

(I) by inserting ''concerns'' after ''small business''; and

(II) by striking ''current'' and inserting ''up to date'';

(ii) in subparagraph (A), by striking ''Administration's regional offices'' and inserting ''regional and district offices of the Administration'';

(iii) in subparagraph (B) by striking ''current'';

(iv) in subparagraph (C), by striking ''current''; and

(v) by striking ''small businesses'' each place that term appears and inserting ''small business concerns'';

(J) in paragraph (8), as so redesignated, by striking and at the end;

(K) in paragraph (9), as so redesignated—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''full-time export development specialists to each Administration regional office and assigning''; and

(II) by striking ''person in each district office. Such specialists'' and inserting ''individual in each district office and providing each Administration regional office with a full-time export development specialist, who'';

(ii) in subparagraph (B)—

(I) by striking ''current''; and

(II) by striking ''with'' and inserting ''in'';

(iii) in subparagraph (D)—

(I) by striking ''Administration personnel involved in granting'' and inserting ''personnel of the Administration involved in making''; and

(II) by striking ''and'' at the end;

(iv) in subparagraph (E)—

(I) by striking ''small businesses' needs'' and inserting ''the needs of small business concerns''; and

(II) by striking the period at the end and inserting a semicolon;

(v) by adding at the end the following:

''(F) participate, jointly with employees of the Office, in an annual training program that focuses on current small business needs for exporting; and

''(G) develop and conduct training programs for exporters and lenders, in cooperation with the Export Assistance Centers, the Department of Commerce, the Department of Agriculture, small business development centers, women's business centers, the Export-Import Bank of the United States, the Overseas Private Investment Corporation, and other relevant Federal agencies;''; and

(vi) by striking ''small businesses'' each place that term appears and inserting ''small business concerns''; and

(L) by adding at the end the following:

''(10) make available on the website of the Administration the name and contact information of each individual described in paragraph (9);

''(11) carry out a nationwide marketing effort using technology, online resources, training, and other strategies to promote exporting as a business development opportunity for small business concerns;

''(12) disseminate information to the small business community through regional and district offices of the Administration, the small business development center network, Export Assistance Centers, the network of women's business centers, chapters of the Service Corps of Retired Executives authorized by section 8(b)(1), State and local export promotion programs, and partners in the private sector regarding exporting trends, market-specific growth, industry trends, and prospects for exporting; and

''(13) establish and carry out training programs for the staff of the regional and district offices of the Administration and resource partners of the Administration on export promotion and providing assistance relating to exports.'';

(3) in subsection (d)—

(A) by redesignating paragraphs (1) through (5) as clauses (i) through (v), respectively, and adjusting the margins accordingly;

(B) by striking ''(d) The Office'' and inserting the following:

''(d) EXPORT FINANCING PROGRAMS.—

''(1) IN GENERAL.—The Associate Administrator''; and

(C) by striking ''To accomplish this goal, the Office shall work'' and inserting the following:

''(2) TRADE FINANCE SPECIALIST.—To accomplish the goal established under paragraph (1), the Associate Administrator shall—

''(A) designate at least 1 individual within the Administration as a trade finance specialist to oversee international loan programs and assist Administration employees with trade finance issues; and

''(B) work'';

(4) in subsection (e), by striking ''(e) The Office'' and inserting the following:

''(e) TRADE REMEDIES.—The Associate Administrator'';

(5) by amending subsection (f) to read as follows:

''(f) REPORTING REQUIREMENT.—The Associate Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

''(1) a description of the progress of the Office in implementing the requirements of this section;

''(2) a detailed account of the results of export growth activities of the Administration, including the activities of each district and regional office of the Administration, based on the performance measures described in subsection (i);

''(3) an estimate of the total number of jobs created or retained as a result of export assistance provided by the Administration and resource partners of the Administration;

''(4) for any travel by the staff of the Office, the destination of such travel and the benefits to the Administration and to small business concerns resulting from such travel; and

''(5) a description of the participation by the Office in trade negotiations.'';

(6) in subsection (g), by striking ''(g) The Office'' and inserting the following:

''(g) STUDIES.—The Associate Administrator''; and

(7) by adding after subsection (h), as added by section 1203 of this subtitle, the following:

''(i) EXPORT AND TRADE COUNSELING.—

''(1) DEFINITION.—In this subsection—

''(A) the term 'lead small business development center' means a small business development center that has received a grant from the Administration; and

''(B) the term 'lead women's business center' means a women's business center that has received a grant from the Administration.

''(2) CERTIFICATION PROGRAM.—The Administrator shall establish an export and trade counseling certification program to certify employees of lead small business development centers and lead women's business centers in providing export assistance to small business concerns.

''(3) NUMBER OF CERTIFIED EMPLOYEES.—The Administrator shall ensure that the number of employees of each lead small business development center who are certified in providing export assistance is not less than the lesser of—

''(A) 5; or

''(B) 10 percent of the total number of employees of the lead small business development center.

''(4) REIMBURSEMENT FOR CERTIFICATION.—

''(A) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall reimburse a lead small business development center or a lead women's business center for costs relating to the certification of an employee of the lead small business center or lead women's business center in providing export assistance under the program established under paragraph (2).

''(B) LIMITATION.—The total amount reimbursed by the Administrator under subparagraph (A) may not exceed $350,000 in any fiscal year.

''(j) PERFORMANCE MEASURES.—

''(1) IN GENERAL.—The Associate Administrator shall develop performance measures for the Administration to support export growth goals for the activities of the Office under this section that include—

''(A) the number of small business concerns that—

''(i) receive assistance from the Administration;

''(ii) had not exported goods or services before receiving the assistance described in clause (i); and

''(iii) export goods or services;

''(B) the number of small business concerns receiving assistance from the Administration that export goods or services to a market outside the United States into which the small business concern did not export before receiving the assistance;

''(C) export revenues by small business concerns assisted by programs of the Administration;

''(D) the number of small business concerns referred to an Export Assistance Center or a small business development center by the staff of the Office;

''(E) the number of small business concerns referred to the Administration by an Export Assistance Center or a small business development center; and

''(F) the number of small business concerns referred to the Department of Commerce, the Department of Agriculture, the Department of State, the Export-Import Bank of the United States, the Overseas Private Investment Corporation, or the United States Trade and Development Agency by the staff of the Office, an Export Assistance Center, or a small business development center.

''(2) JOINT PERFORMANCE MEASURES.—The Associate Administrator shall develop joint performance measures for the district offices of the Administration and the Export Assistance Centers that include the number of export loans made under—

''(A) section 7(a)(16);

''(B) the Export Working Capital Program established under section 7(a)(14);

''(C) the Preferred Lenders Program, as defined in section 7(a)(2)(C)(ii); and

''(D) the export express program established under section 7(a)(34).

''(3) CONSISTENCY OF TRACKING.—The Associate Administrator, in coordination with the departments and agencies that are represented on the Trade Promotion Coordinating Committee established under section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) and the small business development center network, shall develop a system to track exports by small business concerns, including information relating to the

performance measures developed under paragraph (1), that is consistent with systems used by the departments and agencies and the network.''.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on any travel by the staff of the Office of International Trade of the Administration, during the period beginning on October 1, 2004, and ending on the date of enactment of the Act, including the destination of such travel and the benefits to the Administration and to small business concerns resulting from such travel.

SEC. 1205. EXPORT ASSISTANCE CENTERS.

(a) EXPORT ASSISTANCE CENTERS.—Section 22 of the Small Business Act (15 U.S.C. 649), as amended by this subtitle, is amended by adding at the end the following:

''(k) EXPORT ASSISTANCE CENTERS.—

''(1) EXPORT FINANCE SPECIALISTS.—

''(A) MINIMUM NUMBER OF EXPORT FINANCE SPECIALISTS.—On and after the date that is 90 days after the date of enactment of this subsection, the Administrator, in coordination with the Secretary of Commerce, shall ensure that the number of export finance specialists is not less than the number of such employees so assigned on January 1, 2003.

''(B) EXPORT FINANCE SPECIALISTS ASSIGNED TO EACH REGION OF THE ADMINISTRATION.—On and after the date that is 2 years after the date of enactment of this subsection, the Administrator, in coordination with the Secretary of Commerce, shall ensure that there are not fewer than 3 export finance specialists in each region of the Administration.

''(2) PLACEMENT OF EXPORT FINANCE SPECIALISTS.—

''(A) PRIORITY.—The Administrator shall give priority, to the maximum extent practicable, to placing employees of the Administration at any Export Assistance Center that—

''(i) had an Administration employee assigned to the Export Assistance Center before January 2003; and

''(ii) has not had an Administration employee assigned to the Export Assistance Center during the period beginning January 2003, and ending on the date of enactment of this subsection, either through retirement or reassignment.

''(B) NEEDS OF EXPORTERS.—The Administrator shall, to the maximum extent practicable, strategically assign Administration employees to Export Assistance Centers, based on the needs of exporters.

''(C) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to require the Administrator to reassign or remove an export finance specialist who is assigned to an Export Assistance Center on the date of enactment of this subsection.

''(3) GOALS.—The Associate Administrator shall work with the Department of Commerce, the Export-Import Bank of the United States, and the Overseas Private Investment Corporation to establish shared annual goals for the Export Assistance Centers.

''(4) OVERSIGHT.—The Associate Administrator shall designate an individual within the Administration to oversee all activities conducted by Administration employees assigned to Export Assistance Centers.

''(l) DEFINITIONS.—In this section—

''(1) the term 'Associate Administrator' means the Associate Administrator for International Trade described in subsection (a)(2);

''(2) the term 'Export Assistance Center' means a one-stop shop for United States exporters established by the United States and Foreign Commercial Service of the Department of Commerce pursuant to section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8));

''(3) the term 'export finance specialist' means a full-time equivalent employee of the Office assigned to an Export Assistance Center to carry out the duties described in subsection (e); and

''(4) the term 'Office' means the Office of International Trade established under subsection (a)(1).''.

(b) STUDY AND REPORT ON FILLING GAPS IN HIGH-AND-LOW-EXPORT VOLUME AREAS.—

(1) STUDY AND REPORT.—Not later than 6 months after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall—

(A) conduct a study of—

(i) the volume of exports for each State;

(ii) the availability of export finance specialists in each State;

(iii) the number of exporters in each State that are small business concerns;

(iv) the percentage of exporters in each State that are small business concerns;

(v) the change, if any, in the number of exporters that are small business concerns in each State—

(I) for the first study conducted under this subparagraph, during the 10-year period ending on the date of enactment of this Act; and

(II) for each subsequent study, during the 10-year period ending on the date the study is commenced;

(vi) the total value of the exports in each State by small business concerns;

(vii) the percentage of the total volume of exports in each State that is attributable to small business concerns; and

(viii) the change, if any, in the percentage of the total volume of exports in each State that is attributable to small business concerns—

(I) for the first study conducted under this subparagraph, during the 10-year period ending on the date of enactment of this Act; and

(II) for each subsequent study, during the 10-year period ending on the date the study is commenced; and

(B) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing—

(i) the results of the study under subparagraph (A);

(ii) to the extent practicable, a recommendation regarding how to eliminate gaps between the supply of and demand for export finance specialists in the 15 States that have the greatest volume of exports, based upon the most recent data available from the Department of Commerce;

(iii) to the extent practicable, a recommendation regarding how to eliminate gaps between the supply of and demand for export finance specialists in the 15 States that have the lowest volume of exports, based upon the most recent data available from the Department of Commerce; and

(iv) such additional information as the Administrator determines is appropriate.

(2) DEFINITION.—In this subsection, the term ''export finance specialist'' has the meaning given that term in section 22(l) of the Small Business Act, as added by this title.

SEC. 1206. INTERNATIONAL TRADE FINANCE PROGRAMS.

(a) LOAN LIMITS.—

(1) TOTAL AMOUNT OUTSTANDING.—Section 7(a)(3)(B) of the Small Business Act (15 U.S.C. 636(a)(3)(B)) is amended by striking ''$1,750,000, of which not more than $1,250,000'' and inserting ''$4,500,000 (or if the gross loan amount would exceed $5,000,000), of which not more than $4,000,000''.

(2) PARTICIPATION.—Section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)) is amended—

(A) in subparagraph (A), in the matter preceding clause (i), by striking ''subparagraph (B)'' and inserting ''subparagraphs (B), (D), and (E)'';

(B) in subparagraph (D), by striking ''Notwithstanding subparagraph (A), in'' and inserting ''In''; and

(C) by adding at the end the following:

''(E) PARTICIPATION IN INTERNATIONAL TRADE LOAN.—In an agreement to participate in a loan on a deferred basis under paragraph (16), the participation by the Administration may not exceed 90 percent.''.

(b) WORKING CAPITAL.—Section 7(a)(16)(A) of the Small Business Act (15 U.S.C. 636(a)(16)(A)) is amended—

(1) in the matter preceding clause (i), by striking ''in—'' and inserting ''—'';

(2) in clause (i)—

(A) by inserting ''in'' after ''(i)''; and

(B) by striking ''or'' at the end;

(3) in clause (ii)—

(A) by inserting ''in'' after ''(ii)''; and

(B) by striking the period at the end and inserting '', including any debt that qualifies for refinancing under any other provision of this subsection; or''; and

(4) by adding at the end the following:

''(iii) by providing working capital.''.

(c) COLLATERAL.—Section 7(a)(16)(B) of the Small Business Act (15 U.S.C. 636(a)(16)(B)) is amended—

(1) by striking ''Each loan'' and inserting the following:

''(i) IN GENERAL.—Except as provided in clause (ii), each loan''; and

(2) by adding at the end the following:

''(ii) EXCEPTION.—A loan under this paragraph may be secured by a second lien position on the property or equipment financed by the loan or on other assets of the small business concern, if the Administrator determines the lien provides adequate assurance of the payment of the loan.''.

(d) EXPORT WORKING CAPITAL PROGRAM.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(D), by striking ''not exceed'' and inserting ''be''; and

(2) in paragraph (14)—

(A) by striking ''(A) The Administration'' and inserting the following: ''EXPORT WORKING CAPITAL PROGRAM.—

''(A) IN GENERAL.—The Administrator'';

(B) by striking ''(B) When considering'' and inserting the following:

''(C) CONSIDERATIONS.—When considering'';

(C) by striking ''(C) The Administration'' and inserting the following:

''(D) MARKETING.—The Administrator''; and

(D) by inserting after subparagraph (A) the following:

''(B) TERMS.—

''(i) LOAN AMOUNT.—The Administrator may not guarantee a loan under this paragraph of more than $5,000,000.

''(ii) FEES.—

''(I) IN GENERAL.—For a loan under this paragraph, the Administrator shall collect the fee assessed under paragraph (23) not more frequently than once each year.

''(II) UNTAPPED CREDIT.—The Administrator may not assess a fee on capital that is not accessed by the small business concern.''.

(e) PARTICIPATION IN PREFERRED LENDERS PROGRAM.—Section 7(a)(2)(C) of the Small Business Act (15 U.S.C. 636(a)(2)(C)) is amended—

(1) by redesignating clause (ii) as clause (iii); and

(2) by inserting after clause (i) the following:

''(ii) EXPORT-IMPORT BANK LENDERS.—Any lender that is participating in the Delegated Authority Lender Program of the Export-Import Bank of the United States (or any successor to the Program) shall be eligible to participate in the Preferred Lenders Program.''.

(f) EXPORT EXPRESS PROGRAM.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

''(35) EXPORT EXPRESS PROGRAM.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the term 'export development activity' includes—

''(I) obtaining a standby letter of credit when required as a bid bond, performance bond, or advance payment guarantee;

''(II) participation in a trade show that takes place outside the United States;

''(III) translation of product brochures or catalogues for use in markets outside the United States;

''(IV) obtaining a general line of credit for export purposes;

''(V) performing a service contract from buyers located outside the United States;

''(VI) obtaining transaction-specific financing associated with completing export orders;

''(VII) purchasing real estate or equipment to be used in the production of goods or services for export;

''(VIII) providing term loans or other financing to enable a small business concern, including an export trading company and an export management company, to develop a market outside the United States; and

''(IX) acquiring, constructing, renovating, modernizing, improving, or expanding a production facility or equipment to be used in the United States in the production of goods or services for export; and

''(ii) the term 'express loan' means a loan in which a lender uses to the maximum extent practicable the loan analyses, procedures, and documentation of the lender to provide expedited processing of the loan application.

''(B) AUTHORITY.—The Administrator may guarantee the timely payment of an express loan to a small business concern made for an export development activity.

''(C) LEVEL OF PARTICIPATION.—

''(i) MAXIMUM AMOUNT.—The maximum amount of an express loan guaranteed under this paragraph shall be $500,000.

''(ii) PERCENTAGE.—For an express loan guaranteed under this paragraph, the Administrator shall guarantee—

''(I) 90 percent of a loan that is not more than $350,000; and

''(II) 75 percent of a loan that is more than $350,000 and not more than $500,000.''.

(g) ANNUAL LISTING OF EXPORT FINANCE LENDERS.—Section 7(a)(16) of the Small Business Act (15 U.S.C. 636(a)(16)) is amended by adding at the end the following:

''(F) LIST OF EXPORT FINANCE LENDERS.—

''(i) PUBLICATION OF LIST REQUIRED.—The Administrator shall publish an annual list of the banks and participating lending institutions that, during the 1-year period ending on the date of publication of the list, have made loans guaranteed by the Administration under—

''(I) this paragraph;

''(II) paragraph (14); or

''(III) paragraph (34).

''(ii) AVAILABILITY OF LIST.—The Administrator shall—

''(I) post the list published under clause (i) on the website of the Administration; and

''(II) make the list published under clause (i) available, upon request, at each district office of the Administration.''.

(h) APPLICABILITY.—The amendments made by subsections (a) through (f) shall apply with respect to any loan made after the date of enactment of this Act.

SEC. 1207. STATE TRADE AND EXPORT PROMOTION GRANT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''eligible small business concern'' means a small business concern that—

(A) has been in business for not less than the 1-year period ending on the date on which assistance is provided using a grant under this section;

(B) is operating profitably, based on operations in the United States;

(C) has demonstrated understanding of the costs associated with exporting and doing business with foreign purchasers, including the costs of freight forwarding, customs brokers, packing and shipping, as determined by the Associate Administrator; and

(D) has in effect a strategic plan for exporting;

(2) the term ''program'' means the State Trade and Export Promotion Grant Program established under subsection (b);

(3) the term ''small business concern owned and controlled by women'' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632);

(4) the term ''socially and economically disadvantaged small business concern'' has the meaning given that term in section 8(a)(4)(A) of the Small Business Act (15 U.S.C. 6537(a)(4)(A)); and

(5) the term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(b) ESTABLISHMENT OF PROGRAM.—The Associate Administrator shall establish a 3-year trade and export promotion pilot program to be known as the State Trade and Export Promotion Grant Program, to make grants to States to carry out export programs that assist eligible small business concerns in—

(1) participation in a foreign trade mission;

(2) a foreign market sales trip;

(3) a subscription to services provided by the Department of Commerce;

(4) the payment of website translation fees;

(5) the design of international marketing media;

(6) a trade show exhibition;

(7) participation in training workshops; or

(8) any other export initiative determined appropriate by the Associate Administrator.

(c) GRANTS.—

(1) JOINT REVIEW.—In carrying out the program, the Associate Administrator may make a grant to a State to increase the number of eligible small business concerns in the State that export or to increase the value of the exports by eligible small business concerns in the State.

(2) CONSIDERATIONS.—In making grants under this section, the Associate Administrator may give priority to an application by a State that proposes a program that—

(A) focuses on eligible small business concerns as part of an export promotion program;

(B) demonstrates success in promoting exports by—

(i) socially and economically disadvantaged small business concerns;

(ii) small business concerns owned or controlled by women; and

(iii) rural small business concerns;

(C) promotes exports from a State that is not 1 of the 10 States with the highest percentage of exporters that are small business concerns, based upon the latest data available from the Department of Commerce; and

(D) promotes new-to-market export opportunities to the People's Republic of China for eligible small business concerns in the United States.

(3) LIMITATIONS.—

(A) SINGLE APPLICATION.—A State may not submit more than 1 application for a grant under the program in any 1 fiscal year.

(B) PROPORTION OF AMOUNTS.—The total value of grants under the program made during a fiscal year to the 10 States with the highest number of exporters that are small business concerns, based upon the latest data available from the Department of Commerce, shall be not more than 40 percent of the amounts appropriated for the program for that fiscal year.

(4) APPLICATION.—A State desiring a grant under the program shall submit an application at such time, in such manner, and accompanied by such information as the Associate Administrator may establish.

(d) COMPETITIVE BASIS.—The Associate Administrator shall award grants under the program on a competitive basis.

(e) FEDERAL SHARE.—The Federal share of the cost of an export program carried out using a grant under the program shall be—

(1) for a State that has a high export volume, as determined by the Associate Administrator, not more than 65 percent; and

(2) for a State that does not have a high export volume, as determined by the Associate Administrator, not more than 75 percent.

(f) NON-FEDERAL SHARE.—The non-Federal share of the cost of an export program carried using a grant under the program shall be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions, except that no such costs or contributions may be derived from funds from any other Federal program.

(g) REPORTS.—

(1) INITIAL REPORT.—Not later than 120 days after the date of enactment of this Act, the Associate Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report, which shall include—

(A) a description of the structure of and procedures for the program;

(B) a management plan for the program; and

(C) a description of the merit-based review process to be used in the program.

(2) ANNUAL REPORTS.—The Associate Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the program, which shall include—

(A) the number and amount of grants made under the program during the preceding year;

(B) a list of the States receiving a grant under the program during the preceding year, including the activities being performed with grant; and

(C) the effect of each grant on exports by eligible small business concerns in the State receiving the grant.

(h) REVIEWS BY INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Administration shall conduct a review of—

(A) the extent to which recipients of grants under the program are measuring the performance of the activities being conducted and the results of the measurements; and

(B) the overall management and effectiveness of the program.

(2) REPORT.—Not later than September 30, 2012, the Inspector General of the Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the review conducted under paragraph (1).

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program $30,000,000 for each of fiscal years 2011, 2012, and 2013.

(j) TERMINATION.—The authority to carry out the program shall terminate 3 years after the date on which the Associate Administrator establishes the program.

SEC. 1208. RURAL EXPORT PROMOTION.

Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Agriculture and the Secretary of Commerce, shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that contains—

(1) a description of each program of the Administration that promotes exports by rural small business concerns, including—

(A) the number of rural small business concerns served by the program;

(B) the change, if any, in the number of rural small business concerns as a result of participation in the program during the 10-year period ending on the date of enactment of this Act;

(C) the volume of exports by rural small business concerns that participate in the program; and

(D) the change, if any, in the volume of exports by rural small businesses that participate in the program during the 10-year period ending on the date of enactment of this Act;

(2) a description of the coordination between programs of the Administration and other Federal programs that promote exports by rural small business concerns;

(3) recommendations, if any, for improving the coordination described in paragraph (2);

(4) a description of any plan by the Administration to market the international trade financing programs of the Administration through lenders that—

(A) serve rural small business concerns; and

(B) are associated with financing programs of the Department of Agriculture;

(5) recommendations, if any, for improving coordination between the counseling programs and export financing programs of the Administration, in order to increase the volume of exports by rural small business concerns; and

(6) any additional information the Administrator determines is necessary.

SEC. 1209. INTERNATIONAL TRADE COOPERATION BY SMALL BUSINESS DEVELOPMENT CENTERS.

Section 21(a) of the Small Business Act (15 U.S.C. 648(a)) is amended—

(1) by striking ''(2) The Small Business Development Centers'' and inserting the following:

''(2) COOPERATION TO PROVIDE INTERNATIONAL TRADE SERVICES.—

''(A) INFORMATION AND SERVICES.—The small business development centers''; and

(2) in paragraph (2)—

(A) in subparagraph (A), as so designated, by inserting ''(including State trade agencies),'' after ''local agencies''; and

(B) by adding at the end the following:

''(B) COOPERATION WITH STATE TRADE AGENCIES AND EXPORT ASSISTANCE CENTERS.—A small business development center that counsels a small business concern on issues relating to international trade shall—

''(i) consult with State trade agencies and Export Assistance Centers to provide appropriate services to the small business concern; and

''(ii) as necessary, refer the small business concern to a State trade agency or an Export Assistance Center for further counseling or assistance.

''(C) DEFINITION.—In this paragraph, the term 'Export Assistance Center' has the same meaning as in section 22.''.

Subtitle C—Small Business Contracting

PART I—CONTRACT BUNDLING

SEC. 1311. SMALL BUSINESS ACT.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1202, is amended by adding at the end the following:

''(v) MULTIPLE AWARD CONTRACT.—In this Act, the term 'multiple award contract' means—

''(1) a multiple award task order contract or delivery order contract that is entered into under the authority of sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

''(2) any other indefinite delivery, indefinite quantity contract that is entered into by the head of a Federal agency with 2 or more sources pursuant to the same solicitation.''.

SEC. 1312. LEADERSHIP AND OVERSIGHT.

(a) IN GENERAL.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following:

''(q) BUNDLING ACCOUNTABILITY MEASURES.—

''(1) TEAMING REQUIREMENTS.—Each Federal agency shall include in each solicitation for any multiple award contract above the substantial bundling threshold of the Federal agency a provision soliciting bids from any responsible source, including responsible small business concerns and teams or joint ventures of small business concerns.

''(2) POLICIES ON REDUCTION OF CONTRACT BUNDLING.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Federal Acquisition Regulatory Council established under section 25(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 4219(a)) shall amend the Federal Acquisition Regulation issued under section 25 of such Act to—

''(i) establish a Government-wide policy regarding contract bundling, including regarding the solicitation of teaming and joint ventures under paragraph (1); and

''(ii) require that the policy established under clause (i) be published on the website of each Federal agency.

''(B) RATIONALE FOR CONTRACT BUNDLING.—Not later than 30 days after the date on which the head of a Federal agency submits data certifications to the Administrator for Federal Procurement Policy, the head of the Federal agency shall publish on the website of the Federal agency a list and rationale for any bundled contract for which the Federal agency solicited bids or that was awarded by the Federal agency.

''(3) REPORTING.—Not later than 90 days after the date of enactment of this subsection, and every 3 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding procurement center representatives and commercial market representatives, which shall—

''(A) identify each area for which the Administration has assigned a procurement center representative or a commercial market representative;

''(B) explain why the Administration selected the areas identified under subparagraph (A); and

''(C) describe the activities performed by procurement center representatives and commercial market representatives.''.

(b) TECHNICAL CORRECTION.—Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by striking ''Administrator of the Office of Federal Procurement Policy'' each place it appears and inserting ''Administrator for Federal Procurement Policy''.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report regarding the procurement center representative program of the Administration.

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) address ways to improve the effectiveness of the procurement center representative program in helping small business concerns obtain Federal contracts;

(B) evaluate the effectiveness of procurement center representatives and commercial marketing representatives; and

(C) include recommendations, if any, on how to improve the procurement center representative program.

(d) ELECTRONIC PROCUREMENT CENTER REPRESENTATIVE.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall implement a 3-year pilot electronic procurement center representative program.

(2) REPORT.—Not later than 30 days after the pilot program under paragraph (1) ends, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the pilot program.

SEC. 1313. CONSOLIDATION OF CONTRACT REQUIREMENTS.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 44 as section 45; and

(2) by inserting after section 43 the following:

"SEC. 44. CONSOLIDATION OF CONTRACT REQUIREMENTS.

''(a) DEFINITIONS.—In this section—

''(1) the term 'Chief Acquisition Officer' means the employee of a Federal agency designated as the Chief Acquisition Officer for the Federal agency under section 16(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(a));

''(2) the term 'consolidation of contract requirements', with respect to contract requirements of a Federal agency, means a use of a solicitation to obtain offers for a single contract or a multiple award contract to satisfy 2 or more requirements of the Federal agency for goods or services that have been provided to or performed for the Federal agency under 2 or more separate contracts lower in cost than the total cost of the contract for which the offers are solicited; and

''(3) the term 'senior procurement executive' means an official designated under section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c)) as the senior procurement executive for a Federal agency.

''(b) POLICY.—The head of each Federal agency shall ensure that the decisions made by the Federal agency regarding consolidation of contract requirements of the Federal agency are made with a view to providing small business concerns with appropriate opportunities to participate as prime contractors and subcontractors in the procurements of the Federal agency.

''(c) LIMITATION ON USE OF ACQUISITION STRATEGIES INVOLVING CONSOLIDATION.—

''(1) IN GENERAL.—Subject to paragraph (4), the head of a Federal agency may not carry out an acquisition strategy that includes a consolidation of contract requirements of the Federal agency with a total value of

more than $2,000,000, unless the senior procurement executive or Chief Acquisition Officer for the Federal agency, before carrying out the acquisition strategy—

''(A) conducts market research;

''(B) identifies any alternative contracting approaches that would involve a lesser degree of consolidation of contract requirements;

''(C) makes a written determination that the consolidation of contract requirements is necessary and justified;

''(D) identifies any negative impact by the acquisition strategy on contracting with small business concerns; and

''(E) certifies to the head of the Federal agency that steps will be taken to include small business concerns in the acquisition strategy.

''(2) DETERMINATION THAT CONSOLIDATION IS NECESSARY AND JUSTIFIED.—

''(A) IN GENERAL.—A senior procurement executive or Chief Acquisition Officer may determine that an acquisition strategy involving a consolidation of contract requirements is necessary and justified for the purposes of paragraph (1)(C) if the benefits of the acquisition strategy substantially exceed the benefits of each of the possible alternative contracting approaches identified under paragraph (1)(B).

''(B) SAVINGS IN ADMINISTRATIVE OR PERSONNEL COSTS.—For purposes of subparagraph (A), savings in administrative or personnel costs alone do not constitute a sufficient justification for a consolidation of contract requirements in a procurement unless the expected total amount of the cost savings, as determined by the senior procurement executive or Chief Acquisition Officer, is expected to be substantial in relation to the total cost of the procurement.

''(3) BENEFITS TO BE CONSIDERED.—The benefits considered for the purposes of paragraphs (1) and (2) may include cost and, regardless of whether quantifiable in dollar amounts—

''(A) quality;

''(B) acquisition cycle;

''(C) terms and conditions; and

''(D) any other benefit.

''(4) DEPARTMENT OF DEFENSE.—

''(A) IN GENERAL.—The Department of Defense and each military department shall comply with this section until after the date described in subparagraph (C).

''(B) RULE.—After the date described in subparagraph (C), contracting by the Department of Defense or a military department shall be conducted in accordance with section 2382 of title 10, United States Code.

''(C) DATE.—The date described in this subparagraph is the date on which the Administrator determines the Department of Defense or a military department is in compliance with the Government-wide contracting goals under section 15.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 2382(b)(1) of title 10, United States Code, is amended by striking ''An official'' and inserting ''Subject to section 44(c)(4), an official''.

SEC. 1314. SMALL BUSINESS TEAMS PILOT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''Pilot Program'' means the Small Business Teaming Pilot Program established under subsection (b); and

(2) the term ''eligible organization'' means a well-established national organization for small business concerns with the capacity to provide assistance to small business concerns (which may be provided with the assistance of the Administrator) relating to—

(A) customer relations and outreach;

(B) team relations and outreach; and

(C) performance measurement and quality assurance.

(b) ESTABLISHMENT.—The Administrator shall establish a Small Business Teaming Pilot Program for teaming and joint ventures involving small business concerns.

(c) GRANTS.—Under the Pilot Program, the Administrator may make grants to eligible organizations to provide assistance and guidance to teams of small business concerns seeking to compete for larger procurement contracts.

(d) CONTRACTING OPPORTUNITIES.—The Administrator shall work with eligible organizations receiving a grant under the Pilot Program to recommend appropriate contracting opportunities for teams or joint ventures of small business concerns.

(e) REPORT.—Not later than 1 year before the date on which the authority to carry out the Pilot Program terminates under subsection (f), the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the effectiveness of the Pilot Program.

(f) TERMINATION.—The authority to carry out the Pilot Program shall terminate 5 years after the date of enactment of this Act.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under subsection (c) $5,000,000 for each of fiscal years 2010 through 2015.

PART II—SUBCONTRACTING INTEGRITY

SEC. 1321. SUBCONTRACTING MISREPRESENTATIONS.

Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the Administrator for Federal Procurement Policy, shall promulgate regulations relating to, and the Federal Acquisition Regulatory Council established under section 25(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(a)) shall amend the Federal Acquisition Regulation issued under section 25 of such Act to establish a policy on, subcontracting compliance relating to small business concerns, including assignment of compliance responsibilities between contracting offices, small business offices, and program offices and periodic oversight and review activities.

SEC. 1322. SMALL BUSINESS SUBCONTRACTING IMPROVEMENTS.

Section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)) is amended—

(1) in subparagraph (E), by striking ''and'' at the end;

(2) in subparagraph (F), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end, the following:

''(G) a representation that the offeror or bidder will—

''(i) make a good faith effort to acquire articles, equipment, supplies, services, or materials, or obtain the performance of construction work from the small business concerns used in preparing and submitting to the contracting agency the bid or proposal, in the same amount and quality used in preparing and submitting the bid or proposal; and

''(ii) provide to the contracting officer a written explanation if the offeror or bidder fails to acquire articles, equipment, supplies, services, or materials or obtain the performance of construction work as described in clause (i).''.

PART III—ACQUISITION PROCESS

SEC. 1331. RESERVATION OF PRIME CONTRACT AWARDS FOR SMALL BUSINESSES.

Section 15 of the Small Business Act (15 U.S.C. 644), as amended by this Act, is amended by adding at the end the following:

''(r) MULTIPLE AWARD CONTRACTS.—Not later than 1 year after the date of enactment of this subsection, the Administrator for Federal Procurement Policy and the Administrator, in consultation with the Administrator of General Services, shall, by regulation, establish guidance under which Federal agencies may, at their discretion—

''(1) set aside part or parts of a multiple award contract for small business concerns, including the subcategories of small business concerns identified in subsection (g)(2);

''(2) notwithstanding the fair opportunity requirements under section 2304c(b) of title 10, United States Code, and section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)), set aside orders placed against multiple award contracts for small business concerns, including the subcategories of small business concerns identified in subsection (g)(2); and

''(3) reserve 1 or more contract awards for small business concerns under full and open multiple award procurements, including the subcategories of small business concerns identified in subsection (g)(2).''.

SEC. 1332. MICRO-PURCHASE GUIDELINES.

Not later than 1 year after the date of enactment of this Act, the Director of the Office of Management and Budget, in coordination with the Administrator of General Services, shall issue guidelines regarding the analysis of purchase card expenditures to identify opportunities for achieving and accurately measuring fair participation of small business concerns in purchases in an amount not in excess of the micro-purchase threshold, as defined in section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) (in this section referred to as ''micro-purchases''), consistent with the national policy on small business participation in Federal procurements set forth in sections 2(a) and 15(g) of the Small Business Act (15 U.S.C. 631(a) and 644(g)), and dissemination of best practices for participation of small business concerns in micro-purchases.

SEC. 1333. AGENCY ACCOUNTABILITY.

Section 15(g)(2) of the Small Business Act (15 U.S.C. 644(g)(2)) is amended—

(1) by inserting ''(A)'' after ''(2)'';

(2) by striking ''Goals established'' and inserting the following:

''(B) Goals established'';

(3) by striking ''Whenever'' and inserting the following:

''(C) Whenever'';

(4) by striking ''For the purpose of'' and inserting the following:

''(D) For the purpose of'';

(5) by striking ''The head of each Federal agency, in attempting to attain such participation'' and inserting the following:

''(E) The head of each Federal agency, in attempting to attain the participation described in subparagraph (D)''.

(6) in subparagraph (E), as so designated—

(A) by striking ''(A) contracts'' and inserting ''(i) contracts''; and

(B) by striking ''(B) contracts'' and inserting ''(ii) contracts''; and

(7) by adding at the end the following:

''(F)(i) Each procurement employee or program manager described in clause (ii) shall communicate to the subordinates of the procurement employee or program manager the importance of achieving small business goals.

''(ii) A procurement employee or program manager described in this clause is a senior procurement executive, senior program manager, or Director of Small and Disadvantaged Business Utilization of a Federal agency having contracting authority.''.

SEC. 1334. PAYMENT OF SUBCONTRACTORS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

''(12) PAYMENT OF SUBCONTRACTORS.—

''(A) DEFINITION.—In this paragraph, the term 'covered contract' means a contract relating to which a prime contractor is required to develop a subcontracting plan under paragraph (4) or (5).

''(B) NOTICE.—

''(i) IN GENERAL.—A prime contractor for a covered contract shall notify in writing the contracting officer for the covered contract if the prime contractor pays a reduced price to a subcontractor for goods and services upon completion of the responsibilities of the subcontractor or the payment to a subcontractor is more than 90 days past due for goods or services provided for the covered contract for which the Federal agency has paid the prime contractor.

''(ii) CONTENTS.—A prime contractor shall include the reason for the reduction in a payment to or failure to pay a subcontractor in any notice made under clause (i).

''(C) PERFORMANCE.—A contracting officer for a covered contract shall consider the unjustified failure by a prime contractor to make a full or timely payment to a subcontractor in evaluating the performance of the prime contractor.

''(D) CONTROL OF FUNDS.—If the contracting officer for a covered contract determines that a prime contractor has a history of unjustified, untimely payments to contractors, the contracting officer shall record the identity of the contractor in accordance with the regulations promulgated under subparagraph (E).

''(E) REGULATIONS.—Not later than 1 year after the date of enactment of this paragraph, the Federal Acquisition Regulatory Council established under section 25(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(a)) shall amend the Federal Acquisition Regulation issued under section 25 of such Act to—

''(i) describe the circumstances under which a contractor may be determined to have a history of unjustified, untimely payments to subcontractors;

''(ii) establish a process for contracting officers to record the identity of a contractor described in clause (i); and

''(iii) require the identity of a contractor described in clause (i) to be incorporated in, and made publicly available through, the Federal Awardee Performance and Integrity Information System, or any successor thereto.''.

SEC. 1335. REPEAL OF SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Business Opportunity Development Reform Act of 1988 (Public Law 100–656) is amended by striking title VII (15 U.S.C. 644 note).

(b) EFFECTIVE DATE AND APPLICABILITY.—The amendment made by this section—

(1) shall take effect on the date of enactment of this Act; and

(2) apply to the first full fiscal year after the date of enactment of this Act.

PART IV—SMALL BUSINESS SIZE AND STATUS INTEGRITY

SEC. 1341. POLICY AND PRESUMPTIONS.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1311, is amended by adding at the end the following:

''(w) PRESUMPTION.—

''(1) IN GENERAL.—In every contract, subcontract, cooperative agreement, cooperative research and development agreement, or grant which is set aside, reserved, or otherwise classified as intended for award to small business concerns, there shall be a presumption of loss to the United States based on the total amount expended on the contract, subcontract, cooperative agreement, cooperative research and development agreement, or grant whenever it is established that a business concern other than a small business concern willfully sought and received the award by misrepresentation.

''(2) DEEMED CERTIFICATIONS.—The following actions shall be deemed affirmative, willful, and intentional certifications of small business size and status:

''(A) Submission of a bid or proposal for a Federal grant, contract, subcontract, cooperative agreement, or cooperative research and development agreement reserved, set aside, or otherwise classified as intended for award to small business concerns.

''(B) Submission of a bid or proposal for a Federal grant, contract, subcontract, cooperative agreement, or cooperative research and development agreement which in any way encourages a Federal agency to classify the bid or proposal, if awarded, as an award to a small business concern.

''(C) Registration on any Federal electronic database for the purpose of being considered for award of a Federal grant, contract, subcontract, cooperative agreement, or cooperative research agreement, as a small business concern.

''(3) CERTIFICATION BY SIGNATURE OF RESPONSIBLE OFFICIAL.—

''(A) IN GENERAL.—Each solicitation, bid, or application for a Federal contract, subcontract, or grant shall contain a certification concerning the small business size and status of a business concern seeking the Federal contract, subcontract, or grant.

''(B) CONTENT OF CERTIFICATIONS.—A certification that a business concern qualifies as a small business concern of the exact size and status claimed by the business concern for purposes of bidding on a Federal contract or subcontract, or applying for a Federal grant, shall contain the signature of an authorized official on the same page on which the certification is contained.

''(4) REGULATIONS.—The Administrator shall promulgate regulations to provide adequate protections to individuals and business concerns from liability under this subsection in cases of unintentional errors, technical malfunctions, and other similar situations.''.

SEC. 1342. ANNUAL CERTIFICATION.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1341, is amended by adding at the end the following:

''(x) ANNUAL CERTIFICATION.—

''(1) IN GENERAL.—Each business certified as a small business concern under this Act shall annually certify its small business size and, if appropriate, its small business status, by means of a confirming entry on the Online Representations and Certifications Application database of the Administration, or any successor thereto.

''(2) REGULATIONS.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in consultation with the Inspector General and the Chief Counsel for Advocacy of the Administration, shall promulgate regulations to ensure that—

''(A) no business concern continues to be certified as a small business concern on the Online Representations and Certifications Application database of the Administration, or any successor thereto, without fulfilling the requirements for annual certification under this subsection; and

''(B) the requirements of this subsection are implemented in a manner presenting the least possible regulatory burden on small business concerns.''.

SEC. 1343. TRAINING FOR CONTRACTING AND ENFORCEMENT PERSONNEL.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Federal Acquisition Institute, in consultation with the Administrator for Federal Procurement Policy, the Defense Acquisition University, and the Administrator, shall develop courses for acquisition personnel concerning proper classification of business concerns and small business size and status for purposes of Federal contracts, subcontracts, grants, cooperative agreements, and cooperative research and development agreements.

(b) POLICY ON PROSECUTIONS OF SMALL BUSINESS SIZE AND STATUS FRAUD.—Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1342, is amended by adding at the end the following:

''(y) POLICY ON PROSECUTIONS OF SMALL BUSINESS SIZE AND STATUS FRAUD.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in consultation with the Attorney General, shall issue a Government-wide policy on prosecution of small business size and status fraud, which shall direct Federal agencies to appropriately publicize the policy.''.

SEC. 1344. UPDATED SIZE STANDARDS.

(a) ROLLING REVIEW.—

(1) IN GENERAL.—The Administrator shall—

(A) during the 18-month period beginning on the date of enactment of this Act, and during every 18-month period thereafter, conduct a detailed review of not less than ⅓ of the size standards for small business concerns established under section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2)), which shall include holding not less than 2 public forums located in different geographic regions of the United States;

(B) after completing each review under subparagraph (A) make appropriate adjustments to the size standards established under section 3(a)(2) of the Small Business Act to reflect market conditions;

(C) make publicly available—

(i) information regarding the factors evaluated as part of each review conducted under subparagraph (A); and

(ii) information regarding the criteria used for any revised size standards promulgated under subparagraph (B); and

(D) not later than 30 days after the date on which the Administrator completes each review under subparagraph (A), submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives and make publicly available a report regarding the review, including why the Administrator—

(i) used the factors and criteria described in subparagraph (C); and

(ii) adjusted or did not adjust each size standard that was reviewed under the review.

(2) COMPLETE REVIEW OF SIZE STANDARDS.—The Administrator shall ensure that each size standard for small business concerns established under section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2)) is reviewed under paragraph (1) not less frequently than once every 5 years.

(b) RULES.—Not later than 1 year after the date of enactment of this Act, the Administrator shall promulgate rules for conducting the reviews required under subsection (a).

SEC. 1345. STUDY AND REPORT ON THE MENTOR-PROTEGE PROGRAM.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the mentor-protege program of the Administration for small business concerns participating in programs under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), and other relationships and strategic alliances pairing a larger business and a small business concern partner to gain access to Federal Government contracts, to determine whether the programs and relationships are effectively supporting the goal of increasing the participation of small business concerns in Government contracting.

(b) MATTERS TO BE STUDIED.—The study conducted under this section shall include—

(1) a review of a broad cross-section of industries; and

(2) an evaluation of—

(A) how each Federal agency carrying out a program described in subsection (a) administers and monitors the program;

(B) whether there are systems in place to ensure that the mentor-protege relationship, or similar affiliation, promotes real gain to the protege, and is not just a mechanism to enable participants that would not otherwise qualify under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) to receive contracts under that section; and

(C) the degree to which protege businesses become able to compete for Federal contracts without the assistance of a mentor.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the results of the study conducted under this section.

SEC. 1346. CONTRACTING GOALS REPORTS.

Section 15(h)(2) of the Small Business Act (15 U.S.C. 644(h)(2)) is amended by striking ''submit them'' and all that follows through ''the following:'' and inserting ''submit to the President and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives the compilation and analysis, which shall include the following:''.

SEC. 1347. SMALL BUSINESS CONTRACTING PARITY.

(a) DEFINITIONS.—In this section—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the terms ''HUBZone small business concern'', ''small business concern'', ''small business concern owned and controlled by service-disabled veterans'', and ''small business concern owned and controlled by women'' have the same meanings as in section 3 of the Small Business Act (15 U.S.C. 632).

(b) CONTRACTING IMPROVEMENTS.—

(1) CONTRACTING OPPORTUNITIES.—Section 31(b)(2)(B) of the Small Business Act (15 U.S.C. 657a(b)(2)(B)) is amended by striking ''shall'' and inserting ''may''.

(2) CONTRACTING GOALS.—Section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)) is amended in the fourth sentence by inserting ''and subcontract'' after ''not less than 3 percent of the total value of all prime contract''.

(3) MENTOR-PROTEGE PROGRAMS.—The Administrator may establish mentor-protege programs for small business concerns owned and controlled by service-disabled veterans, small business concerns owned and controlled by women, and HUBZone small business concerns modeled on the mentor-protege program of the Administration for small business concerns participating in programs under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

(c) SMALL BUSINESS CONTRACTING PROGRAMS PARITY.—Section 31(b)(2) of the Small Business Act (15 U.S.C. 657a(b)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''Notwithstanding any other provision of law—'';

(2) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''a contracting'' and inserting ''SOLE SOURCE CONTRACTS.—A contracting''; and

(B) in clause (iii), by striking the semicolon at the end and inserting a period;

(3) in subparagraph (B)—

(A) by striking ''a contract opportunity shall'' and inserting ''RESTRICTED COMPETITION.—A contract opportunity may''; and

(B) by striking ''; and'' and inserting a period; and

(4) in subparagraph (C), by striking ''not later'' and inserting ''APPEALS.—Not later''.

Subtitle D—Small Business Management and Counseling Assistance

SEC. 1401. MATCHING REQUIREMENTS UNDER SMALL BUSINESS PROGRAMS.

(a) MICROLOAN PROGRAM.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (3)(B)—

(A) by striking ''As a condition'' and inserting the following:

''(i) IN GENERAL.—Subject to clause (ii), as a condition'';

(B) by striking ''the Administration'' and inserting ''the Administrator''; and

(C) by adding at the end the following:

''(ii) WAIVER OF NON-FEDERAL SHARE.—

''(I) IN GENERAL.—Upon request by an intermediary, and in accordance with this clause, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under clause (i) for a fiscal year. The Administrator may waive the requirement to obtain non-Federal funds under this clause for successive fiscal years.

''(II) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this clause, the Administrator shall consider—

''(aa) the economic conditions affecting the intermediary;

''(bb) the impact a waiver under this clause would have on the credibility of the microloan program under this subsection;

''(cc) the demonstrated ability of the intermediary to raise non-Federal funds; and

''(dd) the performance of the intermediary.

''(III) LIMITATIONS.—

''(aa) IN GENERAL.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause if granting the waiver would undermine the credibility of the microloan program under this subsection.

''(bb) SUNSET.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause for fiscal year 2013 or any fiscal year thereafter.''; and

(2) in paragraph (4)(B)—

(A) by striking ''As a condition'' and all that follows through ''the Administration shall require'' and inserting the following:

''(i) IN GENERAL.—Subject to clause (ii), as a condition of a grant made under subparagraph (A), the Administrator shall require''; and

(B) by adding at the end the following:

''(ii) WAIVER OF NON-FEDERAL SHARE.—

''(I) IN GENERAL.—Upon request by an intermediary, and in accordance with this clause, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under clause (i) for a fiscal year. The Administrator may waive the requirement to obtain non-Federal funds under this clause for successive fiscal years.

''(II) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this clause, the Administrator shall consider—

''(aa) the economic conditions affecting the intermediary;

''(bb) the impact a waiver under this clause would have on the credibility of the microloan program under this subsection;

''(cc) the demonstrated ability of the intermediary to raise non-Federal funds; and

''(dd) the performance of the intermediary.

''(III) LIMITATIONS.—

''(aa) IN GENERAL.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause if granting the waiver would undermine the credibility of the microloan program under this subsection.

''(bb) SUNSET.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause for fiscal year 2013 or any fiscal year thereafter.''.

(b) WOMEN'S BUSINESS CENTER PROGRAM.—Section 29(c) of the Small Business Act (15 U.S.C. 656(c)) is amended—

(1) in paragraph (1), by striking ''As a condition'' and inserting ''Subject to paragraph (5), as a condition''; and

(2) by adding at the end the following:

''(5) WAIVER OF NON-FEDERAL SHARE RELATING TO TECHNICAL ASSISTANCE AND COUNSELING.—

''(A) IN GENERAL.—Upon request by a recipient organization, and in accordance with this paragraph, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under this subsection for the technical assistance and counseling activities of the recipient organization carried out using financial assistance under this section for a fiscal year. The Administrator may waive the requirement to obtain non-Federal funds under this paragraph for successive fiscal years.

''(B) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this paragraph, the Administrator shall consider—

''(i) the economic conditions affecting the recipient organization;

''(ii) the impact a waiver under this clause would have on the credibility of the women's business center program under this section;

''(iii) the demonstrated ability of the recipient organization to raise non-Federal funds; and

''(iv) the performance of the recipient organization.

''(C) LIMITATIONS.—

''(i) IN GENERAL.—The Administrator may not waive the requirement to obtain non-Federal funds under this paragraph if granting the waiver would undermine the credibility of the women's business center program under this section.

''(ii) SUNSET.—The Administrator may not waive the requirement to obtain non-Federal funds under this paragraph for fiscal year 2013 or any fiscal year thereafter.''.

(c) PROSPECTIVE REPEALS.—Effective October 1, 2012, the Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 7(m) (15 U.S.C. 636(m))—

(A) in paragraph (3)(B)—

(i) by striking ''INTERMEDIARY CONTRIBUTION.—'' and all that follows through ''Subject to clause (ii), as'' and inserting ''INTERMEDIARY CONTRIBUTION.—As''; and

(ii) by striking clause (ii); and

(B) in paragraph (4)(B)—

(i) by striking ''CONTRIBUTION.—'' and all that follows through ''Subject to clause (ii), as'' and inserting ''CONTRIBUTION.—As''; and

(ii) by striking clause (ii); and

(2) in section 29(c) (15 U.S.C. 656(c))—

(A) in paragraph (1), by striking ''Subject to paragraph (5), as'' and inserting ''As''; and

(B) by striking paragraph (5).

SEC. 1402. GRANTS FOR SBDCS.

(a) IN GENERAL.—The Administrator may make grants to small business development centers under section 21 of the Small Business Act (15 U.S.C. 648) to provide targeted technical assistance to small business concerns seeking access to capital or credit, Federal procurement opportunities, energy efficiency audits to reduce energy bills, opportunities to export products or provide

services to foreign customers, adopting, making innovations in, and using broadband technologies, or other assistance.

(b) ALLOCATION.—

(1) IN GENERAL.—Subject to paragraph (2), and notwithstanding the requirements of section 21(a)(4)(C)(iii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(iii)), the amount appropriated to carry out this section shall be allocated under the formula under section 21(a)(4)(C)(i) of that Act.

(2) MINIMUM FUNDING.—The amount made available under this section to each State shall be not less than $325,000.

(3) TYPES OF USES.—Of the total amount of the grants awarded by the Administrator under this section—

(A) not less than 80 percent shall be used for counseling of small business concerns; and

(B) not more than 20 percent may be used for classes or seminars.

(c) NO NON-FEDERAL SHARE REQUIRED.—Notwithstanding section 21(a)(4)(A) of the Small Business Act (15 U.S.C. 648(a)(4)(A)), the recipient of a grant made under this section shall not be required to provide non-Federal matching funds.

(d) DISTRIBUTION.—Not later than 30 days after the date on which amounts are appropriated to carry out this section, the Administrator shall disburse the total amount appropriated.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator $50,000,000 to carry out this section.

Subtitle E—Disaster Loan Improvement

SEC. 1501. AQUACULTURE BUSINESS DISASTER ASSISTANCE.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1343, is amended by adding at the end the following:

''(z) AQUACULTURE BUSINESS DISASTER ASSISTANCE.—Subject to section 18(a) and notwithstanding section 18(b)(1), the Administrator may provide disaster assistance under section 7(b)(2) to aquaculture enterprises that are small businesses.''.

Subtitle F—Small Business Regulatory Relief

SEC. 1601. REQUIREMENTS PROVIDING FOR MORE DETAILED ANALYSES.

Section 604(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking ''succinct'';

(2) in paragraph (2), by striking ''summary'' each place it appears and inserting ''statement'';

(3) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(4) by inserting after paragraph (2) the following:

''(3) the response of the agency to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule, and a detailed statement of any change made to the proposed rule in the final rule as a result of the comments;''.

SEC. 1602. OFFICE OF ADVOCACY.

(a) IN GENERAL.—Section 203 of Public Law 94–305 (15 U.S.C. 634c) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(6) carry out the responsibilities of the Office of Advocacy under chapter 6 of title 5, United States Code.''.

(b) BUDGETARY LINE ITEM AND AUTHORIZATION OF APPROPRIATIONS.—Title II of Public Law 94–305 (15 U.S.C. 634a et seq.) is amended by striking section 207 and inserting the following:

''SEC. 207. BUDGETARY LINE ITEM AND AUTHORIZATION OF APPROPRIATIONS.

''(a) APPROPRIATION REQUESTS.—Each budget of the United States Government submitted by the President under section 1105 of title 31, United States Code, shall include a separate statement of the amount of appropriations requested for the Office of Advocacy of the Small Business Administration, which shall be designated in a separate account in the General Fund of the Treasury.

''(b) ADMINISTRATIVE OPERATIONS.—The Administrator of the Small Business Administration shall provide the Office of Advocacy with appropriate and adequate office space at central and field office locations, together with such equipment, operating budget, and communications facilities and services as may be necessary, and shall provide necessary maintenance services for such offices and the equipment and facilities located in such offices.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this title. Any amount appropriated under this subsection shall remain available, without fiscal year limitation, until expended.''.

Subtitle G—Appropriations Provisions

SEC. 1701. SALARIES AND EXPENSES.

(a) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, $150,000,000, to remain available until September 30, 2012, for an additional amount for the appropriations account appropriated under the heading ''SALARIES AND EXPENSES'' under the heading ''SMALL BUSINESS ADMINISTRATION'', of which—

(1) $50,000,000 is for grants to small business development centers authorized under section 1402;

(2) $1,000,000 is for the costs of administering grants authorized under section 1402;

(3) $30,000,000 is for grants to States for fiscal year 2011 to carry out export programs that assist small business concerns authorized under section 1207;

(4) $30,000,000 is for grants to States for fiscal year 2012 to carry out export programs that assist small business concerns authorized under section 1207;

(5) $2,500,000 is for the costs of administering grants authorized under section 1207;

(6) $5,000,000 is for grants for fiscal year 2011 under the Small Business Teaming Pilot Program under section 1314; and

(7) $5,000,000 is for grants for fiscal year 2012 under the Small Business Teaming Pilot Program under section 1314.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a detailed expenditure plan for using the funds provided under subsection (a).

SEC. 1702. BUSINESS LOANS PROGRAM ACCOUNT.

(a) IN GENERAL.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, for an additional amount for the appropriations account appropriated under the heading ''BUSINESS LOANS PROGRAM ACCOUNT'' under the heading ''SMALL BUSINESS ADMINISTRATION''—

(1) $8,000,000, to remain available until September 30, 2012, for fiscal year 2011 for the cost of direct loans authorized under section 7(l) of the Small Business Act, as added by section 1131 of this title, including the cost of modifying the loans;

(2) $8,000,000, to remain available until September 30, 2012, for fiscal year 2012 for the cost of direct loans authorized under section 7(l) of the Small Business Act, as added by section 1131 of this title, including the cost of modifying the loans;

(3) $6,500,000, to remain available until September 30, 2012, for administrative expenses to carry out the direct loan program authorized under section 7(l) of the Small Business Act, as added by section 1131 of this title, which may be transferred to and merged with the appropriations account appropriated under the heading ''SALARIES AND EXPENSES'' under the heading ''SMALL BUSINESS ADMINISTRATION''; and

(4) $15,000,000, to remain available until September 30, 2011, for the cost of guaranteed loans as authorized under section 7(a) of the Small Business Act, including the cost of modifying the loans.

(b) DEFINITION.—In this section, the term ''cost'' has the meaning given that term in section 502 of the Congressional Budget Act of 1974.

SEC. 1703. COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT.

There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, for an additional amount for the appropriations account appropriated under the heading ''COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT'' under the heading ''DEPARTMENT OF THE TREASURY'', $13,500,000, to remain available until September 30, 2012, for the costs of administering guarantees for bonds and notes as authorized under section 114A of the Riegle Community Development and Regulatory Improvement Act of 1994, as added by section 1134 of this Act.

SEC. 1704. SMALL BUSINESS LOAN GUARANTEE ENHANCEMENT EXTENSIONS.

(a) EXTENSION OF PROGRAMS.—

(1) IN GENERAL.—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'', $505,000,000, to remain available through December 31, 2010, for the cost of—

(A) 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), as amended by this Act; and

(B) 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 Act.

(2) COST.—For purposes of this subsection, the term ''cost'' has the same meaning as in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

(b) ADMINISTRATIVE EXPENSES.—There is appropriated for an additional amount, out of any funds in the Treasury not otherwise appropriated, for administrative expenses to carry out sections 501 and 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), $5,000,000, to remain available until expended, which may be transferred and merged with the appropriation for ''Small Business Administration—Salaries and Expenses''.

TITLE II—TAX PROVISIONS

SEC. 2001. SHORT TITLE.

This title may be cited as the ''Creating Small Business Jobs Act of 2010''.

Subtitle A—Small Business Relief

PART I—PROVIDING ACCESS TO CAPITAL

SEC. 2011. TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.

(a) IN GENERAL.—Subsection (a) of section 1202 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) 100 PERCENT EXCLUSION FOR STOCK ACQUIRED DURING CERTAIN PERIODS IN 2010.—In the case of qualified small business stock acquired after the date of the enactment of the Creating Small Business Jobs Act of 2010 and before January 1, 2011—

''(A) paragraph (1) shall be applied by substituting '100 percent' for '50 percent',

''(B) paragraph (2) shall not apply, and

''(C) paragraph (7) of section 57(a) shall not apply.''.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 1202(a) of the Internal Revenue Code of 1986 is amended—

(1) by inserting ''CERTAIN PERIODS IN'' before ''2010'' in the heading, and

(2) by striking ''before January 1, 2011'' and inserting ''on or before the date of the enactment of the Creating Small Business Jobs Act of 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after the date of the enactment of this Act.

SEC. 2012. GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES FOR 2010 CARRIED BACK 5 YEARS.

(a) IN GENERAL.—Section 39(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) 5-YEAR CARRYBACK FOR ELIGIBLE SMALL BUSINESS CREDITS.—

''(A) IN GENERAL.—Notwithstanding subsection (d), in the case of eligible small business credits determined in the first taxable year of the taxpayer beginning in 2010—

''(i) paragraph (1) shall be applied by substituting 'each of the 5 taxable years' for 'the taxable year' in subparagraph (A) thereof, and

''(ii) paragraph (2) shall be applied—

''(I) by substituting '25 taxable years' for '21 taxable years' in subparagraph (A) thereof, and

''(II) by substituting '24 taxable years' for '20 taxable years' in subparagraph (B) thereof.

''(B) ELIGIBLE SMALL BUSINESS CREDITS.—For purposes of this subsection, the term 'eligible small business credits' has the meaning given such term by section 38(c)(5)(B).''.

(b) CONFORMING AMENDMENT.—Section 39(a)(3)(A) of the Internal Revenue Code of 1986 is amended by inserting ''or the eligible small business credits'' after ''credit)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined in taxable years beginning after December 31, 2009.

SEC. 2013. GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES IN 2010 NOT SUBJECT TO ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 38(c) of the Internal Revenue Code of 1986 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) SPECIAL RULES FOR ELIGIBLE SMALL BUSINESS CREDITS IN 2010.—

''(A) IN GENERAL.—In the case of eligible small business credits determined in taxable years beginning in 2010—

''(i) this section and section 39 shall be applied separately with respect to such credits, and

''(ii) in applying paragraph (1) to such credits—

''(I) the tentative minimum tax shall be treated as being zero, and

''(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the eligible small business credits).

''(B) ELIGIBLE SMALL BUSINESS CREDITS.—For purposes of this subsection, the term 'eligible small business credits' means the sum of the credits listed in subsection (b) which are determined for the taxable year with respect to an eligible small business. Such credits shall not be taken into account under paragraph (2), (3), or (4).

''(C) ELIGIBLE SMALL BUSINESS.—For purposes of this subsection, the term 'eligible small business' means, with respect to any taxable year—

''(i) a corporation the stock of which is not publicly traded,

''(ii) a partnership, or

''(iii) a sole proprietorship,

if the average annual gross receipts of such corporation, partnership, or sole proprietorship for the 3-taxable-year period preceding such taxable year does not exceed $50,000,000. For purposes of applying the test under the preceding sentence, rules similar to the rules of paragraphs (2) and (3) of section 448(c) shall apply.

''(D) TREATMENT OF PARTNERS AND S CORPORATION SHAREHOLDERS.—Credits determined with respect to a partnership or S corporation shall not be treated as eligible small business credits by any partner or shareholder unless such partner or shareholder meets the gross receipts test under subparagraph (C) for the taxable year in which such credits are treated as current year business credits.''.

(b) TECHNICAL AMENDMENT.—Section 55(e)(5) of the Internal Revenue Code of 1986 is amended by striking ''38(c)(3)(B)'' and inserting ''38(c)(6)(B)''.

(c) CONFORMING AMENDMENTS.—

(1) Subclause (II) of section 38(c)(2)(A)(ii) of the Internal Revenue Code of 1986 is amended by inserting ''the eligible small business credits,'' after ''the New York Liberty Zone business employee credit,''.

(2) Subclause (II) of section 38(c)(3)(A)(ii) of such Code is amended by inserting '', the eligible small business credits,'' after ''the New York Liberty Zone business employee credit''.

(3) Subclause (II) of section 38(c)(4)(A)(ii) of such Code is amended by inserting ''the eligible small business credits and'' before ''the specified credits''.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to credits determined in taxable years beginning after December 31, 2009, and to carrybacks of such credits.

SEC. 2014. TEMPORARY REDUCTION IN RECOGNITION PERIOD FOR BUILT-IN GAINS TAX.

(a) IN GENERAL.—Subparagraph (B) of section 1374(d)(7) of the Internal Revenue Code of 1986 is amended to read as follows:

''(B) SPECIAL RULES FOR 2009, 2010, AND 2011.—No tax shall be imposed on the net recognized built-in gain of an S corporation—

''(i) in the case of any taxable year beginning in 2009 or 2010, if the 7th taxable year in the recognition period preceded such taxable year, or

''(ii) in the case of any taxable year beginning in 2011, if the 5th year in the recognition period preceded such taxable year.

The preceding sentence shall be applied separately with respect to any asset to which paragraph (8) applies.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

PART II—ENCOURAGING INVESTMENT

SEC. 2021. INCREASED EXPENSING LIMITATIONS FOR 2010 AND 2011; CERTAIN REAL PROPERTY TREATED AS SECTION 179 PROPERTY.

(a) INCREASED LIMITATIONS.—Subsection (b) of section 179 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''shall not exceed'' and all that follows in paragraph (1) and inserting ''shall not exceed—

''(A) $250,000 in the case of taxable years beginning after 2007 and before 2010,

''(B) $500,000 in the case of taxable years beginning in 2010 or 2011, and

''(C) $25,000 in the case of taxable years beginning after 2011.'', and

(2) by striking ''exceeds'' and all that follows in paragraph (2) and inserting ''exceeds—

''(A) $800,000 in the case of taxable years beginning after 2007 and before 2010,

''(B) $2,000,000 in the case of taxable years beginning in 2010 or 2011, and

''(C) $200,000 in the case of taxable years beginning after 2011.''.

(b) INCLUSION OF CERTAIN REAL PROPERTY.—Section 179 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) SPECIAL RULES FOR QUALIFIED REAL PROPERTY.—

''(1) IN GENERAL.—If a taxpayer elects the application of this subsection for any taxable year beginning in 2010 or 2011, the term 'section 179 property' shall include any qualified real property which is—

''(A) of a character subject to an allowance for depreciation,

''(B) acquired by purchase for use in the active conduct of a trade or business, and

''(C) not described in the last sentence of subsection (d)(1).

''(2) QUALIFIED REAL PROPERTY.—For purposes of this subsection, the term 'qualified real property' means—

''(A) qualified leasehold improvement property described in section 168(e)(6),

''(B) qualified restaurant property described in section 168(e)(7) (without regard to the dates specified in subparagraph (A)(i) thereof), and

''(C) qualified retail improvement property described in section 168(e)(8) (without regard to subparagraph (E) thereof).

''(3) LIMITATION.—For purposes of applying the limitation under subsection (b)(1)(B), not more than $250,000 of the aggregate cost which is taken into account under subsection (a) for any taxable year may be attributable to qualified real property.

''(4) CARRYOVER LIMITATION.—

''(A) IN GENERAL.—Notwithstanding subsection (b)(3)(B), no amount attributable to qualified real property may be carried over to a taxable year beginning after 2011.

''(B) TREATMENT OF DISALLOWED AMOUNTS.—Except as provided in subparagraph (C), to the extent that any amount is not allowed to be carried over to a taxable year beginning after 2011 by reason of subparagraph (A), this title shall be applied as if no election under this section had been made with respect to such amount.

''(C) AMOUNTS CARRIED OVER FROM 2010.—If subparagraph (B) applies to any amount (or portion of an amount) which is carried over from a taxable year other than the taxpayer's last taxable year beginning in 2011, such amount (or portion of an amount) shall be treated for purposes of this title as attributable to property placed in service on the first day of the taxpayer's last taxable year beginning in 2011.

''(D) ALLOCATION OF AMOUNTS.—For purposes of applying this paragraph and subsection (b)(3)(B) to any taxable year, the amount which is disallowed under subsection (b)(3)(A) for such taxable year which is attributed to qualified real property shall be the amount which bears the same ratio to the total amount so disallowed as—

''(i) the aggregate amount attributable to qualified real property placed in service during such taxable year, increased by the portion of any amount carried over to such taxable year from a prior taxable year which is attributable to such property, bears to

''(ii) the total amount of section 179 property placed in service during such taxable year, increased by the aggregate amount carried over to such taxable year from any prior taxable year.

For purposes of the preceding sentence, only section 179 property with respect to which an election was made under subsection (c)(1) (determined without regard to subparagraph (B) of this paragraph) shall be taken into account.''.

(c) REVOCABILITY OF ELECTION.—Paragraph (2) of section 179(c) of the Internal Revenue Code of 1986 is amended by striking ''2011'' and inserting ''2012''.

(d) COMPUTER SOFTWARE TREATED AS 179 PROPERTY.—Clause (ii) of section 179(d)(1)(A) is amended by striking ''2011'' and inserting ''2012''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after December 31, 2009, in taxable years beginning after such date.

(2) EXTENSIONS.—The amendments made by subsections (c) and (d) shall apply to taxable years beginning after December 31, 2010.

SEC. 2022. ADDITIONAL FIRST-YEAR DEPRECIATION FOR 50 PERCENT OF THE BASIS OF CERTAIN QUALIFIED PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 168(k) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''January 1, 2011'' in subparagraph (A)(iv) and inserting ''January 1, 2012'', and

(2) by striking ''January 1, 2010'' each place it appears and inserting ''January 1, 2011''.

(b) CONFORMING AMENDMENTS.—

(1) The heading for subsection (k) of section 168 of the Internal Revenue Code of 1986 is amended by striking ''JANUARY 1, 2010'' and inserting ''JANUARY 1, 2011''.

(2) The heading for clause (ii) of section 168(k)(2)(B) of such Code is amended by striking ''PRE-JANUARY 1, 2010'' and inserting ''PRE-JANUARY 1, 2011''.

(3) Subparagraph (D) of section 168(k)(4) of such Code is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting a comma, and by adding at the end the following new clauses:

''(iv) 'January 1, 2011' shall be substituted for 'January 1, 2012' in subparagraph (A)(iv) thereof, and

''(v) 'January 1, 2010' shall be substituted for 'January 1, 2011' each place it appears in subparagraph (A) thereof.''.

(4) Subparagraph (B) of section 168(l)(5) of such Code is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(5) Subparagraph (C) of section 168(n)(2) of such Code is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(6) Subparagraph (D) of section 1400L(b)(2) of such Code is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(7) Subparagraph (B) of section 1400N(d)(3) of such Code is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2009, in taxable years ending after such date.

SEC. 2023. SPECIAL RULE FOR LONG-TERM CONTRACT ACCOUNTING.

(a) IN GENERAL.—Section 460(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR ALLOCATION OF BONUS DEPRECIATION WITH RESPECT TO CERTAIN PROPERTY.—

''(A) IN GENERAL.—Solely for purposes of determining the percentage of completion under subsection (b)(1)(A), the cost of qualified property shall be taken into account as a cost allocated to the contract as if subsection (k) of section 168 had not been enacted.

''(B) QUALIFIED PROPERTY.—For purposes of this paragraph, the term 'qualified property' means property described in section 168(k)(2) which—

''(i) has a recovery period of 7 years or less, and

''(ii) is placed in service after December 31, 2009, and before January 1, 2011 (January 1, 2012, in the case of property described in section 168(k)(2)(B)).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

PART III—PROMOTING ENTREPRENEURSHIP

SEC. 2031. INCREASE IN AMOUNT ALLOWED AS DEDUCTION FOR START-UP EXPENDITURES IN 2010.

(a) START-UP EXPENDITURES.—Subsection (b) of section 195 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR TAXABLE YEARS BEGINNING IN 2010.—In the case of a taxable year beginning in 2010, paragraph (1)(A)(ii) shall be applied—

''(A) by substituting '$10,000' for '$5,000', and

''(B) by substituting '$60,000' for '$50,000'.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2009.

SEC. 2032. AUTHORIZATION OF APPROPRIATIONS FOR THE UNITED STATES TRADE REPRESENTATIVE TO DEVELOP MARKET ACCESS OPPORTUNITIES FOR UNITED STATES SMALL- AND MEDIUM-SIZED BUSINESSES AND TO ENFORCE TRADE AGREEMENTS.

(a) IN GENERAL.—There are authorized to be appropriated to the Office of the United States Trade Representative $5,230,000, to remain available until expended, for—

(1) analyzing and developing opportunities for businesses in the United States to access the markets of foreign countries; and

(2) enforcing trade agreements to which the United States is a party.

(b) REQUIREMENTS.—In obligating and expending the funds authorized to be appropriated under subsection (a), the United States Trade Representative shall—

(1) give preference to those initiatives that the United States Trade Representative determines will create or sustain the greatest number of jobs in the United States or result in the greatest benefit to the economy of the United States; and

(2) consider the needs of small- and medium-sized businesses in the United States with respect to—

(A) accessing the markets of foreign countries; and

(B) the enforcement of trade agreements to which the United States is a party.

PART IV—PROMOTING SMALL BUSINESS FAIRNESS

SEC. 2041. LIMITATION ON PENALTY FOR FAILURE TO DISCLOSE REPORTABLE TRANSACTIONS BASED ON RESULTING TAX BENEFITS.

(a) IN GENERAL.—Subsection (b) of section 6707A of the Internal Revenue Code of 1986 is amended to read as follows:

''(b) AMOUNT OF PENALTY.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the amount of the penalty under subsection (a) with respect to any reportable transaction shall be 75 percent of the decrease in tax shown on the return as a result of such transaction (or which would have resulted from such transaction if such transaction were respected for Federal tax purposes).

''(2) MAXIMUM PENALTY.—The amount of the penalty under subsection (a) with respect to any reportable transaction shall not exceed—

''(A) in the case of a listed transaction, $200,000 ($100,000 in the case of a natural person), or

''(B) in the case of any other reportable transaction, $50,000 ($10,000 in the case of a natural person).

''(3) MINIMUM PENALTY.—The amount of the penalty under subsection (a) with respect to any transaction shall not be less than $10,000 ($5,000 in the case of a natural person).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to penalties assessed after December 31, 2006.

SEC. 2042. DEDUCTION FOR HEALTH INSURANCE COSTS IN COMPUTING SELF-EMPLOYMENT TAXES IN 2010.

(a) IN GENERAL.—Paragraph (4) of section 162(l) of the Internal Revenue Code of 1986 is amended by inserting ''for taxable years beginning before January 1, 2010, or after December 31, 2010'' before the period.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 2043. REMOVAL OF CELLULAR TELEPHONES AND SIMILAR TELECOMMUNICATIONS EQUIPMENT FROM LISTED PROPERTY.

(a) IN GENERAL.—Subparagraph (A) of section 280F(d)(4) of the Internal Revenue Code of 1986 (defining listed property) is amended by adding '' 'and' '' at the end of clause (iv), by striking clause (v), and by redesignating clause (vi) as clause (v).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

Subtitle B—Revenue Provisions

PART I—REDUCING THE TAX GAP

SEC. 2101. INFORMATION REPORTING FOR RENTAL PROPERTY EXPENSE PAYMENTS.

(a) IN GENERAL.—Section 6041 of the Internal Revenue Code of 1986, as amended by section 9006 of the Patient Protection and Affordable Care Act, is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following new subsection:

''(h) TREATMENT OF RENTAL PROPERTY EXPENSE PAYMENTS.—

''(1) IN GENERAL.—Solely for purposes of subsection (a) and except as provided in paragraph (2), a person receiving rental income from real estate shall be considered to be engaged in a trade or business of renting property.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

''(A) any individual, including any individual who is an active member of the uniformed services or an employee of the intelligence community (as defined in section 121(d)(9)(C)(iv)), if substantially all rental income is derived from renting the principal residence (within the meaning of section 121) of such individual on a temporary basis,

''(B) any individual who receives rental income of not more than the minimal amount, as determined under regulations prescribed by the Secretary, and

''(C) any other individual for whom the requirements of this section would cause hardship, as determined under regulations prescribed by the Secretary.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to payments made after December 31, 2010.

SEC. 2102. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Subsections (a)(1), (b)(1)(A), and (b)(2)(A) of section 6721 of the Internal Revenue Code of 1986 are each amended by striking ''$50'' and inserting ''$100''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (a)(1), (d)(1)(A), and (e)(3)(A) of section 6721 of such Code are each amended by striking ''$250,000'' and inserting ''$1,500,000''.

(b) REDUCTION WHERE CORRECTION WITHIN 30 DAYS.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(1) of the Internal Revenue Code of 1986 is amended by striking ''$15'' and inserting ''$30''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(1)(B) and (d)(1)(B) of section 6721 of such Code are each amended by striking ''$75,000'' and inserting ''$250,000''.

(c) REDUCTION WHERE CORRECTION ON OR BEFORE AUGUST 1.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(2) of the Internal Revenue Code of 1986 is amended by striking ''$30'' and inserting ''$60''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(2)(B) and (d)(1)(C) of section 6721 of such Code are each amended by striking ''$150,000'' and inserting ''$500,000''.

(d) AGGREGATE ANNUAL LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—

(1) IN GENERAL.—Paragraph (1) of section 6721(d) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''$100,000'' in subparagraph (A) and inserting ''$500,000'',

(B) by striking ''$25,000'' in subparagraph (B) and inserting ''$75,000'', and

(C) by striking ''$50,000'' in subparagraph (C) and inserting ''$200,000''.

(2) TECHNICAL AMENDMENT.—Paragraph (1) of section 6721(d) of such Code is amended by striking ''such taxable year'' and inserting ''such calendar year''.

(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (2) of section 6721(e) of the Internal Revenue Code of 1986 is amended by striking ''$100'' and inserting ''$250''.

(f) ADJUSTMENT FOR INFLATION.—Section 6721 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) ADJUSTMENT FOR INFLATION.—

''(1) IN GENERAL.—For each fifth calendar year beginning after 2012, each of the dollar amounts under subsections (a), (b), (d) (other than paragraph (2)(A) thereof), and (e) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting 'calendar year 2011' for 'calendar year 1992' in subparagraph (B) thereof.

''(2) ROUNDING.—If any amount adjusted under paragraph (1)—

''(A) is not less than $75,000 and is not a multiple of $500, such amount shall be rounded to the next lowest multiple of $500, and

''(B) is not described in subparagraph (A) and is not a multiple of $10, such amount shall be rounded to the next lowest multiple of $10.''.

(g) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—Section 6722 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 6722. FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.

''(a) IMPOSITION OF PENALTY.—

''(1) GENERAL RULE.—In the case of each failure described in paragraph (2) by any person with respect to a payee statement, such person shall pay a penalty of $100 for each statement with respect to which such a failure occurs, but the total amount imposed on such person for all such failures during any calendar year shall not exceed $1,500,000.

''(2) FAILURES SUBJECT TO PENALTY.—For purposes of paragraph (1), the failures described in this paragraph are—

''(A) any failure to furnish a payee statement on or before the date prescribed therefor to the person to whom such statement is required to be furnished, and

''(B) any failure to include all of the information required to be shown on a payee statement or the inclusion of incorrect information.

''(b) REDUCTION WHERE CORRECTION IN SPECIFIED PERIOD.—

''(1) CORRECTION WITHIN 30 DAYS.—If any failure described in subsection (a)(2) is corrected on or before the day 30 days after the required filing date—

''(A) the penalty imposed by subsection (a) shall be $30 in lieu of $100, and

''(B) the total amount imposed on the person for all such failures during any calendar year which are so corrected shall not exceed $250,000.

''(2) FAILURES CORRECTED ON OR BEFORE AUGUST 1.—If any failure described in subsection (a)(2) is corrected after the 30th day referred to in paragraph (1) but on or before August 1 of the calendar year in which the required filing date occurs—

''(A) the penalty imposed by subsection (a) shall be $60 in lieu of $100, and

''(B) the total amount imposed on the person for all such failures during the calendar year which are so corrected shall not exceed $500,000.

''(c) EXCEPTION FOR DE MINIMIS FAILURES.—

''(1) IN GENERAL.—If—

''(A) a payee statement is furnished to the person to whom such statement is required to be furnished,

''(B) there is a failure described in subsection (a)(2)(B) (determined after the application of section 6724(a)) with respect to such statement, and

''(C) such failure is corrected on or before August 1 of the calendar year in which the required filing date occurs,

for purposes of this section, such statement shall be treated as having been furnished with all of the correct required information.

''(2) LIMITATION.—The number of payee statements to which paragraph (1) applies for any calendar year shall not exceed the greater of—

''(A) 10, or

''(B) one-half of 1 percent of the total number of payee statements required to be filed by the person during the calendar year.

''(d) LOWER LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—

''(1) IN GENERAL.—If any person meets the gross receipts test of paragraph (2) with respect to any calendar year, with respect to failures during such calendar year—

''(A) subsection (a)(1) shall be applied by substituting '$500,000' for '$1,500,000',

''(B) subsection (b)(1)(B) shall be applied by substituting '$75,000' for '$250,000', and

''(C) subsection (b)(2)(B) shall be applied by substituting '$200,000' for '$500,000'.

''(2) GROSS RECEIPTS TEST.—A person meets the gross receipts test of this paragraph if such person meets the gross receipts test of section 6721(d)(2).

''(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—If 1 or more failures to which subsection (a) applies are due to intentional disregard of the requirement to furnish a payee statement (or the correct information reporting requirement), then, with respect to each such failure—

''(1) subsections (b), (c), and (d) shall not apply,

''(2) the penalty imposed under subsection (a)(1) shall be $250, or, if greater—

''(A) in the case of a payee statement other than a statement required under section 6045(b), 6041A(e) (in respect of a return required under section 6041A(b)), 6050H(d), 6050J(e), 6050K(b), or 6050L(c), 10 percent of the aggregate amount of the items required to be reported correctly, or

''(B) in the case of a payee statement required under section 6045(b), 6050K(b), or 6050L(c), 5 percent of the aggregate amount of the items required to be reported correctly, and

''(3) in the case of any penalty determined under paragraph (2)—

''(A) the $1,500,000 limitation under subsection (a) shall not apply, and

''(B) such penalty shall not be taken into account in applying such limitation to penalties not determined under paragraph (2).

''(f) ADJUSTMENT FOR INFLATION.—

''(1) IN GENERAL.—For each fifth calendar year beginning after 2012, each of the dollar amounts under subsections (a), (b), (d)(1), and (e) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting 'calendar year 2011' for 'calendar year 1992' in subparagraph (B) thereof.

''(2) ROUNDING.—If any amount adjusted under paragraph (1)—

''(A) is not less than $75,000 and is not a multiple of $500, such amount shall be rounded to the next lowest multiple of $500, and

''(B) is not described in subparagraph (A) and is not a multiple of $10, such amount shall be rounded to the next lowest multiple of $10.''.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2011.

SEC. 2103. REPORT ON TAX SHELTER PENALTIES AND CERTAIN OTHER ENFORCEMENT ACTIONS.

(a) IN GENERAL.—The Commissioner of Internal Revenue, in consultation with the Secretary of the Treasury, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate an annual report on the penalties assessed by the Internal Revenue Service during the preceding year under each of the following provisions of the Internal Revenue Code of 1986:

(1) Section 6662A (relating to accuracy-related penalty on understatements with respect to reportable transactions).

(2) Section 6700(a) (relating to promoting abusive tax shelters).

(3) Section 6707 (relating to failure to furnish information regarding reportable transactions).

(4) Section 6707A (relating to failure to include reportable transaction information with return).

(5) Section 6708 (relating to failure to maintain lists of advisees with respect to reportable transactions).

(b) ADDITIONAL INFORMATION.—The report required under subsection (a) shall also include information on the following with respect to each year:

(1) Any action taken under section 330(b) of title 31, United States Code, with respect to any reportable transaction (as defined in section 6707A(c) of the Internal Revenue Code of 1986).

(2) Any extension of the time for assessment of tax enforced, or assessment of any amount under such an extension, under paragraph (10) of section 6501(c) of the Internal Revenue Code of 1986.

(c) DATE OF REPORT.—The first report required under subsection (a) shall be submitted not later than December 31, 2010.

SEC. 2104. APPLICATION OF CONTINUOUS LEVY TO TAX LIABILITIES OF CERTAIN FEDERAL CONTRACTORS.

(a) IN GENERAL.—Subsection (f) of section 6330 of the Internal Revenue Code of 1986 is amended by striking ''or'' at the end of paragraph (2), by inserting ''or'' at the end of paragraph (3), and by inserting after paragraph (3) the following new paragraph:

''(4) the Secretary has served a Federal contractor levy,''.

(b) FEDERAL CONTRACTOR LEVY.—Subsection (h) of section 6330 of the Internal Revenue Code of 1986 is amended—

(1) by striking all that precedes ''any levy in connection with the collection'' and inserting the following:

''(h) DEFINITIONS RELATED TO EXCEPTIONS.—For purposes of subsection (f)—

''(1) DISQUALIFIED EMPLOYMENT TAX LEVY.—A disqualified employment tax levy is''; and

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

''(2) FEDERAL CONTRACTOR LEVY.—A Federal contractor levy is any levy if the person whose property is subject to the levy (or any predecessor thereof) is a Federal contractor.''.

(c) CONFORMING AMENDMENT.—The heading of subsection (f) of section 6330 of the Internal Revenue Code of 1986 is amended by striking ''JEOPARDY AND STATE REFUND COLLECTION'' and inserting ''EXCEPTIONS''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to levies issued after the date of the enactment of this Act.

PART II—PROMOTING RETIREMENT PREPARATION

SEC. 2111. PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.

(a) IN GENERAL.—Section 402A(e)(1) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following:

''(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).''.

(b) ELECTIVE DEFERRALS.—Section 402A(e)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

''(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means—

''(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

''(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 2112. ROLLOVERS FROM ELECTIVE DEFERRAL PLANS TO DESIGNATED ROTH ACCOUNTS.

(a) IN GENERAL.—Section 402A(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) TAXABLE ROLLOVERS TO DESIGNATED ROTH ACCOUNTS.—

''(A) IN GENERAL.—Notwithstanding sections 402(c), 403(b)(8), and 457(e)(16), in the case of any distribution to which this paragraph applies—

''(i) there shall be included in gross income any amount which would be includible were it not part of a qualified rollover contribution,

''(ii) section 72(t) shall not apply, and

''(iii) unless the taxpayer elects not to have this clause apply, any amount required to be included in gross income for any taxable year beginning in 2010 by reason of this paragraph shall be so included ratably over the 2-taxable-year period beginning with the first taxable year beginning in 2011.

Any election under clause (iii) for any distributions during a taxable year may not be changed after the due date for such taxable year.

''(B) DISTRIBUTIONS TO WHICH PARAGRAPH APPLIES.—In the case of an applicable retirement plan which includes a qualified Roth contribution program, this paragraph shall apply to a distribution from such plan other than from a designated Roth account which is contributed in a qualified rollover contribution (within the meaning of section 408A(e)) to the designated Roth account maintained under such plan for the benefit of the individual to whom the distribution is made.

''(C) COORDINATION WITH LIMIT.—Any distribution to which this paragraph applies shall not be taken into account for purposes of paragraph (1).

''(D) OTHER RULES.—The rules of subparagraphs (D), (E), and (F) of section 408A(d)(3) (as in effect for taxable years beginning after 2009) shall apply for purposes of this paragraph.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after the date of the enactment of this Act.

SEC. 2113. SPECIAL RULES FOR ANNUITIES RECEIVED FROM ONLY A PORTION OF A CONTRACT.

(a) IN GENERAL.—Subsection (a) of section 72 of the Internal Revenue Code of 1986 is amended to read as follows:

''(a) GENERAL RULES FOR ANNUITIES.—

''(1) INCOME INCLUSION.—Except as otherwise provided in this chapter, gross income includes any amount received as an annuity (whether for a period certain or during one or more lives) under an annuity, endowment, or life insurance contract.

''(2) PARTIAL ANNUITIZATION.—If any amount is received as an annuity for a period of 10 years or more or during one or more lives under any portion of an annuity, endowment, or life insurance contract—

''(A) such portion shall be treated as a separate contract for purposes of this section,

''(B) for purposes of applying subsections (b), (c), and (e), the investment in the contract shall be allocated pro rata between each portion of the contract from which amounts are received as an annuity and the portion of the contract from which amounts are not received as an annuity, and

''(C) a separate annuity starting date under subsection (c)(4) shall be determined with respect to each portion of the contract from which amounts are received as an annuity.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts received in taxable years beginning after December 31, 2010.

PART III—CLOSING UNINTENDED LOOPHOLES

SEC. 2121. CRUDE TALL OIL INELIGIBLE FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Clause (iii) of section 40(b)(6)(E) of the Internal Revenue Code of 1986, as added by the Health Care and Education Reconciliation Act of 2010, is amended—

(1) by striking ''or'' at the end of subclause (I),

(2) by striking the period at the end of subclause (II) and inserting '', or'',

(3) by adding at the end the following new subclause:

''(III) such fuel has an acid number greater than 25.'', and

(4) by striking ''UNPROCESSED'' in the heading and inserting ''CERTAIN''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuels sold or used on or after January 1, 2010.

SEC. 2122. SOURCE RULES FOR INCOME ON GUARANTEES.

(a) AMOUNTS SOURCED WITHIN THE UNITED STATES.—Subsection (a) of section 861 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(9) GUARANTEES.—Amounts received, directly or indirectly, from—

''(A) a noncorporate resident or domestic corporation for the provision of a guarantee of any indebtedness of such resident or corporation, or

''(B) any foreign person for the provision of a guarantee of any indebtedness of such person, if such amount is connected with income which is effectively connected (or treated as effectively connected) with the conduct of a trade or business in the United States.''.

(b) AMOUNTS SOURCED WITHOUT THE UNITED STATES.—Subsection (a) of section 862 of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting ''; and'', and by adding at the end the following new paragraph:

''(9) amounts received, directly or indirectly, from a foreign person for the provision of a guarantee of indebtedness of such person other than amounts which are derived from sources within the United States as provided in section 861(a)(9).''.

(c) CONFORMING AMENDMENT.—Clause (ii) of section 864(c)(4)(B) of the Internal Revenue Code of 1986 is amended by striking ''dividends or interest'' and inserting ''dividends, interest, or amounts received for the provision of guarantees of indebtedness''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to guarantees issued after the date of the enactment of this Act.

SEC. 2123. ELIMINATION OF ADVANCE REFUNDABILITY OF EARNED INCOME CREDIT.

(a) IN GENERAL.—The following provisions of the Internal Revenue Code of 1986 are repealed:

(1) Section 3507.

(2) Subsection (g) of section 32.

(3) Paragraph (7) of section 6051(a).

(b) CONFORMING AMENDMENTS.—

(1) Section 6012(a) of the Internal Revenue Code of 1986 is amended by striking paragraph (8) and by redesignating paragraph (9) as paragraph (8).

(2) Section 6302 of such Code is amended by striking subsection (i).

(3) The table of sections for chapter 25 of such Code is amended by striking the item relating to section 3507.

(c) EFFECTIVE DATE.—The repeals and amendments made by this section shall apply to taxable years beginning after December 31, 2010.

PART IV—TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES

SEC. 2131. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 36 percentage points.

TITLE III—STATE SMALL BUSINESS CREDIT INITIATIVE

SEC. 3001. SHORT TITLE.

This title may be cited as the ''State Small Business Credit Initiative Act of 2010''.

SEC. 3002. DEFINITIONS.

In this title, the following definitions shall apply:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Small Business and Entrepreneurship, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on the Budget, and the Committee on Appropriations of the Senate; and

(B) the Committee on Small Business, the Committee on Agriculture, the Committee on Financial Services, the Committee on Ways and Means, the Committee on the Budget, and the Committee on Appropriations of the House of Representatives.

(2) APPROPRIATE FEDERAL BANKING AGENCY.—The term ''appropriate Federal banking agency''—

(A) has the same meaning as in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)); and

(B) includes the National Credit Union Administration Board in the case of any credit union the deposits of which are insured in accordance with the Federal Credit Union Act.

(3) ENROLLED LOAN.—The term ''enrolled loan'' means a loan made by a financial institution lender that is enrolled by a participating State in an approved State capital access program in accordance with this title.

(4) FEDERAL CONTRIBUTION.—The term ''Federal contribution'' means the portion of the contribution made by a participating State to, or for the account of, an approved State program that is made with Federal funds allocated to the State by the Secretary under section 3003.

(5) FINANCIAL INSTITUTION.—The term ''financial institution'' means any insured depository institution, insured credit union, or community development financial institution, as those terms are each defined in section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702)

(6) PARTICIPATING STATE.—The term ''participating State'' means any State that has been approved for participation in the Program under section 3004.

(7) PROGRAM.—The term ''Program'' means the State Small Business Credit Initiative established under this title.

(8) QUALIFYING LOAN OR SWAP FUNDING FACILITY.—The term ''qualifying loan or swap funding facility'' means a contractual arrangement between a participating State and a private financial entity under which—

(A) the participating State delivers funds to the entity as collateral;

(B) the entity provides funding from the arrangement back to the participating State; and

(C) the full amount of resulting funding from the arrangement, less any fees and other costs of the arrangement, is contributed to, or for the account of, an approved State program.

(9) RESERVE FUND.—The term ''reserve fund'' means a fund, established by a participating State, dedicated to a particular financial institution lender, for the purposes of—

(A) depositing all required premium charges paid by the financial institution lender and by each borrower receiving a loan under an approved State program from that financial institution lender;

(B) depositing contributions made by the participating State, including State contributions made with Federal contributions; and

(C) covering losses on enrolled loans by disbursing accumulated funds.

(10) STATE.—The term ''State'' means—

(A) a State of the United States;

(B) the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of Northern Mariana Islands, Guam, American Samoa, and the United States Virgin Islands;

(C) when designated by a State of the United States, a political subdivision of that State that the Secretary determines has the capacity to participate in the Program; and

(D) under the circumstances described in section 3004(d), a municipality of a State of the United States to which the Secretary has given a special permission under section 3004(d).

(11) STATE CAPITAL ACCESS PROGRAM.—The term ''State capital access program'' means a program of a State that—

(A) uses public resources to promote private access to credit; and

(B) meets the eligibility criteria in section 3005(c).

(12) STATE OTHER CREDIT SUPPORT PROGRAM.—The term ''State other credit support program''—

(A) means a program of a State that—

(i) uses public resources to promote private access to credit;

(ii) is not a State capital access program; and

(iii) meets the eligibility criteria in section 3006(c); and

(B) includes, collateral support programs, loan participation programs, State-run venture capital fund programs, and credit guarantee programs.

(13) STATE PROGRAM.—The term ''State program'' means a State capital access program or a State other credit support program.

(14) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

SEC. 3003. FEDERAL FUNDS ALLOCATED TO STATES.

(a) PROGRAM ESTABLISHED; PURPOSE.—There is established the State Small Business Credit Initiative, to be administered by the Secretary. Under the Program, the Secretary shall allocate Federal funds to participating States and make the allocated funds available to the participating States as provided in this section for the uses described in this section.

(b) ALLOCATION FORMULA.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall allocate Federal funds to participating States so that each State is eligible to receive an amount equal to the average of the respective amounts that the State—

(A) would receive under the 2009 allocation, as determined under paragraph (2); and

(B) would receive under the 2010 allocation, as determined under paragraph (3).

(2) 2009 ALLOCATION FORMULA.—

(A) IN GENERAL.—The Secretary shall determine the 2009 allocation by allocating Federal funds among the States in the proportion that each such State's 2008 State employment decline bears to the aggregate of the 2008 State employment declines for all States.

(B) MINIMUM ALLOCATION.—The Secretary shall adjust the allocations under subparagraph (A) for each State to the extent necessary to ensure that no State receives less than 0.9 percent of the Federal funds.

(C) 2008 STATE EMPLOYMENT DECLINE DEFINED.—In this paragraph and with respect to a State, the term ''2008 State employment decline'' means the excess (if any) of—

(i) the number of individuals employed in such State determined for December 2007; over

(ii) the number of individuals employed in such State determined for December 2008.

(3) 2010 ALLOCATION FORMULA.—

(A) IN GENERAL.—The Secretary shall determine the 2010 allocation by allocating Federal funds among the States in the proportion that each such State's 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all of the States.

(B) MINIMUM ALLOCATION.—The Secretary shall adjust the allocations under subparagraph (A) for each State to the extent necessary to ensure that no State receives less than 0.9 percent of the Federal funds.

(C) 2009 UNEMPLOYMENT NUMBER DEFINED.—In this paragraph and with respect to a State, the term ''2009 unemployment number'' means the number of individuals within such State who were determined to be unemployed by the Bureau of Labor Statistics for December 2009.

(c) AVAILABILITY OF ALLOCATED AMOUNT.—The amount allocated by the Secretary to each participating State under subsection (b) shall be made available to the State as follows:

(1) ALLOCATED AMOUNT GENERALLY TO BE AVAILABLE TO STATE IN ONE-THIRDS.—

(A) IN GENERAL.—The Secretary shall—

(i) apportion the participating State's allocated amount into thirds;

(ii) transfer to the participating State the first ⅓ when the Secretary approves the State for participation under section 3004; and

(iii) transfer to the participating State each successive ⅓ when the State has certified to the Secretary that it has expended, transferred, or obligated 80 percent of the last transferred ⅓ for Federal contributions to, or for the account of, State programs.

(B) AUTHORITY TO WITHHOLD PENDING AUDIT.—The Secretary may withhold the transfer of any successive ⅓ pending results of a financial audit.

(C) INSPECTOR GENERAL AUDITS.—

(i) IN GENERAL.—The Inspector General of the Department of the Treasury shall carry out an audit of the participating State's use of allocated Federal funds transferred to the State.

(ii) RECOUPMENT OF MISUSED TRANSFERRED FUNDS REQUIRED.—The allocation agreement between the Secretary and the participating State shall provide that the Secretary shall recoup any allocated Federal funds transferred to the participating State if the results of the an audit include a finding that there was an intentional or reckless misuse of transferred funds by the State.

(iii) PENALTY FOR MISSTATEMENT.—Any participating State that is found to have intentionally misstated any report issued to the Secretary under the Program shall be ineligible to receive any additional funds under the Program. Funds that had been allocated or that would otherwise have been allocated to such participating State shall be paid into the general fund of the Treasury for reduction of the public debt.

(iv) MUNICIPALITIES.—In this subparagraph, the term ''participating State'' shall include a municipality given special permission to participate in the Program, under section 3004(d).

(D) EXCEPTION.—The Secretary may, in the Secretary's discretion, transfer the full amount of the participating State's allocated amount to the State in a single transfer if the participating State applies to the Secretary for approval to use the full amount of the allocation as collateral for a qualifying loan or swap funding facility.

(2) TRANSFERRED AMOUNTS.—Each amount transferred to a participating State under this section shall remain available to the State until used by the State as permitted under paragraph (3).

(3) USE OF TRANSFERRED FUNDS.—Each participating State may use funds transferred to it under this section only—

(A) for making Federal contributions to, or for the account of, an approved State program;

(B) as collateral for a qualifying loan or swap funding facility;

(C) in the case of the first ⅓ transferred, for paying administrative costs incurred by the State in implementing an approved State program in an amount not to exceed 5 percent of that first ⅓; or

(D) in the case of each successive ⅓ transferred, for paying administrative costs incurred by the State in implementing an approved State program in an amount not to exceed 3 percent of that successive ⅓.

(4) TERMINATION OF AVAILABILITY OF AMOUNTS NOT TRANSFERRED WITHIN 2 YEARS OF PARTICIPATION.—Any portion of a participating State's allocated amount that has not been transferred to the State under this section by the end of the 2-year period beginning on the date that the Secretary approves the State for participation may be deemed by the Secretary to be no longer allocated to the State and no longer available to the State and shall be returned to the General Fund of the Treasury.

(5) TRANSFERRED AMOUNTS NOT ASSISTANCE.—The amounts transferred to a participating State under this section shall not be considered assistance for purposes of subtitle V of title 31, United States Code.

(6) DEFINITIONS.—In this section—

(A) the term ''allocated amount'' means the total amount of Federal funds allocated by the Secretary under subsection (b) to the participating State; and

(B) the term ''⅓'' means—

(i) in the case of the first ⅓ and second ⅓, an amount equal to 33 percent of a participating State's allocated amount; and

(ii) in the case of the last ⅓, an amount equal to 34 percent of a participating State's allocated amount.

SEC. 3004. APPROVING STATES FOR PARTICIPATION.

(a) APPLICATION.—Any State may apply to the Secretary for approval to be a participating State under the Program and to be eligible for an allocation of Federal funds under the Program.

(b) GENERAL APPROVAL CRITERIA.—The Secretary shall approve a State to be a participating State, if—

(1) a specific department, agency, or political subdivision of the State has been designated to implement a State program and participate in the Program;

(2) all legal actions necessary to enable such designated department, agency, or political subdivision to implement a State program and participate in the Program have been accomplished;

(3) the State has filed an application with the Secretary for approval of a State capital access program under section 3005 or approval as a State other credit support program under section 3006, in each case within the time period provided in the respective section; and

(4) the State and the Secretary have executed an allocation agreement that—

(A) conforms to the requirements of this title;

(B) ensures that the State program complies with such national standards as are established by the Secretary under section 3009(a)(2);

(C) sets forth internal control, compliance, and reporting requirements as established by the Secretary, and such other terms and conditions necessary to carry out the purposes of this title, including an agreement by the State to allow the Secretary to audit State programs;

(D) requires that the State program be fully positioned, within 90 days of the State's execution of the allocation agreement with the Secretary, to act on providing the kind of credit support that the State program was established to provide; and

(E) includes an agreement by the State to deliver to the Secretary, and update annually, a schedule describing how the State intends to apportion among its State programs the Federal funds allocated to the State.

(c) CONTRACTUAL ARRANGEMENTS FOR IMPLEMENTATION OF STATE PROGRAMS.—A State may be approved to be a participating State, and be eligible for an allocation of Federal funds under the Program, if the State has contractual arrangements for the implementation and administration of its State program with—

(1) an existing, approved State program administered by another State; or

(2) an authorized agent of, or entity supervised by, the State, including for-profit and not-for-profit entities.

(d) SPECIAL PERMISSION.—

(1) CIRCUMSTANCES WHEN A MUNICIPALITY MAY APPLY DIRECTLY.—If a State does not, within 60 days after the date of enactment of this Act, file with the Secretary a notice of its intent to apply for approval by the Secretary of a State program or within 9 months after the date of enactment of this Act, file with the Secretary a complete application for approval of a State program, the Secretary may grant to municipalities of that State a special permission that will allow them to apply directly to the Secretary without the State for approval to be participating municipalities.

(2) TIMING REQUIREMENTS APPLICABLE TO MUNICIPALITIES APPLYING DIRECTLY.—To qualify for the special permission, a municipality of a State shall be required, within 12 months after the date of enactment of this Act, to file with the Secretary a complete application for approval by the Secretary of a State program.

(3) NOTICES OF INTENT AND APPLICATIONS FROM MORE THAN 1 MUNICIPALITY.—A municipality of a State may combine with 1 or more other municipalities of that State to file a joint notice of intent to file and a joint application.

(4) APPROVAL CRITERIA.—The general approval criteria in paragraphs (2) and (4) shall apply.

(5) ALLOCATION TO MUNICIPALITIES.—

(A) IF MORE THAN 3.—If more than 3 municipalities, or combination of municipalities as provided in paragraph (3), of a State apply for approval by the Secretary to be participating municipalities under this subsection, and the applications meet the approval criteria in paragraph (4), the Secretary shall allocate Federal funds to the 3 municipalities with the largest populations.

(B) IF 3 OR FEWER.—If 3 or fewer municipalities, or combination of municipalities as provided in paragraph (3), of a State apply for approval by the Secretary to be participating municipalities under this subsection, and the applications meet the approval criteria in paragraph (4), the Secretary shall allocate Federal funds to each applicant municipality or combination of municipalities.

(6) APPORTIONMENT OF ALLOCATED AMOUNT AMONG PARTICIPATING MUNICIPALITIES.—If the Secretary approves municipalities to be participating municipalities under this subsection, the Secretary shall apportion the full amount of the Federal funds that are allocated to that State to municipalities that are approved under this subsection in amounts proportionate to the population of those municipalities, based on the most recent available decennial census.

(7) APPROVING STATE PROGRAMS FOR MUNICIPALITIES.—If the Secretary approves municipalities to be participating municipalities under this subsection, the Secretary shall take into account the additional considerations in section 3006(d) in making the determination under section 3005 or 3006 that the State program or programs to be implemented by the participating municipalities, including a State capital access program, is eligible for Federal contributions to, or for the account of, the State program.

SEC. 3005. APPROVING STATE CAPITAL ACCESS PROGRAMS.

(a) APPLICATION.—A participating State that establishes a new, or has an existing, State capital access program that meets the eligibility criteria in subsection (c) may apply to Secretary to have the State capital access program approved as eligible for Federal contributions to the reserve fund.

(b) APPROVAL.—The Secretary shall approve such State capital access program as eligible for Federal contributions to the reserve fund if—

(1) within 60 days after the date of enactment of this Act, the State has filed with the Secretary a notice of intent to apply for approval by the Secretary of a State capital access program;

(2) within 9 months after the date of enactment of this Act, the State has filed with the Secretary a complete application for approval by the Secretary of a capital access program;

(3) the State satisfies the requirements of subsections (a) and (b) of section 3004; and

(4) the State capital access program meets the eligibility criteria in subsection (c).

(c) ELIGIBILITY CRITERIA FOR STATE CAPITAL ACCESS PROGRAMS.—For a State capital access program to be approved under this section, that program shall be required to be a program of the State that—

(1) provides portfolio insurance for business loans based on a separate loan-loss reserve fund for each financial institution;

(2) requires insurance premiums to be paid by the financial institution lenders and by the business borrowers to the reserve fund to have their loans enrolled in the reserve fund;

(3) provides for contributions to be made by the State to the reserve fund in amounts at least equal to the sum of the amount of the insurance premium charges paid by the borrower and the financial institution to the reserve fund for any newly enrolled loan; and

(4) provides its portfolio insurance solely for loans that meet both the following requirements:

(A) The borrower has 500 employees or less at the time that the loan is enrolled in the Program.

(B) The loan amount does not exceed $5,000,000.

(d) FEDERAL CONTRIBUTIONS TO APPROVED STATE CAPITAL ACCESS PROGRAMS.—A State capital access program approved under this section will be eligible for receiving Federal contributions to the reserve fund in an amount equal to the sum of the amount of the insurance premium charges paid by the borrowers and by the financial institution to the reserve fund for loans that meet the requirements in subsection (c)(4). A participating State may use the Federal contribution to make its contribution to the reserve fund of an approved State capital access program.

(e) MINIMUM PROGRAM REQUIREMENTS FOR STATE CAPITAL ACCESS PROGRAMS.—The Secretary shall, by regulation or other guidance, prescribe Program requirements that meet the following minimum requirements:

(1) EXPERIENCE AND CAPACITY.—The participating State shall determine for each financial institution that participates in the State capital access program, after consultation with the appropriate Federal banking agency or, in the case of a financial institution that is a nondepository community development financial institution, the Community Development Financial Institution Fund, that the financial institution has sufficient commercial lending experience and financial and managerial capacity to participate in the approved State capital access

program. The determination by the State shall not be reviewable by the Secretary.

(2) INVESTMENT AUTHORITY.—Subject to applicable State law, the participating State may invest, or cause to be invested, funds held in a reserve fund by establishing a deposit account at the financial institution lender in the name of the participating State. In the event that funds in the reserve fund are not deposited in such an account, such funds shall be invested in a form that the participating State determines is safe and liquid.

(3) LOAN TERMS AND CONDITIONS TO BE DETERMINED BY AGREEMENT.—A loan to be filed for enrollment in an approved State capital access program may be made with such interest rate, fees, and other terms and conditions, and the loan may be enrolled in the approved State capital access program and claims may be filed and paid, as agreed upon by the financial institution lender and the borrower, consistent with applicable law.

(4) LENDER CAPITAL AT-RISK.—A loan to be filed for enrollment in the State capital access program shall require the financial institution lender to have a meaningful amount of its own capital resources at risk in the loan.

(5) PREMIUM CHARGES MINIMUM AND MAXIMUM AMOUNTS.—The insurance premium charges payable to the reserve fund by the borrower and the financial institution lender shall be prescribed by the financial institution lender, within minimum and maximum limits that require that the sum of the insurance premium charges paid in connection with a loan by the borrower and the financial institution lender may not be less than 2 percent nor more than 7 percent of the amount of the loan enrolled in the approved State capital access program.

(6) STATE CONTRIBUTIONS.—In enrolling a loan in an approved State capital access program, the participating State may make a contribution to the reserve fund to supplement Federal contributions made under this Program.

(7) LOAN PURPOSE.—

(A) PARTICULAR LOAN PURPOSE REQUIREMENTS AND PROHIBITIONS.—In connection with the filing of a loan for enrollment in an approved State capital access program, the financial institution lender—

(i) shall obtain an assurance from each borrower that—

(I) the proceeds of the loan will be used for a business purpose;

(II) the loan will not be used to finance such business activities as the Secretary, by regulation, may proscribe as prohibited loan purposes for enrollment in an approved State capital access program; and

(III) the borrower is not—

(aa) an executive officer, director, or principal shareholder of the financial institution lender;

(bb) a member of the immediate family of an executive officer, director, or principal shareholder of the financial institution lender; or

(cc) a related interest of any such executive officer, director, principal shareholder, or member of the immediate family;

(ii) shall provide assurances to the participating State that the loan has not been made in order to place under the protection of the approved State capital access program prior debt that is not covered under the approved State capital access program and that is or was owed by the borrower to the financial institution lender or to an affiliate of the financial institution lender;

(iii) shall not allow the enrollment of a loan to a borrower that is a refinancing of a loan previously made to that borrower by the financial institution lender or an affiliate of the financial institution lender; and

(iv) may include additional restrictions on the eligibility of loans or borrowers that are not inconsistent with the provisions and purposes of this title, including compliance with all applicable Federal and State laws, regulations, ordinances, and Executive orders.

(B) DEFINITIONS.—In this paragraph, the terms ''executive officer'', ''director'', ''principal shareholder'', ''immediate family'', and ''related interest'' refer to the same relationship to a financial institution lender as the relationship described in part 215 of title 12 of the Code of Federal Regulations, or any successor to such part.

(8) CAPITAL ACCESS FOR SMALL BUSINESSES IN UNDERSERVED COMMUNITIES.—At the time that a State applies to the Secretary to have the State capital access program approved as eligible for Federal contributions, the State shall deliver to the Secretary a report stating how the State plans to use the Federal contributions to the reserve fund to provide access to capital for small businesses in low- and moderate-income, minority, and other underserved communities, including women- and minority-owned small businesses.

SEC. 3006. APPROVING COLLATERAL SUPPORT AND OTHER INNOVATIVE CREDIT ACCESS AND GUARANTEE INITIATIVES FOR SMALL BUSINESSES AND MANUFACTURERS.

(a) APPLICATION.—A participating State that establishes a new, or has an existing, credit support program that meets the eligibility criteria in subsection (c) may apply to the Secretary to have the State other credit support program approved as eligible for Federal contributions to, or for the account of, the State program.

(b) APPROVAL.—The Secretary shall approve such State other credit support program as eligible for Federal contributions to, or for the account of, the program if—

(1) the Secretary determines that the State satisfies the requirements of paragraphs (1) through (3) of section 3005(b);

(2) the Secretary determines that the State other credit support program meets the eligibility criteria in subsection (c);

(3) the Secretary determines the State other credit support program to be eligible based on the additional considerations in subsection (d); and

(4) within 9 months after the date of enactment of this Act, the State has filed with Treasury a complete application for Treasury approval.

(c) ELIGIBILITY CRITERIA FOR STATE OTHER CREDIT SUPPORT PROGRAMS.—For a State other credit support program to be approved under this section, that program shall be required to be a program of the State that—

(1) can demonstrate that, at a minimum, $1 of public investment by the State program will cause and result in $1 of new private credit;

(2) can demonstrate a reasonable expectation that, when considered with all other State programs of the State, such State programs together have the ability to use amounts of new Federal contributions to, or for the account of, all such programs in the State to cause and result in amounts of new small business lending at least 10 times the new Federal contribution amount;

(3) for those State other credit support programs that provide their credit support through 1 or more financial institution lenders, requires the financial institution lenders to have a meaningful amount of their own capital resources at risk in their small business lending; and

(4) uses Federal funds allocated under this title to extend credit support that—

(A) targets an average borrower size of 500 employees or less;

(B) does not extend credit support to borrowers that have more than 750 employees;

(C) targets support towards loans with an average principal amount of $5,000,000 or less; and

(D) does not extend credit support to loans that exceed a principal amount of $20,000,000.

(d) ADDITIONAL CONSIDERATIONS.—In making a determination that a State other credit support program is eligible for Federal contributions to, or for the account of, the State program, the Secretary shall take into account the following additional considerations:

(1) The anticipated benefits to the State, its businesses, and its residents to be derived from the Federal contributions to, or for the account of, the approved State other credit support program, including the extent to which resulting small business lending will expand economic opportunities.

(2) The operational capacity, skills, and experience of the management team of the State other credit support program.

(3) The capacity of the State other credit support program to manage increases in the volume of its small business lending.

(4) The internal accounting and administrative controls systems of the State other credit support program, and the extent to which they can provide reasonable assurance that funds of the State program are safeguarded against waste, loss, unauthorized use, or misappropriation.

(5) The soundness of the program design and implementation plan of the State other credit support program.

(e) FEDERAL CONTRIBUTIONS TO APPROVED STATE OTHER CREDIT SUPPORT PROGRAMS.—A State other credit support program approved under this section will be eligible for receiving Federal contributions to, or for the account of, the State program in an amount consistent with the schedule describing the apportionment of allocated Federal funds among State programs delivered by the State to the Secretary under the allocation agreement.

(f) MINIMUM PROGRAM REQUIREMENTS FOR STATE OTHER CREDIT SUPPORT PROGRAMS.—

(1) FUND TO PRESCRIBE.—The Secretary shall, by regulation or other guidance, prescribe Program requirements for approved State other credit support programs.

(2) CONSIDERATIONS FOR FUND.—In prescribing minimum Program requirements for approved State other credit support programs, the Secretary shall take into consideration, to the extent the Secretary determines applicable and appropriate, the minimum Program requirements for approved State capital access programs in section 3005(e).

SEC. 3007. REPORTS.

(a) QUARTERLY USE-OF-FUNDS REPORT.—

(1) IN GENERAL.—Not later than 30 days after the beginning of each calendar quarter, beginning after the first full calendar quarter to occur after the date the Secretary approves a State for participation, the participating State shall submit to the Secretary a report on the use of Federal funding by the participating State during the previous calendar quarter.

(2) REPORT CONTENTS.—Each report under this subsection shall—

(A) indicate the total amount of Federal funding used by the participating State; and

(B) include a certification by the participating State that—

(i) the information provided in accordance with subparagraph (A) is accurate;

(ii) funds continue to be available and legally committed to contributions by the State to, or for the account of, approved State programs, less any amount that has been contributed by the State to, or for the account of, approved State programs subsequent to the State being approved for participation in the Program; and

(iii) the participating State is implementing its approved State program or programs in accordance with this title and regulations issued under section 3010.

(b) ANNUAL REPORT.—Not later than March 31 of each year, beginning March 31, 2011, each participating State shall submit to the Secretary an annual report that shall include the following information:

(1) The number of borrowers that received new loans originated under the approved State program or programs after the State program was approved as eligible for Federal contributions.

(2) The total amount of such new loans.

(3) Breakdowns by industry type, loan size, annual sales, and number of employees of the borrowers that received such new loans.

(4) The zip code of each borrower that received such a new loan.

(5) Such other data as the Secretary, in the Secretary's sole discretion, may require to carry out the purposes of the Program.

(c) FORM.—The reports and data filed under subsections (a) and (b) shall be in such form as the Secretary, in the Secretary's sole discretion, may require.

(d) TERMINATION OF REPORTING REQUIREMENTS.—The requirement to submit reports under subsections (a) and (b) shall terminate for a participating State with the submission of the completed reports due on the first March 31 to occur after 5 complete 12-month periods after the State is approved by the Secretary to be a participating State.

SEC. 3008. REMEDIES FOR STATE PROGRAM TERMINATION OR FAILURES.

(a) REMEDIES.—

(1) IN GENERAL.—If any of the events listed in paragraph (2) occur, the Secretary, in the Secretary's discretion, may—

(A) reduce the amount of Federal funds allocated to the State under the Program; or

(B) terminate any further transfers of allocated amounts that have not yet been transferred to the State.

(2) CAUSAL EVENTS.—The events referred to in paragraph (1) are—

(A) termination by a participating State of its participation in the Program;

(B) failure on the part of a participating State to submit complete reports under section 3007 on a timely basis; or

(C) noncompliance by the State with the terms of the allocation agreement between the Secretary and the State.

(b) DEALLOCATED AMOUNTS TO BE REALLOCATED.—If, after 13 months, any portion of the amount of Federal funds allocated to a participating State is deemed by the Secretary to be no longer allocated to the State after actions taken by the Secretary under subsection (a)(1), the Secretary shall reallocate that portion among the participating States, excluding the State whose allocated funds were deemed to be no longer allocated, as provided in section 3003(b).

SEC. 3009. IMPLEMENTATION AND ADMINISTRATION.

(a) GENERAL AUTHORITIES AND DUTIES.—The Secretary shall—

(1) consult with the Administrator of the Small Business Administration and the appropriate Federal banking agencies on the administration of the Program;

(2) establish minimum national standards for approved State programs;

(3) provide technical assistance to States for starting State programs and generally disseminate best practices;

(4) manage, administer, and perform necessary program integrity functions for the Program; and

(5) ensure adequate oversight of the approved State programs, including oversight of the cash flows, performance, and compliance of each approved State program.

(b) APPROPRIATIONS.—There is hereby appropriated to the Secretary, out of funds in the Treasury not otherwise appropriated, $1,500,000,000 to carry out the Program, including to pay reasonable costs of administering the Program.

(c) TERMINATION OF SECRETARY'S PROGRAM ADMINISTRATION FUNCTIONS.—The authorities and duties of the Secretary to implement and administer the Program shall terminate at the end of the 7-year period beginning on the date of enactment of this Act.

(d) EXPEDITED CONTRACTING.—During the 1-year period beginning on the date of enactment of this Act, the Secretary may enter into contracts without regard to any other provision of law regarding public contracts, for purposes of carrying out this title.

SEC. 3010. REGULATIONS.

The Secretary, in consultation with the Administrator of the Small Business Administration, shall issue such regulations and other guidance as the Secretary determines necessary or appropriate to implement this title including to define terms, to establish compliance and reporting requirements, and such other terms and conditions necessary to carry out the purposes of this title.

SEC. 3011. OVERSIGHT AND AUDITS.

(a) INSPECTOR GENERAL OVERSIGHT.—The Inspector General of the Department of the Treasury shall conduct, supervise, and coordinate audits and investigations of the use of funds made available under the Program.

(b) GAO AUDIT.—The Comptroller General of the United States shall perform an annual audit of the Program and issue a report to the appropriate committees of Congress containing the results of such audit.

(c) REQUIRED CERTIFICATION.—

(1) FINANCIAL INSTITUTIONS CERTIFICATION.—With respect to funds received by a participating State under the Program, any financial institution that receives a loan, a loan guarantee, or other financial assistance using such funds after the date of the enactment of this Act shall certify that such institution is in compliance with the requirements of section 103.121 of title 31, Code of Federal Regulations, a regulation that, at a minimum, requires financial institutions, as that term is defined in section 5312 (a)(2) and (c)(1)(A) of title 31, United States Code, to implement reasonable procedures to verify the identity of any person seeking to open an account, to the extent reasonable and practicable, maintain records of the information used to verify the person's identity, and determine whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency.

(2) SEX OFFENSE CERTIFICATION.—With respect to funds received by a participating State under the Program, any private entity that receives a loan, a loan guarantee, or other financial assistance using such funds after the date of the enactment of this Act shall certify to the participating State that the principals of such entity have not been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)).

(d) PROHIBITION ON PORNOGRAPHY.—None of the funds made available under this title may be used to pay the salary of any individual engaged in activities related to the Program who has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

TITLE IV—ADDITIONAL SMALL BUSINESS PROVISIONS

Subtitle A—Small Business Lending Fund

SEC. 4101. PURPOSE.

The purpose of this subtitle is to address the ongoing effects of the financial crisis on small businesses by providing temporary authority to the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses.

SEC. 4102. DEFINITIONS.

For purposes of this subtitle:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Small Business and Entrepreneurship, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on the Budget, and the Committee on Appropriations of the Senate; and

(B) the Committee on Small Business, the Committee on Agriculture, the Committee on Financial Services, the Committee on Ways and Means, the Committee on the Budget, and the Committee on Appropriations of the House of Representatives.

(2) APPROPRIATE FEDERAL BANKING AGENCY.—The term ''appropriate Federal banking agency'' has the meaning given such term under section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)).

(3) BANK HOLDING COMPANY.—The term ''bank holding company'' has the meaning given such term under section 2(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(2)(a)(1)).

(4) CALL REPORT.—The term ''call report'' means—

(A) reports of Condition and Income submitted to the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation;

(B) the Office of Thrift Supervision Thrift Financial Report;

(C) any report that is designated by the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, or the Office of Thrift Supervision, as applicable, as a successor to any report referred to in subparagraph (A) or (B);

(D) reports of Condition and Income as designated through guidance developed by the Secretary, in consultation with the Director of the Community Development Financial Institutions Fund; and

(E) with respect to an eligible institution for which no report exists that is described under subparagraph (A), (B), (C), or (D), such other report or set of information as the Secretary, in consultation with the Administrator of the Small Business Administration, may prescribe.

(5) CDCI.—The term ''CDCI'' means the Community Development Capital Initiative created by the Secretary under the Troubled Asset Relief Program established by the Emergency Economic Stabilization Act of 2008.

(6) CDCI INVESTMENT.—The term ''CDCI investment'' means, with respect to any eligible institution, the principal amount of any investment made by the Secretary in such eligible institution under the CDCI that has not been repaid.

(7) CDFI; COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The terms ''CDFI'' and ''community development financial institution'' have the meaning given the term ''community development financial institution'' under the Riegle Community Development and Regulatory Improvement Act of 1994.

(8) CDLF; COMMUNITY DEVELOPMENT LOAN FUND.—The terms ''CDLF'' and ''community development loan fund'' mean any entity that—

(A) is certified by the Department of the Treasury as a community development financial institution loan fund;

(B) is exempt from taxation under the Internal Revenue Code of 1986; and

(C) had assets less than or equal to $10,000,000,000 as of the end of the fourth quarter of calendar year 2009.

(9) CPP.—The term ''CPP'' means the Capital Purchase Program created by the Secretary under the Troubled Asset Relief Program established by the Emergency Economic Stabilization Act of 2008.

(10) CPP INVESTMENT.—The term ''CPP investment'' means, with respect to any eligible institution, the principal amount of any investment made by the Secretary in such eligible institution under the CPP that has not been repaid.

(11) ELIGIBLE INSTITUTION.—The term ''eligible institution'' means—

(A) any insured depository institution, which—

(i) is not controlled by a bank holding company or savings and loan holding company that is also an eligible institution;

(ii) has total assets of equal to or less than $10,000,000,000, as reported in the call report of the insured depository institution as of the end of the fourth quarter of calendar year 2009; and

(iii) is not directly or indirectly controlled by any company or other entity that has total consolidated assets of more than $10,000,000,000, as so reported;

(B) any bank holding company which has total consolidated assets of equal to or less than $10,000,000,000, as reported in the call report of the bank holding company as of the end of the fourth quarter of calendar year 2009;

(C) any savings and loan holding company which has total consolidated assets of equal to or less than $10,000,000,000, as reported in the call report of the savings and loan holding company as of the end of the fourth quarter of calendar year 2009; and

(D) any community development financial institution loan fund which has total assets of equal to or less than $10,000,000,000, as reported in audited financial statements for the fiscal year of the community development financial institution loan fund that ends in calendar year 2009.

(12) FUND.—The term ''Fund'' means the Small Business Lending Fund established under section 4103(a)(1).

(13) INSURED DEPOSITORY INSTITUTION.—The term ''insured depository institution'' has the meaning given such term under section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2)).

(14) MINORITY-OWNED AND WOMEN-OWNED BUSINESS.—The terms ''minority-owned business'' and ''women-owned business'' shall have the meaning given the terms ''minority-owned business'' and ''women's business'', respectively, under section 21A(r)(4) of the Federal Home Loan Bank Act (12 U.S.C. 1441A(r)(4)).

(15) PROGRAM.—The term ''Program'' means the Small Business Lending Fund Program authorized under section 4103(a)(2).

(16) SAVINGS AND LOAN HOLDING COMPANY.—The term ''savings and loan holding company'' has the meaning given such term under section 10(a)(1)(D) of the Home Owners' Loan Act (12 U.S.C. 1467a(a)(1)(D)).

(17) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(18) SMALL BUSINESS LENDING.—

(A) IN GENERAL.—The term ''small business lending'' means lending, as defined by and reported in an eligible institutions' quarterly call report, where each loan comprising such lending is one of the following types:

(i) Commercial and industrial loans.

(ii) Owner-occupied nonfarm, nonresidential real estate loans.

(iii) Loans to finance agricultural production and other loans to farmers.

(iv) Loans secured by farmland.

(B) EXCLUSION.—No loan that has an original amount greater than $10,000,000 or that goes to a business with more than $50,000,000 in revenues shall be included in the measure.

(C) TREATMENT OF HOLDING COMPANIES.—In the case of eligible institutions that are bank holding companies or savings and loan holding companies having one or more insured depository institution subsidiaries, small business lending shall be measured based on the combined small business lending reported in the call report of the insured depository institution subsidiaries.

(19) VETERAN-OWNED BUSINESS.—

(A) The term ''veteran-owned business'' means a business—

(i) more than 50 percent of the ownership or control of which is held by 1 or more veterans;

(ii) more than 50 percent of the net profit or loss of which accrues to 1 or more veterans; and

(iii) a significant percentage of senior management positions of which are held by veterans.

(B) For purposes of this paragraph, the term ''veteran'' has the meaning given such term in section 101(2) of title 38, United States Code.

SEC. 4103. SMALL BUSINESS LENDING FUND.

(a) FUND AND PROGRAM.—

(1) FUND ESTABLISHED.—There is established in the Treasury of the United States a fund to be known as the ''Small Business Lending Fund'', which shall be administered by the Secretary.

(2) PROGRAMS AUTHORIZED.—The Secretary is authorized to establish the Small Business Lending Fund Program for using the Fund consistent with this subtitle.

(b) USE OF FUND.—

(1) IN GENERAL.—Subject to paragraph (2), the Fund shall be available to the Secretary, without further appropriation or fiscal year limitation, for the costs of purchases (including commitments to purchase), and modifications of such purchases, of preferred stock and other financial instruments from eligible institutions on such terms and conditions as are determined by the Secretary in accordance with this subtitle. For purposes of this paragraph and with respect to an eligible institution, the term ''other financial instruments'' shall include only debt instruments for which such eligible institution is fully liable or equity equivalent capital of the eligible institution. Such debt instruments may be subordinated to the claims of other creditors of the eligible institution.

(2) MAXIMUM PURCHASE LIMIT.—The aggregate amount of purchases (and commitments to purchase) made pursuant to paragraph (1) may not exceed $30,000,000,000.

(3) PROCEEDS USED TO PAY DOWN PUBLIC DEBT.—All funds received by the Secretary in connection with purchases made pursuant to paragraph (1), including interest payments, dividend payments, and proceeds from the sale of any financial instrument, shall be paid into the general fund of the Treasury for reduction of the public debt.

(4) LIMITATION ON PURCHASES FROM CDLFS.—

(A) IN GENERAL.—Not more than 1 percent of the maximum purchase limit of the Program, pursuant to paragraph (2), may be used to make purchases from community development loan funds.

(B) ELIGIBILITY STANDARDS.—The Secretary, in consultation with the Community Development Financial Institutions Fund, shall develop eligibility criteria to determine the financial ability of a CDLF to participate in the Program and repay the investment. Such criteria shall include the following:

(i) Ratio of net assets to total assets is at least 20 percent.

(ii) Ratio of loan loss reserves to loans and leases 90 days or more delinquent (including loans sold with full recourse) is at least 30 percent.

(iii) Positive net income measured on a 3-year rolling average.

(iv) Operating liquidity ratio of at least 1.0 for the 4 most recent quarters and for one or both of the two preceding years.

(v) Ratio of loans and leases 90 days or more delinquent (including loans sold with full recourse) to total equity plus loan loss reserves is less than 40 percent.

(C) REQUIREMENT TO SUBMIT AUDITED FINANCIAL STATEMENTS.—CDLFs participating in the Program shall submit audited financial statements to the Secretary, have a clean audit opinion, and have at least 3 years of operating experience.

(c) CREDITS TO THE FUND.—There shall be credited to the Fund amounts made available pursuant to section 4108, to the extent provided by appropriations Acts.

(d) TERMS.—

(1) APPLICATION.—

(A) INSTITUTIONS WITH ASSETS OF $1,000,000,000 OR LESS.—Eligible institutions having total assets equal to or less than $1,000,000,000, as reported in a call report as of the end of the fourth quarter of calendar year 2009, may apply to receive a capital investment from the Fund in an amount not exceeding 5 percent of risk-weighted assets, as reported in the call report immediately preceding the date of application, less the amount of any CDCI investment and any CPP investment.

(B) INSTITUTIONS WITH ASSETS OF MORE THAN $1,000,000,000 AND LESS THAN OR EQUAL TO $10,000,000,000.—Eligible institutions having total assets of more than $1,000,000,000 but less than $10,000,000,000, as of the end of the fourth quarter of calendar year 2009, may apply to receive a capital investment from the Fund in an amount not exceeding 3 percent of risk-weighted assets, as reported in the call report immediately preceding the date of application, less the amount of any CDCI investment and any CPP investment.

(C) TREATMENT OF HOLDING COMPANIES.—In the case of an eligible institution that is a bank holding company or a savings and loan holding company having one or more insured depository institution subsidiaries, total assets shall be measured based on the combined total assets reported in the call report of the insured depository institution subsidiaries as of the end of the fourth quarter of calendar year 2009 and risk-weighted assets shall be measured based on the combined risk-weighted assets of the insured depository institution subsidiaries as reported in the call report immediately preceding the date of application.

(D) TREATMENT OF APPLICANTS THAT ARE INSTITUTIONS CONTROLLED BY HOLDING COMPANIES.—If an eligible institution that applies to receive a capital investment under the Program is under the control of a bank holding company or a savings and loan holding company, then the Secretary may use the Fund to purchase preferred stock or other financial instruments from the top-tier bank holding company or savings and loan holding company of such eligible institution, as applicable. For purposes of this subparagraph, the term ''control'' with respect to a bank holding company shall have the same meaning as in section 2(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(2)(a)(2)). For purposes of this subparagraph, the term

''control'' with respect to a savings and loan holding company shall have the same meaning as in 10(a)(2) of the Home Owners' Loan Act (12 U.S.C. 1467a(a)(2)).

(E) REQUIREMENT TO PROVIDE A SMALL BUSINESS LENDING PLAN.—At the time that an applicant submits an application to the Secretary for a capital investment under the Program, the applicant shall deliver to the appropriate Federal banking agency, and, for applicants that are State-chartered banks, to the appropriate State banking regulator, a small business lending plan describing how the applicant's business strategy and operating goals will allow it to address the needs of small businesses in the areas it serves, as well as a plan to provide linguistically and culturally appropriate outreach, where appropriate. In the case of eligible institutions that are community development loan funds, this plan shall be submitted to the Secretary. This plan shall be confidential supervisory information.

(F) TREATMENT OF APPLICANTS THAT ARE COMMUNITY DEVELOPMENT LOAN FUNDS.—Eligible institutions that are community development loan funds may apply to receive a capital investment from the Fund in an amount not exceeding 5 percent of total assets, as reported in the audited financial statements for the fiscal year of the eligible institution that ends in calendar year 2009.

(2) CONSULTATION WITH REGULATORS.—For each eligible institution that applies to receive a capital investment under the Program, the Secretary shall—

(A) consult with the appropriate Federal banking agency or, in the case of an eligible institution that is a nondepository community development financial institution, the Community Development Financial Institution Fund, for the eligible institution, to determine whether the eligible institution may receive such capital investment;

(B) in the case of an eligible institution that is a State-chartered bank, consider any views received from the State banking regulator of the State of the eligible institution regarding the financial condition of the eligible institution; and

(C) in the case of a community development financial institution loan fund, consult with the Community Development Financial Institution Fund.

(3) CONSIDERATION OF MATCHED PRIVATE INVESTMENTS.—

(A) IN GENERAL.—For an eligible institution that applies to receive a capital investment under the Program, if the entity to be consulted under paragraph (2) would not otherwise recommend the eligible institution to receive the capital investment, the Secretary, in consultation with the entity to be so consulted, may consider whether the entity to be consulted would recommend the eligible institution to receive a capital investment based on the financial condition of the institution if the conditions in subparagraph (B) are satisfied.

(B) CONDITIONS.—The conditions referred to in subparagraph (A) are as follows:

(i) CAPITAL SOURCES.—The eligible institution shall receive capital both under the Program and from private, nongovernment investors.

(ii) AMOUNT OF CAPITAL.—The amount of capital to be received under the Program shall not exceed 3 percent of risk-weighted assets, as reported in the call report immediately preceding the date of application, less the amount of any CDCI investment and any CPP investment.

(iii) TERMS.—The amount of capital to be received from private, nongovernment investors shall be—

(I) equal to or greater than 100 percent of the capital to be received under the Program; and

(II) subordinate to the capital investment made by the Secretary under the Program.

(4) INELIGIBILITY OF INSTITUTIONS ON FDIC PROBLEM BANK LIST.—

(A) IN GENERAL.—An eligible institution may not receive any capital investment under the Program, if—

(i) such institution is on the FDIC problem bank list; or

(ii) such institution has been removed from the FDIC problem bank list for less than 90 days.

(B) CONSTRUCTION.—Nothing in subparagraph (A) shall be construed as limiting the discretion of the Secretary to deny the application of an eligible institution that is not on the FDIC problem bank list.

(C) FDIC PROBLEM BANK LIST DEFINED.—For purposes of this paragraph, the term ''FDIC problem bank list'' means the list of depository institutions having a current rating of 4 or 5 under the Uniform Financial Institutions Rating System, or such other list designated by the Federal Deposit Insurance Corporation.

(5) INCENTIVES TO LEND.—

(A) REQUIREMENTS ON PREFERRED STOCK AND OTHER FINANCIAL INSTRUMENTS.—Any preferred stock or other financial instrument issued to Treasury by an eligible institution receiving a capital investment under the Program shall provide that—

(i) the rate at which dividends or interest are payable shall be 5 percent per annum initially;

(ii) within the first 2 years after the date of the capital investment under the Program, the rate may be adjusted based on the amount of an eligible institution's small business lending. Changes in the amount of small business lending shall be measured against the average amount of small business lending reported by the eligible institution in its call reports for the 4 full quarters immediately preceding the date of enactment of this Act, minus adjustments from each quarterly balance in respect of—

(I) net loan charge offs with respect to small business lending; and

(II) gains realized by the eligible institution resulting from mergers, acquisitions or purchases of loans after origination and syndication; which adjustments shall be determined in accordance with guidance promulgated by the Secretary; and

(iii) during any calendar quarter during the initial 2-year period referred to in clause (ii), an institution's rate shall be adjusted to reflect the following schedule, based on that institution's change in the amount of small business lending relative to the baseline—

(I) if the amount of small business lending has increased by less than 2.5 percent, the dividend or interest rate shall be 5 percent;

(II) if the amount of small business lending has increased by 2.5 percent or greater, but by less than 5.0 percent, the dividend or interest rate shall be 4 percent;

(III) if the amount of small business lending has increased by 5.0 percent or greater, but by less than 7.5 percent, the dividend or interest rate shall be 3 percent;

(IV) if the amount of small business lending has increased by 7.5 percent or greater, and but by less than 10.0 percent, the dividend or interest rate shall be 2 percent; or

(V) if the amount of small business lending has increased by 10 percent or greater, the dividend or interest rate shall be 1 percent.

(B) BASIS OF INITIAL RATE.—The initial dividend or interest rate shall be based on call report data published in the quarter immediately preceding the date of the capital investment under the Program.

(C) TIMING OF RATE ADJUSTMENTS.—Any rate adjustment shall occur in the calendar quarter following the publication of call report data, such that the rate based on call report data from any one calendar quarter, which is published in the first following calendar quarter, shall be adjusted in that first following calendar quarter and payable in the second following quarter.

(D) RATE FOLLOWING INITIAL 2-YEAR PERIOD.—Generally, the rate based on call report data from the eighth calendar quarter after the date of the capital investment under the Program shall be payable until the expiration of the 4½-year period that begins on the date of the investment. In the case where the amount of small business lending has remained the same or decreased relative to the institution's baseline in the eighth quarter after the date of the capital investment under the Program, the rate shall be 7 percent until the expiration of the 4½-year period that begins on the date of the investment.

(E) RATE FOLLOWING INITIAL 4½-YEAR PERIOD.—The dividend or interest rate paid on any preferred stock or other financial instrument issued by an eligible institution that receives a capital investment under the Program shall increase to 9 percent at the end of the 4½-year period that begins on the date of the capital investment under the Program.

(F) LIMITATION ON RATE REDUCTIONS WITH RESPECT TO CERTAIN AMOUNT.—The reduction in the dividend or interest rate payable to Treasury by any eligible institution shall be limited such that the rate reduction shall not apply to a dollar amount of the investment made by Treasury that is greater than the dollar amount increase in the amount of small business lending realized under this program. The Secretary may issue guidelines that will apply to new capital investments limiting the amount of capital available to eligible institutions consistent with this limitation.

(G) RATE ADJUSTMENTS FOR S CORPORATION.—Before making a capital investment in an eligible institution that is an S corporation or a corporation organized on a mutual basis, the Secretary may adjust the dividend or interest rate on the financial instrument to be issued to the Secretary, from the dividend or interest rate that would apply under subparagraphs (A) through (F), to take into account any differential tax treatment of securities issued by such eligible institution. For purpose of this subparagraph, the term ''S corporation'' has the same meaning as in section 1361(a) of the Internal Revenue Code of 1986.

(H) REPAYMENT DEADLINE.—The capital investment received by an eligible institution under the Program shall be evidenced by preferred stock or other financial instrument that—

(i) includes, as a term and condition, that the capital investment will—

(I) be repaid not later than the end of the 10-year period beginning on the date of the capital investment under the Program; or

(II) at the end of such 10-year period, be subject to such additional terms as the Secretary shall prescribe, which shall include a requirement that the stock or instrument shall carry the highest dividend or interest rate payable; and

(ii) provides that the term and condition described under clause (i) shall not apply if the application of that term and condition would adversely affect the capital treatment of the stock or financial instrument under current or successor applicable capital provisions compared to a capital instrument with identical terms other than the term and condition described under clause (i).

(I) REQUIREMENTS ON FINANCIAL INSTRUMENTS ISSUED BY A COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION LOAN FUND.—Any equity equivalent capital issued to the Treasury by a community development loan fund receiving a capital investment under the

Program shall provide that the rate at which interest is payable shall be 2 percent per annum for 8 years. After 8 years, the rate at which interest is payable shall be 9 percent.

(6) ADDITIONAL INCENTIVES TO REPAY.—The Secretary may, by regulation or guidance issued under section 4104(9), establish repayment incentives in addition to the incentive in paragraph (5)(E) that will apply to new capital investments in a manner that the Secretary determines to be consistent with the purposes of this subtitle.

(7) CAPITAL PURCHASE PROGRAM REFINANCE.—

(A) IN GENERAL.—The Secretary shall, in a manner that the Secretary determines to be consistent with the purposes of this subtitle, issue regulations and other guidance to permit eligible institutions to refinance securities issued to Treasury under the CDCI and the CPP for securities to be issued under the Program.

(B) PROHIBITION ON PARTICIPATION BY NONPAYING CPP PARTICIPANTS.—Subparagraph (A) shall not apply to any eligible institution that has missed more than one dividend payment due under the CPP. For purposes of this subparagraph, a CPP dividend payment that is submitted within 60 days of the due date of such payment shall not be considered a missed dividend payment.

(8) OUTREACH TO MINORITIES, WOMEN, AND VETERANS.—The Secretary shall require eligible institutions receiving capital investments under the Program to provide linguistically and culturally appropriate outreach and advertising in the applicant pool describing the availability and application process of receiving loans from the eligible institution that are made possible by the Program through the use of print, radio, television or electronic media outlets which target organizations, trade associations, and individuals that—

(A) represent or work within or are members of minority communities;

(B) represent or work with or are women; and

(C) represent or work with or are veterans.

(9) ADDITIONAL TERMS.—The Secretary may, by regulation or guidance issued under section 4104(9), make modifications that will apply to new capital investments in order to manage risks associated with the administration of the Fund in a manner consistent with the purposes of this subtitle.

(10) MINIMUM UNDERWRITING STANDARDS.—The appropriate Federal banking agency for an eligible institution that receives funds under the Program shall within 60 days issue guidance regarding prudent underwriting standards that must be used for loans made by the eligible institution using such funds.

SEC. 4104. ADDITIONAL AUTHORITIES OF THE SECRETARY.

The Secretary may take such actions as the Secretary deems necessary to carry out the authorities in this subtitle, including, without limitation, the following:

(1) The Secretary may use the services of any agency or instrumentality of the United States or component thereof on a reimbursable basis, and any such agency or instrumentality or component thereof is authorized to provide services as requested by the Secretary using all authorities vested in or delegated to that agency, instrumentality, or component.

(2) The Secretary may enter into contracts, including contracts for services authorized by section 3109 of title 5, United States Code.

(3) The Secretary may designate any bank, savings association, trust company, security broker or dealer, asset manager, or investment adviser as a financial agent of the Federal Government and such institution shall perform all such reasonable duties related to this subtitle as financial agent of the Federal Government as may be required. The Secretary shall have authority to amend existing agreements with financial agents, entered into during the 2-year period before the date of enactment of this Act, to perform reasonable duties related to this subtitle.

(4) The Secretary may exercise any rights received in connection with any preferred stock or other financial instruments or assets purchased or acquired pursuant to the authorities granted under this subtitle.

(5) Subject to section 4103(b)(3), the Secretary may manage any assets purchased under this subtitle, including revenues and portfolio risks therefrom.

(6) The Secretary may sell, dispose of, transfer, exchange or enter into securities loans, repurchase transactions, or other financial transactions in regard to, any preferred stock or other financial instrument or asset purchased or acquired under this subtitle, upon terms and conditions and at a price determined by the Secretary.

(7) The Secretary may manage or prohibit conflicts of interest that may arise in connection with the administration and execution of the authorities provided under this subtitle.

(8) The Secretary may establish and use vehicles, subject to supervision by the Secretary, to purchase, hold, and sell preferred stock or other financial instruments and issue obligations.

(9) The Secretary may, in consultation with the Administrator of the Small Business Administration, issue such regulations and other guidance as may be necessary or appropriate to define terms or carry out the authorities or purposes of this subtitle.

SEC. 4105. CONSIDERATIONS.

In exercising the authorities granted in this subtitle, the Secretary shall take into consideration—

(1) increasing the availability of credit for small businesses;

(2) providing funding to minority-owned eligible institutions and other eligible institutions that serve small businesses that are minority-, veteran-, and women-owned and that also serve low- and moderate-income, minority, and other underserved or rural communities;

(3) protecting and increasing American jobs;

(4) increasing the opportunity for small business development in areas with high unemployment rates that exceed the national average;

(5) ensuring that all eligible institutions may apply to participate in the program established under this subtitle, without discrimination based on geography;

(6) providing transparency with respect to use of funds provided under this subtitle;

(7) minimizing the cost to taxpayers of exercising the authorities;

(8) promoting and engaging in financial education to would-be borrowers; and

(9) providing funding to eligible institutions that serve small businesses directly affected by the discharge of oil arising from the explosion on and sinking of the mobile offshore drilling unit Deepwater Horizon and small businesses in communities that have suffered negative economic effects as a result of that discharge with particular consideration to States along the coast of the Gulf of Mexico.

SEC. 4106. REPORTS.

The Secretary shall provide to the appropriate committees of Congress—

(1) within 7 days of the end of each month commencing with the first month in which transactions are made under the Program, a written report describing all of the transactions made during the reporting period pursuant to the authorities granted under this subtitle;

(2) after the end of March and the end of September, commencing September 30, 2010, a written report on all projected costs and liabilities, all operating expenses, including compensation for financial agents, and all transactions made by the Fund, which shall include participating institutions and amounts each institution has received under the Program; and

(3) within 7 days of the end of each calendar quarter commencing with the first calendar quarter in which transactions are made under the Program, a written report detailing how eligible institutions participating in the Program have used the funds such institutions received under the Program.

SEC. 4107. OVERSIGHT AND AUDITS.

(a) INSPECTOR GENERAL OVERSIGHT.—The Inspector General of the Department of the Treasury shall conduct, supervise, and coordinate audits and investigations of the Program through the Office of Small Business Lending Fund Program Oversight established under subsection (b).

(b) OFFICE OF SMALL BUSINESS LENDING FUND PROGRAM OVERSIGHT.—

(1) ESTABLISHMENT.—There is hereby established within the Office of the Inspector General of the Department of the Treasury a new office to be named the ''Office of Small Business Lending Fund Program Oversight'' to provide oversight of the Program.

(2) LEADERSHIP.—The Inspector General shall appoint a Special Deputy Inspector General for SBLF Program Oversight to lead the Office, with commensurate staff, who shall report directly to the Inspector General and who shall be responsible for the performance of all auditing and investigative activities relating to the Program.

(3) REPORTING.—

(A) IN GENERAL.—The Inspector General shall issue a report no less than two times a year to the Congress and the Secretary devoted to the oversight provided by the Office, including any recommendations for improvements to the Program.

(B) RECOMMENDATIONS.—With respect to any deficiencies identified in a report under subparagraph (A), the Secretary shall either—

(i) take actions to address such deficiencies; or

(ii) certify to the appropriate committees of Congress that no action is necessary or appropriate.

(4) COORDINATION.—The Inspector General, in maximizing the effectiveness of the Office, shall work with other Offices of Inspector General, as appropriate, to minimize duplication of effort and ensure comprehensive oversight of the Program.

(5) TERMINATION.—The Office shall terminate at the end of the 6-month period beginning on the date on which all capital investments are repaid under the Program or the date on which the Secretary determines that any remaining capital investments will not be repaid.

(6) DEFINITIONS.—For purposes of this subsection:

(A) OFFICE.—The term ''Office'' means the Office of Small Business Lending Fund Program Oversight established under paragraph (1).

(B) INSPECTOR GENERAL.—The term ''Inspector General'' means the Inspector General of the Department of the Treasury.

(c) GAO AUDIT.—The Comptroller General of the United States shall perform an annual audit of the Program and issue a report to the appropriate committees of Congress containing the results of such audit.

(d) REQUIRED CERTIFICATIONS.—

(1) ELIGIBLE INSTITUTION CERTIFICATION.—Each eligible institution that participates in the Program must certify that such institution is in compliance with the requirements of section 103.121 of title 31, Code of Federal Regulations, a regulation that, at a minimum, requires financial institutions, as that term is defined in 31 U.S.C. 5312(a)(2) and (c)(1)(A), to implement reasonable procedures to verify the identity of any person seeking to open an account, to the extent reasonable and practicable, maintain records of the information used to verify the person's identity, and determine whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency.

(2) LOAN RECIPIENTS.—With respect to funds received by an eligible institution under the Program, any business receiving a loan from the eligible institution using such funds after the date of the enactment of this Act shall certify to such eligible institution that the principals of such business have not been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)).

(e) PROHIBITION ON PORNOGRAPHY.—None of the funds made available under this subtitle may be used to pay the salary of any individual engaged in activities related to the Program who has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

SEC. 4108. CREDIT REFORM; FUNDING.

(a) CREDIT REFORM.—The cost of purchases of preferred stock and other financial instruments made as capital investments under this subtitle shall be determined as provided under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(b) FUNDS MADE AVAILABLE.—There are hereby appropriated, out of funds in the Treasury not otherwise appropriated, such sums as may be necessary to pay the costs of $30,000,000,000 of capital investments in eligible institutions, including the costs of modifying such investments, and reasonable costs of administering the program of making, holding, managing, and selling the capital investments.

SEC. 4109. TERMINATION AND CONTINUATION OF AUTHORITIES.

(a) TERMINATION OF INVESTMENT AUTHORITY.—The authority to make capital investments in eligible institutions, including commitments to purchase preferred stock or other instruments, provided under this subtitle shall terminate 1 year after the date of enactment of this Act.

(b) CONTINUATION OF OTHER AUTHORITIES.—The authorities of the Secretary under section 4104 shall not be limited by the termination date in subsection (a).

SEC. 4110. PRESERVATION OF AUTHORITY.

Nothing in this subtitle may be construed to limit the authority of the Secretary under any other provision of law.

SEC. 4111. ASSURANCES.

(a) SMALL BUSINESS LENDING FUND SEPARATE FROM TARP.—The Small Business Lending Fund Program is established as separate and distinct from the Troubled Asset Relief Program established by the Emergency Economic Stabilization Act of 2008. An institution shall not, by virtue of a capital investment under the Small Business Lending Fund Program, be considered a recipient of the Troubled Asset Relief Program.

(b) CHANGE IN LAW.—If, after a capital investment has been made in an eligible institution under the Program, there is a change in law that modifies the terms of the investment or program in a materially adverse respect for the eligible institution, the eligible institution may, after consultation with the appropriate Federal banking agency for the eligible institution, repay the investment without impediment.

SEC. 4112. STUDY AND REPORT WITH RESPECT TO WOMEN-OWNED, VETERAN-OWNED, AND MINORITY-OWNED BUSINESSES.

(a) STUDY.—The Secretary shall conduct a study of the impact of the Program on women-owned businesses, veteran-owned businesses, and minority-owned businesses.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted pursuant to subsection (a). To the extent possible, the Secretary shall disaggregate the results of such study by ethnic group and gender.

(c) INFORMATION PROVIDED TO THE SECRETARY.—Eligible institutions that participate in the Program shall provide the Secretary with such information as the Secretary may require to carry out the study required by this section.

SEC. 4113. SENSE OF CONGRESS.

It is the sense of Congress that the Federal Deposit Insurance Corporation and other bank regulators are sending mixed messages to banks regarding regulatory capital requirements and lending standards, which is a contributing cause of decreased small business lending and increased regulatory uncertainty at community banks.

Subtitle B—Other Provisions

PART I—SMALL BUSINESS EXPORT PROMOTION INITIATIVES

SEC. 4221. SHORT TITLE.

This part may be cited as the ''Export Promotion Act of 2010''.

SEC. 4222. GLOBAL BUSINESS DEVELOPMENT AND PROMOTION ACTIVITIES OF THE DEPARTMENT OF COMMERCE.

(a) INCREASE IN EMPLOYEES WITH RESPONSIBILITY FOR GLOBAL BUSINESS DEVELOPMENT AND PROMOTION ACTIVITIES.—

(1) IN GENERAL.—During the 24-month period beginning on the date of the enactment of this Act, the Secretary of Commerce shall increase the number of full-time departmental employees whose primary responsibilities involve promoting or facilitating participation by United States businesses in the global marketplace and facilitating the entry into, or expansion of, such participation by United States businesses. In carrying out this subsection, the Secretary shall ensure that—

(A) the cohort of such employees is increased by not less than 80 persons; and

(B) a substantial portion of the increased cohort is stationed outside the United States.

(2) ENHANCED FOCUS ON UNITED STATES SMALL- AND MEDIUM-SIZED BUSINESSES.—In carrying out this subsection, the Secretary shall take such action as may be necessary to ensure that the activities of the Department of Commerce relating to promoting and facilitating participation by United States businesses in the global marketplace include promoting and facilitating such participation by small and medium-sized businesses in the United States.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2011 and 2012 such sums as may be necessary to carry out this section.

(b) ADDITIONAL FUNDING FOR GLOBAL BUSINESS DEVELOPMENT AND PROMOTION ACTIVITIES OF THE DEPARTMENT OF COMMERCE.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce for the period beginning on the date of the enactment of this Act and ending 18 months thereafter, $30,000,000 to promote or facilitate participation by United States businesses in the global marketplace and facilitating the entry into, or expansion of, such participation by United States businesses.

(2) REQUIREMENTS.—In obligating and expending the funds authorized to be appropriated by paragraph (1), the Secretary of Commerce shall give preference to activities that—

(A) assist small- and medium-sized businesses in the United States; and

(B) the Secretary determines will create or sustain the greatest number of jobs in the United States and obtain the maximum return on investment.

SEC. 4223. ADDITIONAL FUNDING TO IMPROVE ACCESS TO GLOBAL MARKETS FOR RURAL BUSINESSES.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce $5,000,000 for each of the fiscal years 2011 and 2012 for improving access to the global marketplace for goods and services provided by rural businesses in the United States.

(b) REQUIREMENTS.—In obligating and expending the funds authorized to be appropriated by subsection (a), the Secretary of Commerce shall give preference to activities that—

(1) assist small- and medium-sized businesses in the United States; and

(2) the Secretary determines will create or sustain the greatest number of jobs in the United States and obtain the maximum return on investment.

SEC. 4224. ADDITIONAL FUNDING FOR THE EXPORTECH PROGRAM.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce $11,000,000 for the period beginning on the date of the enactment of this Act and ending 18 months thereafter, to expand ExporTech, a joint program of the Hollings Manufacturing Partnership Program and the Export Assistance Centers of the Department of Commerce.

(b) REQUIREMENTS.—In obligating and expending the funds authorized to be appropriated by subsection (a), the Secretary of Commerce shall give preference to activities that—

(1) assist small- and medium-sized businesses in the United States; and

(2) the Secretary determines will create or sustain the greatest number of jobs in the United States and obtain the maximum return on investment.

SEC. 4225. ADDITIONAL FUNDING FOR THE MARKET DEVELOPMENT COOPERATOR PROGRAM OF THE DEPARTMENT OF COMMERCE.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce for the period beginning on the date of the enactment of this Act and ending 18 months thereafter, $15,000,000 for the Manufacturing and Services unit of the International Trade Administration—

(1) to establish public-private partnerships under the Market Development Cooperator Program of the International Trade Administration; and

(2) to underwrite a portion of the start-up costs for new projects carried out under that Program to strengthen the competitiveness and market share of United States industry, not to exceed, for each such project, the lesser of—

(A) ⅓ of the total start-up costs for the project; or

(B) $500,000.

(b) REQUIREMENTS.—In obligating and expending the funds authorized to be appropriated by subsection (a), the Secretary of

Commerce shall give preference to activities that—

(1) assist small- and medium-sized businesses in the United States; and

(2) the Secretary determines will create or sustain the greatest number of jobs in the United States and obtain the maximum return on investment.

SEC. 4226. HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM; TECHNOLOGY INNOVATION PROGRAM.

(a) HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM.—Section 25(f) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(f)) is amended by adding at the end the following:

''(7) GLOBAL MARKETPLACE PROJECTS.—In making awards under this subsection, the Director, in consultation with the Manufacturing Extension Partnership Advisory Board and the Secretary of Commerce, may—

''(A) take into consideration whether an application has significant potential for enhancing the competitiveness of small- and medium-sized United States manufacturers in the global marketplace; and

''(B) give a preference to applications for such projects to the extent the Director deems appropriate, taking into account the broader purposes of this subsection.''.

(b) TECHNOLOGY INNOVATION PROGRAM.—In awarding grants, cooperative agreements, or contracts under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), in addition to the award criteria set forth in subsection (c) of that section, the Director of the National Institute of Standards and Technology may take into consideration whether an application has significant potential for enhancing the competitiveness of small- and medium-sized businesses in the United States in the global marketplace. The Director shall consult with the Technology Innovation Program Advisory Board and the Secretary of Commerce in implementing this subsection.

SEC. 4227. SENSE OF THE SENATE CONCERNING FEDERAL COLLABORATION WITH STATES ON EXPORT PROMOTION ISSUES.

It is the sense of the Senate that the Secretary of Commerce should enhance Federal collaboration with the States on export promotion issues by—

(1) providing the necessary training to the staff at State international trade agencies to enable them to assist the United States and Foreign Commercial Service (established by section 2301 of the Export Enhancement Act of 1988 (15 U.S.C. 4721)) in providing counseling and other export services to businesses in their communities; and

(2) entering into agreements with State international trade agencies for those agencies to deliver export promotion services in their local communities in order to extend the outreach of United States and Foreign Commercial Service programs.

SEC. 4228. REPORT ON TARIFF AND NONTARIFF BARRIERS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the United States Trade Representative and other appropriate entities, shall report to Congress on the tariff and nontariff barriers imposed by Colombia, the Republic of Korea, and Panama with respect to exports of articles from the United States, including articles exported or produced by small- and medium-sized businesses in the United States.

PART II—MEDICARE FRAUD

SEC. 4241. USE OF PREDICTIVE MODELING AND OTHER ANALYTICS TECHNOLOGIES TO IDENTIFY AND PREVENT WASTE, FRAUD, AND ABUSE IN THE MEDICARE FEE-FOR-SERVICE PROGRAM.

(a) USE IN THE MEDICARE FEE-FOR-SERVICE PROGRAM.—The Secretary shall use predictive modeling and other analytics technologies (in this section referred to as ''predictive analytics technologies'') to identify improper claims for reimbursement and to prevent the payment of such claims under the Medicare fee-for-service program.

(b) PREDICTIVE ANALYTICS TECHNOLOGIES REQUIREMENTS.—The predictive analytics technologies used by the Secretary shall—

(1) capture Medicare provider and Medicare beneficiary activities across the Medicare fee-for-service program to provide a comprehensive view across all providers, beneficiaries, and geographies within such program in order to—

(A) identify and analyze Medicare provider networks, provider billing patterns, and beneficiary utilization patterns; and

(B) identify and detect any such patterns and networks that represent a high risk of fraudulent activity;

(2) be integrated into the existing Medicare fee-for-service program claims flow with minimal effort and maximum efficiency;

(3) be able to—

(A) analyze large data sets for unusual or suspicious patterns or anomalies or contain other factors that are linked to the occurrence of waste, fraud, or abuse;

(B) undertake such analysis before payment is made; and

(C) prioritize such identified transactions for additional review before payment is made in terms of the likelihood of potential waste, fraud, and abuse to more efficiently utilize investigative resources;

(4) capture outcome information on adjudicated claims for reimbursement to allow for refinement and enhancement of the predictive analytics technologies on the basis of such outcome information, including post-payment information about the eventual status of a claim; and

(5) prevent the payment of claims for reimbursement that have been identified as potentially wasteful, fraudulent, or abusive until such time as the claims have been verified as valid.

(c) IMPLEMENTATION REQUIREMENTS.—

(1) REQUEST FOR PROPOSALS.—Not later than January 1, 2011, the Secretary shall issue a request for proposals to carry out this section during the first year of implementation. To the extent the Secretary determines appropriate—

(A) the initial request for proposals may include subsequent implementation years; and

(B) the Secretary may issue additional requests for proposals with respect to subsequent implementation years.

(2) FIRST IMPLEMENTATION YEAR.—The initial request for proposals issued under paragraph (1) shall require the contractors selected to commence using predictive analytics technologies on July 1, 2011, in the 10 States identified by the Secretary as having the highest risk of waste, fraud, or abuse in the Medicare fee-for-service program.

(3) SECOND IMPLEMENTATION YEAR.—Based on the results of the report and recommendation required under subsection (e)(1)(B), the Secretary shall expand the use of predictive analytics technologies on October 1, 2012, to apply to an additional 10 States identified by the Secretary as having the highest risk of waste, fraud, or abuse in the Medicare fee-for-service program, after the States identified under paragraph (2).

(4) THIRD IMPLEMENTATION YEAR.—Based on the results of the report and recommendation required under subsection (e)(2), the Secretary shall expand the use of predictive analytics technologies on January 1, 2014, to apply to the Medicare fee-for-service program in any State not identified under paragraph (2) or (3) and the commonwealths and territories.

(5) FOURTH IMPLEMENTATION YEAR.—Based on the results of the report and recommendation required under subsection (e)(3), the Secretary shall expand the use of predictive analytics technologies, beginning April 1, 2015, to apply to Medicaid and CHIP. To the extent the Secretary determines appropriate, such expansion may be made on a phased-in basis.

(6) OPTION FOR REFINEMENT AND EVALUATION.—If, with respect to the first, second, or third implementation year, the Inspector General of the Department of Health and Human Services certifies as part of the report required under subsection (e) for that year no or only nominal actual savings to the Medicare fee-for-service program, the Secretary may impose a moratorium, not to exceed 12 months, on the expansion of the use of predictive analytics technologies under this section for the succeeding year in order to refine the use of predictive analytics technologies to achieve more than nominal savings before further expansion. If a moratorium is imposed in accordance with this paragraph, the implementation dates applicable for the succeeding year or years shall be adjusted to reflect the length of the moratorium period.

(d) CONTRACTOR SELECTION, QUALIFICATIONS, AND DATA ACCESS REQUIREMENTS.—

(1) SELECTION.—

(A) IN GENERAL.—The Secretary shall select contractors to carry out this section using competitive procedures as provided for in the Federal Acquisition Regulation.

(B) NUMBER OF CONTRACTORS.—The Secretary shall select at least 2 contractors to carry out this section with respect to any year.

(2) QUALIFICATIONS.—

(A) IN GENERAL.—The Secretary shall enter into a contract under this section with an entity only if the entity—

(i) has leadership and staff who—

(I) have the appropriate clinical knowledge of, and experience with, the payment rules and regulations under the Medicare fee-for-service program; and

(II) have direct management experience and proficiency utilizing predictive analytics technologies necessary to carry out the requirements under subsection (b); or

(ii) has a contract, or will enter into a contract, with another entity that has leadership and staff meeting the criteria described in clause (i).

(B) CONFLICT OF INTEREST.—The Secretary may only enter into a contract under this section with an entity to the extent that the entity complies with such conflict of interest standards as are generally applicable to Federal acquisition and procurement.

(3) DATA ACCESS.—The Secretary shall provide entities with a contract under this section with appropriate access to data necessary for the entity to use predictive analytics technologies in accordance with the contract.

(e) REPORTING REQUIREMENTS.—

(1) FIRST IMPLEMENTATION YEAR REPORT.—Not later than 3 months after the completion of the first implementation year under this section, the Secretary shall submit to the appropriate committees of Congress and make available to the public a report that includes the following:

(A) A description of the implementation of the use of predictive analytics technologies during the year.

(B) A certification of the Inspector General of the Department of Health and Human Services that—

(i) specifies the actual and projected savings to the Medicare fee-for-service program as a result of the use of predictive analytics technologies, including estimates of the amounts of such savings with respect to both improper payments recovered and improper payments avoided;

(ii) the actual and projected savings to the Medicare fee-for-service program as a result of such use of predictive analytics technologies relative to the return on investment for the use of such technologies and in comparison to other strategies or technologies used to prevent and detect fraud, waste, and abuse in the Medicare fee-for-service program; and

(iii) includes recommendations regarding—

(I) whether the Secretary should continue to use predictive analytics technologies;

(II) whether the use of such technologies should be expanded in accordance with the requirements of subsection (c); and

(III) any modifications or refinements that should be made to increase the amount of actual or projected savings or mitigate any adverse impact on Medicare beneficiaries or providers.

(C) An analysis of the extent to which the use of predictive analytics technologies successfully prevented and detected waste, fraud, or abuse in the Medicare fee-for-service program.

(D) A review of whether the predictive analytics technologies affected access to, or the quality of, items and services furnished to Medicare beneficiaries.

(E) A review of what effect, if any, the use of predictive analytics technologies had on Medicare providers.

(F) Any other items determined appropriate by the Secretary.

(2) SECOND YEAR IMPLEMENTATION REPORT.—Not later than 3 months after the completion of the second implementation year under this section, the Secretary shall submit to the appropriate committees of Congress and make available to the public a report that includes, with respect to such year, the items required under paragraph (1) as well as any other additional items determined appropriate by the Secretary with respect to the report for such year.

(3) THIRD YEAR IMPLEMENTATION REPORT.—Not later than 3 months after the completion of the third implementation year under this section, the Secretary shall submit to the appropriate committees of Congress, and make available to the public, a report that includes with respect to such year, the items required under paragraph (1), as well as any other additional items determined appropriate by the Secretary with respect to the report for such year, and the following:

(A) An analysis of the cost-effectiveness and feasibility of expanding the use of predictive analytics technologies to Medicaid and CHIP.

(B) An analysis of the effect, if any, the application of predictive analytics technologies to claims under Medicaid and CHIP would have on States and the commonwealths and territories.

(C) Recommendations regarding the extent to which technical assistance may be necessary to expand the application of predictive analytics technologies to claims under Medicaid and CHIP, and the type of any such assistance.

(f) INDEPENDENT EVALUATION AND REPORT.—

(1) EVALUATION.—Upon completion of the first year in which predictive analytics technologies are used with respect to claims under Medicaid and CHIP, the Secretary shall, by grant, contract, or interagency agreement, conduct an independent evaluation of the use of predictive analytics technologies under the Medicare fee-for-service program and Medicaid and CHIP. The evaluation shall include an analysis with respect to each such program of the items required for the third year implementation report under subsection (e)(3).

(2) REPORT.—Not later than 18 months after the evaluation required under paragraph (1) is initiated, the Secretary shall submit a report to Congress on the evaluation that shall include the results of the evaluation, the Secretary's response to such results and, to the extent the Secretary determines appropriate, recommendations for legislation or administrative actions.

(g) WAIVER AUTHORITY.—The Secretary may waive such provisions of titles XI, XVIII, XIX, and XXI of the Social Security Act, including applicable prompt payment requirements under titles XVIII and XIX of such Act, as the Secretary determines to be appropriate to carry out this section.

(h) FUNDING.—

(1) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary to carry out this section, $100,000,000 for the period beginning January 1, 2011, to remain available until expended.

(2) RESERVATIONS.—

(A) INDEPENDENT EVALUATION.—The Secretary shall reserve not more than 5 percent of the funds appropriated under paragraph (1) for purposes of conducting the independent evaluation required under subsection (f).

(B) APPLICATION TO MEDICAID AND CHIP.—The Secretary shall reserve such portion of the funds appropriated under paragraph (1) as the Secretary determines appropriate for purposes of providing assistance to States for administrative expenses in the event of the expansion of predictive analytics technologies to claims under Medicaid and CHIP.

(i) DEFINITIONS.—In this section:

(1) COMMONWEALTHS AND TERRITORIES.—The term ''commonwealth and territories'' includes the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States in which the Medicare fee-for-service program, Medicaid, or CHIP operates.

(2) CHIP.—The term ''CHIP'' means the Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(3) MEDICAID.—The term ''Medicaid'' means the program to provide grants to States for medical assistance programs established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(4) MEDICARE BENEFICIARY.—The term ''Medicare beneficiary'' means an individual enrolled in the Medicare fee-for-service program.

(5) MEDICARE FEE-FOR-SERVICE PROGRAM.—The term ''Medicare fee-for-service program'' means the original medicare fee-for-service program under parts A and B of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(6) MEDICARE PROVIDER.—The term ''Medicare provider'' means a provider of services (as defined in subsection (u) of section 1861 of the Social Security Act (42 U.S.C. 1395x)) and a supplier (as defined in subsection (d) of such section).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services.

(8) STATE.—The term ''State'' means each of the 50 States and the District of Columbia.

PART III—AGRICULTURAL DISASTERS

SEC. 4261. EMERGENCY AGRICULTURAL DISASTER ASSISTANCE.

(a) DEFINITIONS.—Except as otherwise provided in this section, in this section:

(1) DISASTER COUNTY.—

(A) IN GENERAL.—The term ''disaster county'' means a county included in the geographic area covered by a qualifying natural disaster declaration for the 2009 crop year.

(B) EXCLUSION.—The term ''disaster county'' does not include a contiguous county.

(2) ELIGIBLE AQUACULTURE PRODUCER.—The term ''eligible aquaculture producer'' means an aquaculture producer that during the 2009 calendar year, as determined by the Secretary—

(A) produced an aquaculture species for which feed costs represented a substantial percentage of the input costs of the aquaculture operation; and

(B) experienced a substantial price increase of feed costs above the previous 5-year average.

(3) ELIGIBLE PRODUCER.—The term ''eligible producer'' means an agricultural producer in a disaster county.

(4) ELIGIBLE SPECIALTY CROP PRODUCER.—The term ''eligible specialty crop producer'' means an agricultural producer that, for the 2009 crop year, as determined by the Secretary—

(A) produced, or was prevented from planting, a specialty crop; and

(B) experienced specialty crop losses in a disaster county due to drought, excessive rainfall, or a related condition.

(5) QUALIFYING NATURAL DISASTER DECLARATION.—The term ''qualifying natural disaster declaration'' means a natural disaster declared by the Secretary for production losses under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(7) SPECIALTY CROP.—The term ''specialty crop'' has the meaning given the term in section 3 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note).

(b) SUPPLEMENTAL DIRECT PAYMENT.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary to make supplemental payments under sections 1103 and 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753) to eligible producers on farms located in disaster counties that had at least 1 crop of economic significance (other than specialty crops or crops intended for grazing) suffer at least a 5-percent crop loss on a farm due to a natural disaster, including quality losses, as determined by the Secretary, in an amount equal to 90 percent of the direct payment the eligible producers received for the 2009 crop year on the farm.

(2) ACRE PROGRAM.—Eligible producers that received direct payments under section 1105 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8715) for the 2009 crop year and that otherwise meet the requirements of paragraph (1) shall be eligible to receive supplemental payments under that paragraph in an amount equal to 112.5 percent of the reduced direct payment the eligible producers received for the 2009 crop year under section 1103 or 1303 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8713, 8753).

(3) RELATIONSHIP TO OTHER LAW.—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section

531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(c) SPECIALTY CROP ASSISTANCE.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $300,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible specialty crop producers for losses due to a natural disaster affecting the 2009 crops, of which not more than—

(A) $150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of drought; and

(B) $150,000,000 shall be used to assist eligible specialty crop producers in counties that have been declared a disaster as the result of excessive rainfall or a related condition.

(2) NOTIFICATION.—Not later than 45 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible specialty crop producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible specialty crop producers.

(3) PROVISION OF GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to States for disaster counties on a pro rata basis based on the value of specialty crop losses in those counties during the 2009 calendar year, as determined by the Secretary.

(B) ADMINISTRATIVE COSTS.—State Secretary of Agriculture may not use more than five percent of the funds provided for costs associated with the administration of the grants provided in paragraph (1).

(C) ADMINISTRATION OF GRANTS.—State Secretary of Agriculture may enter into a contract with the Department of Agriculture to administer the grants provided in paragraph (1).

(D) TIMING.—Not later than 90 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(E) MAXIMUM GRANT.—The maximum amount of a grant made to a State for counties described in paragraph (1)(B) may not exceed $40,000,000.

(4) REQUIREMENTS.—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(A) use grant funds to issue payments to eligible specialty crop producers;

(B) provide assistance to eligible specialty crop producers not later than 60 days after the date on which the State receives grant funds; and

(C) not later than 30 days after the date on which the State provides assistance to eligible specialty crop producers, submit to the Secretary a report that describes—

(i) the manner in which the State provided assistance;

(ii) the amounts of assistance provided by type of specialty crop; and

(iii) the process by which the State determined the levels of assistance to eligible specialty crop producers.

(D) RELATION TO OTHER LAW.—Assistance received under this subsection shall be included in the calculation of farm revenue for the 2009 crop year under section 531(b)(4)(A) of the Federal Crop Insurance Act (7 U.S.C. 1531(b)(4)(A)) and section 901(b)(4)(A) of the Trade Act of 1974 (19 U.S.C. 2497(b)(4)(A)).

(d) COTTONSEED ASSISTANCE.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $42,000,000 to provide supplemental assistance to eligible producers and first-handlers of the 2009 crop of cottonseed in a disaster county.

(2) GENERAL TERMS.—Except as otherwise provided in this subsection, the Secretary shall provide disaster assistance under this subsection under the same terms and conditions as assistance provided under section 3015 of the Emergency Agricultural Disaster Assistance Act of 2006 (title III of Public Law 109–234; 120 Stat. 477).

(3) DISTRIBUTION OF ASSISTANCE.—The Secretary shall distribute assistance to first handlers for the benefit of eligible producers in a disaster county in an amount equal to the product obtained by multiplying—

(A) the payment rate, as determined under paragraph (4); and

(B) the county-eligible production, as determined under paragraph (5).

(4) PAYMENT RATE.—The payment rate shall be equal to the quotient obtained by dividing—

(A) the total funds made available to carry out this subsection; by

(B) the sum of the county-eligible production, as determined under paragraph (5).

(5) COUNTY-ELIGIBLE PRODUCTION.—The county-eligible production shall be equal to the product obtained by multiplying—

(A) the number of acres planted to cotton in the disaster county, as reported to the Secretary by first handlers;

(B) the expected cotton lint yield for the disaster county, as determined by the Secretary based on the best available information; and

(C) the national average seed-to-lint ratio, as determined by the Secretary based on the best available information for the 5 crop years immediately preceding the 2009 crop, excluding the year in which the average ratio was the highest and the year in which the average ratio was the lowest in such period.

(e) AQUACULTURE ASSISTANCE.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $25,000,000, to remain available until September 30, 2011, to carry out a program of grants to States to assist eligible aquaculture producers for losses associated with high feed input costs during the 2009 calendar year.

(2) NOTIFICATION.—Not later than 45 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible aquaculture producers, including such terms as are determined by the Secretary to be necessary for the equitable treatment of eligible aquaculture producers.

(3) PROVISION OF GRANTS.—

(A) IN GENERAL.—The Secretary shall make grants to States under this subsection on a pro rata basis based on the amount of aquaculture feed used in each State during the 2009 calendar year, as determined by the Secretary.

(B) TIMING.—Not later than 90 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

(4) REQUIREMENTS.—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(A) use grant funds to assist eligible aquaculture producers;

(B) provide assistance to eligible aquaculture producers not later than 60 days after the date on which the State receives grant funds; and

(C) not later than 30 days after the date on which the State provides assistance to eligible aquaculture producers, submit to the Secretary a report that describes—

(i) the manner in which the State provided assistance;

(ii) the amounts of assistance provided per species of aquaculture; and

(iii) the process by which the State determined the levels of assistance to eligible aquaculture producers.

(5) REDUCTION IN PAYMENTS.—An eligible aquaculture producer that receives assistance under this subsection shall not be eligible to receive any other assistance under the supplemental agricultural disaster assistance program established under section 531 of the Federal Crop Insurance Act (7 U.S.C. 1531) and section 901 of the Trade Act of 1974 (19 U.S.C. 2497) for any losses in 2009 relating to the same species of aquaculture.

(6) REPORT TO CONGRESS.—Not later than 240 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that—

(A) describes in detail the manner in which this subsection has been carried out; and

(B) includes the information reported to the Secretary under paragraph (4)(C).

(f) HAWAII TRANSPORTATION COOPERATIVE.—Notwithstanding any other provision of law, the Secretary shall use $21,000,000 of funds of the Commodity Credit Corporation to make a payment to an agricultural transportation cooperative in the State of Hawaii, the members of which are eligible to participate in the commodity loan program of the Farm Service Agency, for assistance to maintain and develop employment.

(g) LIVESTOCK FORAGE DISASTER PROGRAM.—

(1) DEFINITION OF DISASTER COUNTY.—In this subsection:

(A) IN GENERAL.—The term ''disaster county'' means a county included in the geographic area covered by a qualifying natural disaster declaration announced by the Secretary in calendar year 2009.

(B) INCLUSION.—The term ''disaster county'' includes a contiguous county.

(2) PAYMENTS.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $50,000,000 to carry out a program to make payments to eligible producers that had grazing losses in disaster counties in calendar year 2009.

(3) CRITERIA.—

(A) IN GENERAL.—Except as provided in subparagraph (B), assistance under this subsection shall be determined under the same criteria as are used to carry out the programs under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) and section 901(d) of the Trade Act of 1974 (19 U.S.C. 2497(d)).

(B) DROUGHT INTENSITY.—For purposes of this subsection, an eligible producer shall not be required to meet the drought intensity requirements of section 531(d)(3)(D)(ii) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(3)(D)(ii)) and section 901(d)(3)(D)(ii) of the Trade Act of 1974 (19 U.S.C. 2497(d)(3)(D)(ii)).

(4) AMOUNT.—Assistance under this subsection shall be in an amount equal to 1 monthly payment using the monthly payment rate under section 531(d)(3)(B) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)(3)(B)) and section 901(d)(3)(B) of the Trade Act of 1974 (19 U.S.C. 2497(d)(3)(B)).

(5) RELATION TO OTHER LAW.—An eligible producer that receives assistance under this subsection shall be ineligible to receive assistance for 2009 grazing losses under the program carried out under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) and section 901(d) of the Trade Act of 1974 (19 U.S.C. 2497(d)).

(h) EMERGENCY LOANS FOR POULTRY PRODUCERS.—

(1) DEFINITIONS.—In this subsection:

(A) ANNOUNCEMENT DATE.—The term ''announcement date'' means the date on which the Secretary announces the emergency loan program under this subsection.

(B) POULTRY INTEGRATOR.—The term ''poultry integrator'' means a poultry integrator that filed proceedings under chapter 11 of title 11, United States Code, in United States Bankruptcy Court during the 30-day period beginning on December 1, 2008.

(2) LOAN PROGRAM.—

(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $75,000,000, to remain available until expended, for the cost of making no-interest emergency loans available to poultry producers that meet the requirements of this subsection.

(B) TERMS AND CONDITIONS.—Except as otherwise provided in this subsection, emergency loans under this subsection shall be subject to such terms and conditions as are determined by the Secretary.

(3) LOANS.—

(A) IN GENERAL.—An emergency loan made to a poultry producer under this subsection shall be for the purpose of providing financing to the poultry producer in response to financial losses associated with the termination or nonrenewal of any contract between the poultry producer and a poultry integrator.

(B) ELIGIBILITY.—

(i) IN GENERAL.—To be eligible for an emergency loan under this subsection, not later than 90 days after the announcement date, a poultry producer shall submit to the Secretary evidence that—

(I) the contract of the poultry producer described in subparagraph (A) was not continued; and

(II) no similar contract has been awarded subsequently to the poultry producer.

(ii) REQUIREMENT TO OFFER LOANS.—Notwithstanding any other provision of law, if a poultry producer meets the eligibility requirements described in clause (i), subject to the availability of funds under paragraph (2)(A), the Secretary shall offer to make a loan under this subsection to the poultry producer with a minimum term of 2 years.

(4) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—A poultry producer that receives an emergency loan under this subsection may use the emergency loan proceeds only to repay the amount that the poultry producer owes to any lender for the purchase, improvement, or operation of the poultry farm.

(B) CONVERSION OF THE LOAN.—A poultry producer that receives an emergency loan under this subsection shall be eligible to have the balance of the emergency loan converted, but not refinanced, to a loan that has the same terms and conditions as an operating loan under subtitle B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941 et seq.).

(i) STATE AND LOCAL GOVERNMENTS.—Section 1001(f)(6)(A) of the Food Security Act of 1985 (7 U.S.C. 1308(f)(6)(A)) is amended by inserting ''(other than the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of this Act)'' before the period at the end.

(j) ADMINISTRATION.—

(1) REGULATIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to implement this section and the amendment made by this section.

(B) PROCEDURE.—The promulgation of the regulations and administration of this section and the amendment made by this section shall be made without regard to—

(i) the notice and comment provisions of section 553 of title 5, United States Code;

(ii) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(iii) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(C) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this paragraph, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

(2) ADMINISTRATIVE COSTS.—Of the funds of the Commodity Credit Corporation, the Secretary may use up to $10,000,000 to pay administrative costs incurred by the Secretary that are directly related to carrying out this Act.

(3) PROHIBITION.—None of the funds of the Agricultural Disaster Relief Trust Fund established under section 902 of the Trade Act of 1974 (19 U.S.C. 2497a) may be used to carry out this Act.

SEC. 4262. USE OF UNSPENT FUTURE FUNDS FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT.

Section 101(a) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 120) is amended—

(1) in paragraph (1), by inserting before the period at the end '', if the value of the benefits and block grants would be greater under that calculation than in the absence of this subsection''; and

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

''(2) TERMINATION.—The authority provided by this subsection shall terminate after August 31, 2017.''.

TITLE V—BUDGETARY PROVISIONS

SEC. 5001. DETERMINATION OF BUDGETARY EFFECTS.

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 Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 4520. Mr. REID proposed an amendment to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

At the end of the amendment, insert the following:

The provisions of this Act shall become effective 10 days after enactment.

SA 4521. Mr. REID proposed an amendment to amendment SA 4520 proposed by Mr. REID to the amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital invedstments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

In the amendment, strike ''10'' and insert ''5''.

SA 4522. Mr. REID proposed an amendment to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

At the end of the language proposed to be stricken, insert the following:

This section shall become efective 6 days after enactment.

SA 4523. Mr. REID proposed an amendment to amendment SA 4522 proposed by Mr. REID to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

In the amendment, strike ''6'' and insert ''4''.

SA 4524. Mr. REID proposed an amendment to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

At the end, insert the following:

The Finance Committee is requested to study the impact of changes to the system whereby small business entities are provided with all opportunities for access to capital.

SA 4525. Mr. REID proposed an amendment to amendment SA 4524 proposed by Mr. REID to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

At the end insert the following:

''and the economic impact on local communities served by small businesses.

SA 4526. Mr. REID proposed an amendment to amendment SA 4525 proposed by Mr. REID to the amendment SA 4524 proposed by Mr. REID to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct

the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

At the end, insert the following:

''and its impact on state and local governments

SA 4527. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. POINT OF ORDER AGAINST CLIMATE CHANGE LEGISLATION.

(a) POINT OF ORDER.—Subject to subsection (b), it shall not be in order in the Senate to consider any conference report or other legislation that originates in the House of Representatives as a message, bill, amendment, or motion, or any Senate bill or related conference report to which the House of Representatives added a provision, that addresses climate change through the inclusion of a cap-and-trade program if the Senate has not considered and approved a bill addressing climate change that included such a cap-and-trade program.

(b) WAIVER AND APPEAL.—

(1) WAIVER.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of ⅔ of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of ⅔ of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SA 4528. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle ____—Child Care Lending Pilot

SEC. ___01. DEFINITIONS.

In this subtitle—

(1) the term ''program'' means the loan program under section 502(b)(1)(B) of the Small Business Investment Act of 1958, as added by this subtitle;

(2) the term ''small business concern'' has the meaning given the term ''small-business concern'' in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662); and

(3) the term ''State'' has the meaning given that term in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662).

SEC. ___02. CHILD CARE LENDING PILOT PROGRAM.

(a) IN GENERAL.—Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''The Administration may, in addition to its'' and inserting the following:

''(a) AUTHORIZATION.—The Administration may, in addition to the'';

(B) by striking ''and such loans'' and inserting ''. Such loans''; and

(C) by striking '': *Provided, however*, That the foregoing powers shall be subject to the following restrictions and limitations:'' and inserting a period;

(2) by inserting before paragraph (1) the following:

''(b) RESTRICTIONS AND LIMITATIONS.—The authority under subsection (a) shall be subject to the following restrictions and limitations:''; and

(3) in subsection (b)(1), as so designated—

(A) by striking ''The proceeds'' and inserting the following:

''(A) IN GENERAL.—The proceeds'';

(B) by striking ''such loan'' and inserting ''loan described in subsection (a)''; and

(C) by adding at the end the following:

''(B) LOANS TO SMALL, NONPROFIT CHILD CARE BUSINESSES.—

''(i) IN GENERAL.—Notwithstanding paragraph (1), the proceeds of any loan described in subsection (a) may be used by a development company to assist a small, nonprofit child care business, if—

''(I) the loan is used for a sound business purpose that has been approved by the Administrator;

''(II) the small, nonprofit child care business meets all of the eligibility requirements applicable to for-profit businesses under this title, except for status as a for-profit business;

''(III) 1 or more individuals has personally guaranteed the loan;

''(IV) the small, nonprofit child care business has clear and singular title to the collateral for the loan; and

''(V) the small, nonprofit child care business has sufficient cash flow from the operations of the business to meet the obligations on the loan and the normal and reasonable operating expenses of the business.

''(ii) LIMITATION ON VOLUME.—Not more than 7 percent of the total number of loans guaranteed in any fiscal year under this title may be used for purposes described in this subparagraph.

''(iii) DEFINITION.—In this subparagraph, the term 'small, nonprofit child care business' means an establishment that—

''(I) is organized in accordance with section 501(c)(3) of the Internal Revenue Code of 1986;

''(II) is primarily engaged in providing child care for infants, toddlers, pre-school, or pre-kindergarten children (or any combination thereof), and may provide care for older children when the children are not in school and offer pre-kindergarten educational programs;

''(III) including its affiliates, has—

''(aa) a tangible net worth of not more than $7,000,000; and

''(bb) an average net income (excluding any carryover losses) for the 2 completed fiscal years before the date of the application of not more than $2,500,000; and

''(IV) is licensed as a child care provider by the State in which the establishment is located.''.

(b) SUNSET.—

(1) IN GENERAL.—Effective October 1, 2013, section 502(b)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 696(b)(1)) is amended—

(A) by striking subparagraph (B); and

(B) by striking ''USE OF PROCEEDS.—'' and all that follows through ''The proceeds'' and inserting ''USE OF PROCEEDS.—The proceeds''.

(2) APPLICABILITY.—Notwithstanding paragraph (1), section 502(b)(1)(B) of the Small Business Investment Act of 1958, as added by this subtitle, shall apply to any loan authorized under that subparagraph that is applied for, approved, or disbursed during the period beginning on the date of enactment of this Act and ending on September 30, 2013.

SEC. ___03. REPORTS.

(a) SMALL BUSINESS ADMINISTRATION.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, and every 6 months thereafter until March 31, 2014, the Administrator shall submit a report on the implementation of the program to—

(A) the Committee on Small Business and Entrepreneurship of the Senate; and

(B) the Committee on Small Business of the House of Representatives.

(2) CONTENTS.—Each report under paragraph (1) shall contain—

(A) the date on which the program is implemented;

(B) the date on which the rules are issued under section ___04; and

(C) the number and dollar amount of loans under section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) applied for, approved, and disbursed during the 6-month period before the date of the report—

(i) to assist nonprofit child care businesses under the program; and

(ii) to assist for-profit child care businesses.

(b) GOVERNMENT ACCOUNTABILITY OFFICE.—

(1) IN GENERAL.—Not later than March 31, 2013, the Comptroller General of the United States shall submit a report on the program to—

(A) the Committee on Small Business and Entrepreneurship of the Senate; and

(B) the Committee on Small Business of the House of Representatives.

(2) CONTENTS.—The report under paragraph (1) shall contain information gathered during the first 2 years of the program, including—

(A) an evaluation of the timeliness of the implementation of the program;

(B) a description of the effectiveness and ease with which development companies, lenders, and small business concerns have participated in the program;

(C) a description and assessment of how the program was marketed;

(D) the number of small child care businesses in each State and in the United States, categorized by status as a for-profit or nonprofit business, that—

(i) applied for a loan under section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) (and, for each such business, whether the business was a new or expanding small child care business;

(ii) were approved for a loan under section 502 of that Act; and

(iii) received a loan disbursement under section 502 of that Act (and, for each such business, whether the business was a new or expanding small child care business); and

(E) categorized by status as a for-profit or nonprofit business—

(i) with respect to small child care businesses described under subparagraph (D)(iii), the number of such businesses in each State, as of the year of enactment of this Act;

(ii) the total amount loaned to small child care businesses under section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696);

(iii) the total number of loans to small child care businesses under section 502 of that Act;

(iv) the average amount and term of loans to small child care businesses under section 502 of that Act;

(v) the currency rate, delinquencies, defaults, and losses of loans to small child care businesses under section 502 of that Act;

(vi) the number and percent of children who receive subsidized assistance that are served using a loan to a small child care business under section 502 of that Act; and

(vii) the number and percent of children who are low income that are served using a loan to a small child care business under section 502 of that Act.

(3) ACCESS TO INFORMATION.—

(A) IN GENERAL.—The Administrator shall collect and maintain such information as may be necessary to carry out this subsection from development companies and small child care businesses, and such companies and businesses shall comply with a request for information from the Administration for that purpose.

(B) PROVISION OF INFORMATION TO GOVERNMENT ACCOUNTABILITY OFFICE.—The Administration shall provide information collected under this paragraph to the Comptroller General of the United States for purposes of the report required under this subsection.

SEC. ___04. RULEMAKING AUTHORITY.

Not later than 120 days after the date of enactment of this Act, the Administrator shall issue final rules to carry out the loan program authorized under section 502(b)(1)(B) of the Small Business Investment Act of 1958, as added by this subtitle.

SA 4529. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. BUSINESSLINC GRANTS AND COOPERATIVE AGREEMENTS.

(a) DEFINITIONS.—In this section—

(1) the term ''large business'' means a business that is not a small business concern; and

(2) the term ''Secretary'' means the Secretary of the Treasury.

(b) AUTHORIZATION.—In accordance with this section, the Secretary may make grants to, and enter into cooperative agreements with, any coalition of private entities, public entities, or any combination of private and public entities to—

(1) expand business-to-business relationships between large businesses and small business concerns;

(2) develop innovative local and regional programs to expand access to capital for small business concerns;

(3) provide businesses, directly or indirectly, with online information and a database of public sector programs or private companies that are interested in mentor-protégé programs, supplier diversity programs, or State-wide, local, or community-based business development programs;

(4) collect, analyze, and publish data that tracks the impact of the programs of the coalition on revenue and employment at participating businesses, including disadvantaged business enterprises;

(5) foster communication and collaboration within and among the coalitions; and

(6) support efforts to enhance the long-term financial stability of employees, the economic viability of a community, and local or regional business diversification.

(c) MATCHING REQUIREMENT.—The Federal share of the cost of an activity carried out using a grant made or under a cooperative agreement entered under subsection (b) shall be not more than 50 percent.

(d) FUNDING.—There is authorized to be appropriated to the Secretary to carry out the program under this section $15,000,000 for each of fiscal years 2010 through 2015.

SA 4530. Mr. KERRY (for himself, Mr. WHITEHOUSE, Mr. WYDEN, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SMALL BUSINESS HEALTH INFORMATION TECHNOLOGY FINANCING PROGRAM.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 45 as section 46; and

(2) by inserting after section 44 the following:

''SEC. 45. LOAN GUARANTEES FOR HEALTH INFORMATION TECHNOLOGY.

''(a) DEFINITIONS.—In this section—

''(1) the term 'cost' has the meaning given that term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a);

''(2) the term 'eligible professional' means—

''(A) a physician (as defined in section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r)));

''(B) a practitioner described in section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C));

''(C) a physical or occupational therapist;

''(D) a qualified speech-language pathologist (as defined in section 1861(ll)(4)(A) of the Social Security Act (42 U.S.C. 1395x(ll)(4)(A));

''(E) a qualified audiologist (as defined in section 1861(ll)(4)(B) of the Social Security Act (42 U.S.C. 1395x(ll)(4)(B));

''(F) a qualified medical transcriptionist;

''(G) a State-licensed pharmacist;

''(H) a State-licensed supplier of durable medical equipment, prosthetics, orthotics, or supplies; and

''(I) a State-licensed, a State-certified, or a nationally accredited home health care provider;

''(3) the term 'health information technology'—

''(A) means computer hardware, software, and related technology that—

''(i) supports the requirements for being treated as a meaningful EHR user (as described in section 1848(o)(2)(A) of the Social Security Act (42 U.S.C. 1395w–4(o)(2)(A))) and is purchased by an eligible professional to aid in the provision of health care in a health care setting, including electronic medical records; and

''(ii) provides for—

''(I) enhancement of continuity of care for patients through electronic storage, transmission, and exchange of relevant personal health data and information, such as ensuring that this information is accessible at the times and places where clinical decisions will be or are likely to be made;

''(II) enhancement of communication between patients and health care providers;

''(III) improvement of quality measurement by eligible professionals enabling the eligible professionals to collect, store, measure, and report on the processes and outcomes of individual and population performance and quality of care;

''(IV) improvement of evidence-based decision support; or

''(V) enhancement of consumer and patient empowerment; and

''(B) does not include information technology the sole use of which is financial management, maintenance of inventory of basic supplies, or appointment scheduling;

''(4) the term 'qualified eligible professional' means an eligible professional whose office is a small business concern; and

''(5) the term 'qualified medical transcriptionist' means a specialist in medical language and the healthcare documentation process who—

''(A) interprets and transcribes dictation by physicians and other healthcare professionals to ensure accurate, complete, and consistent documentation of healthcare encounters; and

''(B) is certified by or registered with the Association for Healthcare Documentation Integrity, or a successor association thereto.

''(b) LOAN GUARANTEES FOR QUALIFIED ELIGIBLE PROFESSIONALS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Administrator may guarantee not more than 90 percent of a loan made to a qualified eligible professional for the acquisition of health information technology for use in the medical practice of the qualified eligible professional and for the costs associated with the installation of the health information technology. Except as otherwise provided in this section, a loan guaranteed under this section shall be made on the same terms and conditions as a loan made under section 7(a).

''(2) LIMITATIONS ON GUARANTEE AMOUNTS.—The maximum amount of loan principal guaranteed under this subsection may not be more than—

''(A) $350,000 with respect to any 1 qualified eligible professional; and

''(B) $2,000,000 with respect to 1 group of affiliated qualified eligible professionals.

''(c) FEES.—

''(1) IN GENERAL.—The Administrator may—

''(A) impose a guarantee fee on a qualified eligible professional for the purpose of reducing the cost of the guarantee to zero in an amount not to exceed 2 percent of the total guaranteed portion of any loan guaranteed under this section; and

''(B) impose an annual servicing fee on a lender making a loan guaranteed under this section of not more 0.5 percent of the outstanding balance of the guaranteed portion of loans by the lender guaranteed under this section.

''(2) NO FEES BY LENDERS.—No service fees, processing fees, origination fees, application fees, points, brokerage fees, bonus points, or other fees may be charged to a loan applicant or recipient by a lender relating to a loan guaranteed under this section.

''(d) DEFERRAL PERIOD.—A loan guaranteed under this section shall carry a deferral period of not less than 1 year and not more than 3 years. The Administrator may subsidize interest during the period for which a loan guaranteed under this section is deferred.

''(e) EFFECTIVE DATE.—The Administrator may not guarantee a loan under this section until the meaningful EHR use requirements have been determined by the Secretary of Health and Human Services.

''(f) SUNSET.—The Administrator may not guarantee a loan under this section after the date that is 7 years after meaningful EHR

use requirements have been determined by the Secretary of Health and Human Services.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary for the cost of guaranteeing $10,000,000,000 in loans under this section. The Administrator shall determine the cost of guaranteeing loans under this section separately and distinctly from other programs operated by the Administrator.''.

SA 4531. Mr. JOHANNS submitted an amendment intended to be proposed to amendment SA 4519 proposed by Mr. REID (for himself, Mr. BAUCUS, and Ms. LANDRIEU) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

PART IV—ADDITIONAL PROVISIONS

SEC. 4271. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

Section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

SEC. 4272. EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.

Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986 is amended by striking ''8 percent'' and inserting ''5 percent''.

SEC. 4273. USE OF PREVENTION AND PUBLIC HEALTH FUND.

(a) USE OF FUNDS AS OFFSET THROUGH FISCAL YEAR 2017.—Section 4002(b) of the Patient Protection and Affordable Care Act is amended by striking ''appropriated—'' and all that follows and inserting ''appropriated, for fiscal year 2018, and each fiscal year thereafter, $2,000,000,000''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of section 4002 of the Patient Protection and Affordable Care Act.

SEC. 4274. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 4.25 percentage points.

NOTICES OF INTENT TO SUSPEND THE RULES

Mr. DEMINT. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII for the purpose of proposing and considering the following Motion to Commit (with instructions) to H.R. 5297:

Mr. DEMINT moves to commit H.R. 5297 to the Committee on Finance with instructions to report the same back to the Senate with changes to include a permanent extension of the 2010 individual income tax rates, and to include provisions which decrease spending as appropriate to offset such a permanent extension.

Mr. DEMINT. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII for the purpose of proposing and considering the following Motion to Commit (with instructions) to H.R. 5297:

Mr. DEMINT moves to commit H.R. 5297 to the Committee on Finance with instructions to report the same back to the Senate with changes to extend all current individual income tax rates on small businesses and to include provisions which decrease spending as appropriate to offset such a permanent extension.

Mr. JOHANNS. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, Paragraph 2, for the purpose of proposing and considering the following amendment to H.R. 5297.

At the appropriate place, insert the following:

SEC. _____. POINT OF ORDER AGAINST CLIMATE CHANGE LEGISLATION.

(a) POINT OF ORDER.—Subject to subsection (b), it shall not be in order in the Senate to consider any conference report or other legislation that originates in the House of Representatives as a message, bill, amendment, or motion, or any Senate bill or related conference report to which the House of Representatives added a provision, that addresses climate change through the inclusion of a cap-and-trade program if the Senate has not considered and approved a bill addressing climate change that included such a cap-and-trade program.

(b) WAIVER AND APPEAL.—

(1) WAIVER.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of ⅔ of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of ⅔ of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

NOTICES OF HEARINGS

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 Subcommittee on Energy. The hearing will be held on Tuesday, August 3, 2010, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to examine the role of strategic minerals in clean energy technologies and other applications as well as legislation to address the issue, including S. 3521 the ''Rare Earths Supply Technology and Resources Transformation Act of 2010''.

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 Rosemarie_Calabro @energy.senate.gov.

For further information, please contact Allyson Anderson or Rosemarie Calabro.

IMPEACHMENT TRIAL COMMITTEE ON THE ARTICLES AGAINST JUDGE G. THOMAS PORTEOUS, JR.

Mrs. MCCASKILL. Mr. President, I wish to announce that the Impeachment Trial Committee on the Articles Against Judge G. Thomas Porteous, Jr., will meet on Wednesday, August 4, 2010, at 9 a.m., to conduct a hearing.

For further information regarding this meeting, please contact Erin Johnson at 202–228–4133.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 27, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 27, 2010, at 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 27, 2010, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 27, 2010, at 9:30 a.m., to hold a hearing entitled ''Perspectives on Reconciliation Options in Afghanistan.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 27, 2010, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 27, 2010, at 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on July 27, 2010, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building to conduct a hearing entitled ''Exxon Valdez to Deepwater Horizon: Protecting Victims of Major Oil Spills.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. SCHUMER. 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 July 27, 2010, at 10 a.m. to conduct a hearing entitled ''Deepwater Drilling Moratorium: A Second Economic Disaster for Small Business?''

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 27, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Government Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on July 27, 2010, at 2:30 p.m. to conduct a hearing entitled, ''High-Risk Logistics Planning: Progress on Improving Department of Defense Supply Chain Management.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND WILDLIFE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Subcommittee on Water and Wildlife of the Commitee on Environment and Public Works be authorized to meet during the session of the Senate on July 27, 2010, at 2:30 p.m. in room 406 of the Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CARDIN. Mr. President, I ask unanimous consent that Robert Maes, Cory Mack, and Elizabeth Schwab of the office of Senator BINGAMAN be granted the privileges of the floor for today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I ask unanimous consent that Michael Starz, a fellow in my office, be granted the privilege of the floor for the remainder of the 111th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITED STATES MANUFACTURING ENHANCEMENT ACT OF 2010

Mrs. HAGAN. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4380, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4380) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mrs. HAGAN. I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4380) was ordered to be read a third time, was read the third time, and passed.

TEMPORARY EXTENSION OF SMALL BUSINESS PROGRAMS

Mrs. HAGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5849, received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5849) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mrs. HAGAN. I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5849) was ordered to be read a third time, was read the third time, and passed.

NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

Mrs. HAGAN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 595.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 595) designating the week beginning September 12, 2010, as ''National Historically Black Colleges and Universities Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mrs. HAGAN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 595) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 595

Whereas there are 105 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities provide the quality education essential to full participation in a complex, highly technological society;

Whereas historically Black colleges and universities have a rich heritage and have played a prominent role in the history of the United States;

Whereas historically Black colleges and universities allow talented and diverse students, many of whom represent underserved populations, to attain their full potential through higher education; and

Whereas the achievements and goals of historically Black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning September 12, 2010, as ''National Historically Black Colleges and Universities Week''; and

(2) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically Black colleges and universities in the United States.

MEASURE READ THE FIRST TIME—S. 3657

Mrs. HAGAN. Mr. President, I understand that S. 3657, introduced earlier today by Senator WYDEN, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill.

The legislative clerk read as follows:

A bill (S. 3657) to establish as a standing order of the Senate that a Senator publicly disclose a notice of intent to objecting to any measure or matter.

Mrs. HAGAN. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time during the next legislative day.

ORDERS FOR WEDNESDAY, JULY 28, 2010

Mrs. HAGAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, July 28; 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; that following any leader remarks, the Senate proceed to a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate resume consideration of H.R. 5297, the small business jobs bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mrs. HAGAN. Mr. President, tonight cloture was filed on the small business jobs bill. As a result, the filing deadline for first-degree amendments is 1 p.m. tomorrow. Senators should expect rollcall votes to occur throughout the day in relation to amendments to the bill, if an agreement can be reached to consider amendments.

ORDER FOR ADJOURNMENT

Mrs. HAGAN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order, following the remarks of Senator SPECTER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HAGAN. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

SEPARATION OF POWERS

Mr. SPECTER. Mr. President, I have sought recognition to continue the discussion of the erosion of the very important principle of separation of powers.

Our Constitution was devised with three branches: article I, the Congress; article II, the Executive, the President; article III, the judiciary. A very important concept in the operation of our constitutional government has been the separation of powers to provide checks and balances.

During the course of the past two decades, we have seen a substantial erosion of the power of Congress. Congress's authority has been taken away in significant measure by the Supreme Court of the United States, which has, in effect, entered into the legislative process by disregarding the finding of fact that the Congress has undertaken and changed the standard for determining constitutionality of legislation.

There had been in effect the rational basis test which had been in existence for decades. But then in 1995, in a case captioned ''United States v. Lopez,'' involving the bringing of guns onto school property, the Supreme Court overturned 60 years of precedent.

In the case of United States v. Morrison, when the Congress had legislated to protect women against violence, the Supreme Court of the United States, in a 5-to-4 decision—as was the Lopez case, 5 to 4—decided that because of the ''method of reasoning'' of the Congress, the act was unconstitutional, notwithstanding a mountain of evidence, as noted by Justice Souter in his dissent.

Then in a third case, Kimel v. Florida Board of Regents, an age discrimination case, the Court again undertook to declare an act of Congress unconstitutional on a new standard, and the standard is ''proportionate and congruent,'' which is really a virtual impossibility to understand.

This evening, I propose to discuss two other cases: the case of Alabama v. Garrett, which interpreted the legislation to protect Americans with disabilities, and the case of Lane v. Tennessee, also to protect people with disabilities.

In the case of Alabama v. Garrett, the Court, in a 5-to-4 decision, decided that the legislation was unconstitutional because it did not fit this illusive congruent and proportionality test. That was an employment discrimination case.

In the case of Lane v. Tennessee, it involved a paraplegic who could not gain access to a courtroom. There was no elevator in the courtroom, and he could not walk up the steps. There, the same statute, the Americans with Disabilities Act—a voluminous record, hearings held all over the United States—by a 5-to-4 decision, the Supreme Court of the United States decided that application of the Americans with Disabilities Act was constitutional. The shifting vote was the vote of Justice Sandra Day O'Connor. But the standard which was applied was this test of congruence and proportionality. Justice Scalia, in his dissenting opinion in that case, said the test was a flabby test which, in effect, enabled the court to engage in legislation. This subject of the standard to be applied was a significant concern in the recently concluded hearings for Solicitor General Elena Kagan for the Supreme Court of the United States. We are faced in these confirmation hearings, regrettably, with the fact that we can't get answers on judicial philosophy or judicial ideology.

I am not talking about how the case is going to be decided; that is a matter for the Court and, as a matter of judicial independence, that is for the Court to decide. The questions directed to nominees—directed to Ms. Kagan and directed to others—have not been about how they would decide a specific case. But in the confirmation hearing with Ms. Kagan, if we really couldn't get answers from her, it is hard to see any nominee from whom we could get answers in light of the fact that she had written extensively on the nomination procedure in a now famous University of Chicago Law Review where she criticized specifically Justice Ginsburg and Justice Breyer for stonewalling the Senate and criticized the Senate for not doing its job in getting information. But her confirmation proceeding was, in effect, a repeat performance. So we are really searching for ways to make a determination as to ideology to have some accountability for what the Justices are doing.

In a later floor statement, I will address the separate issue as to what, if anything, is possible when the nominees do a 180-degree U-turn, as Chief Justice Roberts and Justice Alito did when they decided the case of Citizens United, upsetting 100 years of precedent and a 100,000-page record in allowing corporations to engage in political advertising.

One of the suggestions which has been made following the proceedings for confirmation of Justice Scalia in 1986 where he would answer virtually nothing, Senator DeConcini and I considered a resolution to establish Senate standards. Then, in the next year, Judge Bork answered a great many questions as he, in fact, had to because he had such an extensive paper trail and had such an unusual interpretation of the Constitution on original intent. So after the Bork hearings, Senator DeConcini and I decided we didn't need to proceed. Perhaps we were too precipitous because the following nominations since Judge Bork in 1986 produced the same result: failure to really answer questions.

Another possibility was suggested by later Justice Louis Brandeis in a famous article he wrote in 1913 talking about sunlight being the best disinfectant and that publicity was the way to deal with society's ills. That raises the possibility of finding accountability through informing the public as to what is going on. The Supreme Court flies under the radar. It is pretty hard to get an understanding as to what is going on.

A noted commentator on the Supreme Court, Stuart Taylor, has made a comment that the way to get accountability is to infuriate the public. That was his standard. He said until the public is infuriated, the Supreme Court will be able to continue to take power from the other branches of government and, most importantly, from my point of view, institutionally from the Senate of the United States and from the House of Representatives, in some cases where they leave the Executive with extensive authority. By refusing to decide a case, as they refused to decide the conflict between the Foreign Intelligence Surveillance Act, which is the congressional determination that the only way to get a warrantless wiretap is through a court order showing the probable cause and the President's assertion of article II power as Commander in Chief or the court's refusal to take up the issue of the Foreign Sovereign Immunities Act

when lawsuits were brought by survivors of 9/11. Those are subjects I will discuss at a later time. The hour grows late this evening.

But these are issues which we have to grapple with because the doctrine of separation of powers is so important and, institutionally, the Congress ought to be assertive of our authority, when the authority is taken to the Court, which, in effect, is legislation illustrated by the two cases, the Garrett case and the Lane case, which I have discussed—same standard, congruency and proportionality—we can't get an answer from Ms. Kagan as to what standard she would apply, whether it would be the rational basis test which had been in effect until the Boerne case in 1997; not asking her how she would decide a case but what standard she would apply.

So these are issues I think that have to be very carefully considered by the Congress.

I have been speaking on the issue of televising the Court for a couple of decades now, and I tend to continue to acquaint the public as best we can through C–SPAN, through this medium. But if the public knew what was happening, I think we might meet the standard of Stuart Taylor on an infuriated public. I think it will take public concern to provide some accountability to restore the important balance on separation of powers.

I thank the Chair, I thank the staff for staying extra, and I yield the floor. I believe that is the curtain for the day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

There being no objection, the Senate, at 6:37 p.m., adjourned until Wednesday, July 28, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL BOARD FOR EDUCATION SCIENCES

ANTHONY BRYK, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2015. (REAPPOINTMENT)

LEGAL SERVICES CORPORATION

JULIE A. REISKIN, OF COLORADO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2013. (REAPPOINTMENT)

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIGADIER GENERAL FRANK E. BATTS
BRIGADIER GENERAL MELVIN L. BURCH
BRIGADIER GENERAL JOHN E. DAVOREN
BRIGADIER GENERAL LESTER D. EISNER
BRIGADIER GENERAL ALLEN M. HARRELL
BRIGADIER GENERAL ROBERT A. HARRIS
BRIGADIER GENERAL ALBERTO J. JIMENEZ
BRIGADIER GENERAL THOMAS H. KATKUS
BRIGADIER GENERAL JAMES D. TYRE

To be brigadier general

COLONEL STEVEN W. ALTMAN
COLONEL DAVID B. ANDERSON
COLONEL DAVID N. AYCOCK
COLONEL DAVID S. BALDWIN
COLONEL JONATHAN T. BALL
COLONEL CRAIG E. BENNETT
COLONEL JULIE A. BENTZ
COLONEL VICTORIA A. BETTERTON
COLONEL VICTOR J. BRADEN
COLONEL DAVID R. BROWN
COLONEL FELIX T. CASTAGNOLA
COLONEL PETER L. COREY
COLONEL DONALD S. COTNEY
COLONEL STEPHANIE E. DAWSON
COLONEL CAROL A. EGGERT
COLONEL ALFRED C. FABER
COLONEL WILLIAM A. HALL
COLONEL RICHARD J. HAYES
COLONEL TIMOTHY E. HILL
COLONEL TIMOTHY J. HILTY
COLONEL JEFFREY H. HOLMES
COLONEL JANICE G. IGOU
COLONEL JAMES C. LETTKO
COLONEL TOM C. LOOMIS
COLONEL WESLEY L. MCCLELLAN
COLONEL JOHN K. MCGREW
COLONEL JOHNNY R. MILLER
COLONEL STEVEN R. MOUNT
COLONEL ERIC C. PECK
COLONEL CHARLES E. PETRARCA
COLONEL ANDREW P. SCHAFER
COLONEL RAYMOND F. SHIELDS
COLONEL LESTER SIMPSON
COLONEL PHILIP A. STEMPLE
COLONEL RANDY H. WARM
COLONEL CHARLES W. WHITTINGTON

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. DANIEL P. HOLLOWAY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. WALTER M. SKINNER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. SAMUEL J. LOCKLEAR III

EXTENSIONS OF REMARKS

HONORING CAMP FIRE'S 100TH ANNIVERSARY

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. McDERMOTT. Madam Speaker, today I rise to offer special recognition to Camp Fire on its upcoming centennial celebration. Since its founding in 1910, Camp Fire has worked to build caring, confident youth and future leaders nationwide. In 2009 alone, thousands of youth and family in and around Seattle benefitted from its programs.

When it was founded a century ago, Camp Fire was the first interracial, non-sectarian organization for young women in the United States. This legacy showcases an early and bold commitment to enriching the lives of all American girls; this spirit of openness was continued when the organization was expanded in 1975 to include boys.

Camp Fire has positively affected those it serves through its curriculum and through its physical facilities. Camp Fire's camps and classes prepare our children to be responsible leaders in an increasingly global community, with an emphasis on environmental education and healthy living. Camp Sealth, a Camp Fire facility on Vashon Island, continues to be an invaluable resource to the community, providing children with a safe space to learn and grow, and local organizations with an outstanding retreat.

Today, it is as important as ever for the nation's youth to maintain a connection to America's great outdoors, but many children lack such opportunities without outside support. Camp Fire's work to bring communities together around children and to reconnect them to nature is an inspiration. It is with gratitude that I extend my congratulations to Camp Fire on a century of exceptional work, and my best wishes for another century of progress and service.

REMEMBERING LORRAINE FERN PIPKIN

HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. McCLINTOCK. Madam Speaker, I rise today in memory of Lorraine Fern Pipkin of Manhattan Beach, CA.

Lorraine was born August 10, 1925 in North Dakota. She was raised on her grandparents' farm, working to help support her family during the Great Depression. At the age of 14 she moved with her mother to Yakima, Washington, and in the 1940s Lorraine moved to Los Angeles, where she went to work to fill the vital jobs vacated by GIs fighting in World War II. Lorraine loved being a mother and cherished time with her family and raising her two sons and daughters in Hawthorne. She was known for her wonderful cooking and open-house policy of hosting friends and family on a regular basis.

Madam Speaker, Winston Churchill once said, "There is no doubt that it is around the family and the home that all the greatest virtues, the most dominating virtues of human society, are created, strengthened and maintained." Lorraine spent her life raising a family, whom I have had the privilege to know for many years, who reflect the finest virtues of our nation, and I share in mourning their loss.

IN HONOR OF EDNA AND WALT MINNICK

HON. BETSY MARKEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Ms. MARKEY of Colorado. Madam Speaker, I rise today to speak in tribute of Edna and Wayne Minnick, two constituents of the Fourth Congressional District who exemplify the fulfillment of the American dream and who chose to give back to their community in ways that will last for generations.

Edna Minnick was born in 1916 in Springfield, Colorado, and passed away in 2009 at 92 years of age. She loved Baca County, and although she spent the middle part of her life in other places, Baca County was her home.

Wayne was born in 1913 in Oswego, Kansas and developed a love for farming. During the Depression, Wayne moved to Colorado, where he met and married Edna in 1939. They were married for 54 years, until Wayne's death in 1993. Visits to Edna's family ranch in the 1940s, a homestead five miles west and two miles north of Springfield, revealed Wayne's farming potential. The couple moved to California prior to WWII where Wayne worked as an electrical engineer. When drafted into the Army Air Corps during the war, he instructed aircraft mechanics and electricians. The electrical trade followed on his return to Colorado, putting many miles of lines through the Colorado mountains. However, the old love of farming prevailed, and in 1957 Wayne rented a portion of his mother-in-law's Baca County farm. The Minnicks purchased the farm in 1963 and worked the farm on weekends until Wayne could retire from the electric business. This required endless hours of nighttime labor, tractor driving, and commuting time between Colorado Springs and Baca County. Both Wayne and Edna loved wheat farming and trying new ideas.

Edna had great admiration for her family and the homesteaders who settled in Baca County, and she wished to preserve and honor their contributions and lives in Baca County. She wished to contribute to the preservation of Baca County history and help fulfill present and future needs of Baca County, Springfield and their citizens. She was a shrewd businesswoman, and during the years in Colorado Springs, she purchased real estate surrounding her home and built rental duplexes. She used much of the income to support her deep interests in child and youth welfare, rehabilitation and care.

Upon her death, Edna left her considerable estate to Baca County. Community recipients of this estate include many scholarship funds for area youth; improvements to the Baca County Fairground and a new community building; Cancer and Parkinson's research; the Baca County Food Bank; the Salvation Army; area FFA Buildings; improvements to the Springfield movie theatre and swimming pool; renovations to the Courthouse, Methodist Church, and Walsh Community Center; needed projects on area cemeteries; Clubhouse for the Blue Rose Ranch Horse Rescue; Springfield school milk fund, substantial Hospital improvement projects; and many more.

The Minnicks have truly been a blessing to Baca County. I am honored to remember them today and to have their contributions and generosity recorded in the CONGRESSIONAL RECORD.

PERSONAL EXPLANATION–

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. PENCE. Madam Speaker, I was absent from the House floor during rollcall vote 434. Had I been present, I would have voted "yea."

RECOGNIZING 20TH ANNIVERSARY OF AMERICANS WITH DISABILITIES ACT

SPEECH OF

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 2010

Mr. CONYERS. Mr. Speaker, in 1990, I cosponsored the Americans with Disabilities Act, legislation intended to prohibit discrimination against individuals with disabilities and ensure that they are able to claim their rightful place as equal members of our society.

Our legislative mandate was purposefully ambitious. We sought—for once and for all—to prohibit unfair discrimination based on disability.

Last week, at a hearing in the Subcommittee on the Constitution, Civil Rights, and Civil Liberties, we heard from people whose lives have been changed by the Americans with Disabilities Act:

Former Attorney General Dick Thornburgh, who both supervised the enforcement of the ADA in its infancy and has raised a son with a disability;

Lt. Col. Gregory Gadson, a man with 20 years of active duty service who lost both legs

in Iraq in 2007, and has recently been named the Director of the Army's Wounded Warrior Program;

Adrian Villalobos, a young man from El Paso, Texas, whose spinal injury occurred shortly after the ADA was enacted;

Casandra Cox, a woman with a mental disability who has advocated for housing for individuals with mental disabilities that fosters their independence and dignity;

Cheryl Sensenbrenner, past board chair of the American Association of People with Disabilities;

and Jonathan Young, the chairman of the National Council on Disability.

Majority Leader HOYER, Congressman LANGEVIN, and Thomas Perez, the Assistant Attorney General for the Civil Rights Division, also testified about the history and future of the ADA.

Each witness had something unique to say about how the Americans with Disabilities Act has changed their lives, and what remains to be done to live up to the Act's mandate of inclusion, dignity and nondiscrimination.

What have we learned in the 20 years since the Americans with Disabilities Act was passed?

First, civil rights legislation has the power to create substantial and necessary change. Before the enactment of the Americans with Disabilities Act, individuals with disabilities were routinely discounted, and their gifts were routinely ignored.

Fundamental human rights—the right to work, the right to live where you want to live, and the right to enter the stores, schools, and government buildings where everyone else shops, learns, and participates—were arbitrarily denied to individuals with disabilities.

Those obstacles were created by ignorance, indifference, and actual prejudice. The effect was the creation of a second-class citizenry, excluded from society in all meaningful ways.

We know that isolation breeds stigma. We also know that inclusion promotes productivity, mutual understanding, and equality.

Civil rights legislation is built on creating a more just society, by empowering and requiring equal access to all that American society has to offer—to every individual.

Second, the Americans with Disabilities Act reminds us that our concern with civil rights legislation does not end once a bill becomes law.

The Act did not magically erase the barriers to equality for individuals with disabilities. All doors and all minds were not instantly opened wide enough to encompass this diverse group.

Progress under the Act was slowed, and even blocked, by Supreme Court decisions that contravened our legislative intent, by narrowing the Act's scope and applicability, time and time again.

But we came together, on both sides of the aisle and in both chambers, to make it clear that we meant what we said: Americans with disabilities must have complete legal equality.

I proudly cosponsored the Americans with Disabilities Act Amendments Act in response to those Supreme Court decisions, and ultimately, a law correcting the Court's misconstruction of the ADA was passed in 2008.

This anniversary is a time to recognize one of our most significant civil rights achievements.

But as the circumstances surrounding the ADA Amendments Act remind us, Congress must remain a vigilant steward of the civil rights laws we have passed.

Third, we cannot celebrate our accomplishments without recognizing future challenges.

One issue impeding the fulfillment of the Act's promise is the failure of some States to comply with their obligations to offer integrated housing, where appropriate, to persons with mental illness.

The Olmstead case on this issue has correctly been called the Brown v. Board of Education for individuals with disabilities, because it condemned the practice of indiscriminately directing all individuals with mental disabilities into separate, segregated housing as inconsistent with the core purposes of the ADA.

Segregation from mainstream society, default warehousing in institutions, and enforced dependence are unacceptable conditions to impose on individuals with mental disabilities who have the ability to live more independent and integrated lives.

The Americans with Disabilities Act demonstrates that civil rights laws not only protect personal dignity, they enrich society as a whole.

In these hard economic times, what can be more important than easing obstacles that prevent individuals with disabilities from becoming productive members of the workforce?

We must continue to attend to the implementation of the Americans with Disabilities Act to ensure that future anniversaries can make us equally proud.

CONGRATULATING STATE POLICE CAPTAIN MIKE FOSTER

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. BOOZMAN. Madam Speaker, I would like to congratulate State Police Captain Mike Foster for his recent promotion by the Arkansas State Police Commission.

Captain Foster is a 19-year veteran of the department, faithfully serving the State of Arkansas and working to protect its citizens since 1991. Having served most recently as acting assistant commander and acting commander of Troop I based out of Harrison, Arkansas, he is now officially taking over as commander of Highway Patrol, Troop I. Captain Foster will lead highway patrol troopers in Baxter, Boone, Fulton, Izard, Marion, Newton, Searcy and Stone counties.

Captain Foster is to be commended for his many years of service and sacrifice for the people of Arkansas. He is well deserving of this recommendation and I ask my colleagues to join me in recognizing these accomplishments and congratulate Arkansas State Police Captain Mike Foster and wish him future success in his career.

HONORING MS. GLADYS MCDANIEL FOR HER 32 YEARS OF SERVICE TO THE ASHEVILLE POLICE DEPARTMENT AND CONTINUAL EFFORTS WITHIN THE COMMUNITY

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. SHULER. Madam Speaker, I rise today to honor Ms. Gladys McDaniel for her dedication to the City of Asheville, North Carolina and to congratulate her on her retirement after 32 years of service to the Asheville Police Department. Her dedication to philanthropy and her community is evident as she has participated in nearly every community event Asheville has had to offer for the last 3 decades.

Ms. McDaniel has come to be known as the ''heart'' of the Asheville police department. Serving as the gatekeeper of the department, her attention to detail and tireless efforts have touched almost everyone who has interacted with the Asheville police department. Police Chief Bill Hogan recalls how Ms. McDaniel's ''organizational and historical knowledge helped to get his feet on the ground'' when he joined the department 6 years ago.

In addition to her full time job as a public servant, Ms. McDaniel has taken an unofficial position as a full time volunteer in the Asheville community. From helping to organize the nationally recognized Bele Chere festival to donning costumes to entertain children, no job has ever been too big or too small for Ms. McDaniel. For the past 30 years she has played an integral role in the planning and orchestration of the Bele Chere festival. A proven problem solver, she is the key force behind the scenes. In addition to her efforts at the Bele Chere festival, Ms. McDaniel organizes two blood drives every year, coordinates events for the Special Olympics, and assists with the annual Asheville film festival.

Along with her tremendous commitment to the Asheville Police Department and the Asheville community, Ms. McDaniel has always shown remarkable commitment and devotion to her country and family. Ms. McDaniel spent 4 years in the Army Reserves, and 2 years as an inactive ready-reservist, while raising two gentlemen. A devoted mother of two, Ms. McDaniel describes herself as ''[thriving] on nurturing both her family and community.'' Madam Speaker, I urge my fellow colleagues to honor and thank Ms. Gladys McDaniel for her tireless devotion to her family, country, and community.

PERSONAL EXPLANATION–

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. PENCE. Madam Speaker, I was absent from the House floor during rollcall votes 465–466. Had I been present, I would have voted ''no'' on rollcall Nos. 465 and 466.

HONORING TYLER GROSDECK

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Tyler Grosdeck. Tyler is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 447, and earning the most prestigious award of Eagle Scout.

Tyler has been very active with his troop, participating in many scout activities. Over the many years Tyler has been involved with scouting, he has not only earned numerous merit badges and contributed to his community through his Eagle Scout project, but also earned the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Tyler Grosdeck for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING 20TH ANNIVERSARY OF AMERICANS WITH DISABILITIES ACT

SPEECH OF

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 2010

Mr. BOEHNER. Mr. Speaker, I rise today to join the Speaker and the Majority Leader in recognizing the 20th Anniversary of the Americans with Disabilities Act.

First, I want to applaud you, Mr. Speaker, for making history today as the first American with disabilities to preside over this distinguished body. It is a truly inspiring sight and a reminder that the disabled are, of course, among the most active and functional members of our society. It is also a testament to the historic measure we are celebrating today.

I also want to commend my friend from Maryland, the Majority Leader, who I know played a leading role in making this legislation a reality, and in ensuring that we come together across the aisle when necessary to make certain it continues to fulfill its original mission.

Before the Americans with Disabilities Act, nowhere in the world was there a comprehensive declaration of equality for people with disabilities.

In the medical community, people with disabilities are called ''HANDY-CAPABLE'' because they strive and succeed in the face of great personal obstacles.

There was a time, however, when that courage alone could not get them into their hometown theatres to see a movie, or their office buildings to apply for a job and provide for their families.

Those wrongs were corrected on July 26, 1990 when President George H.W. Bush signed the Americans with Disabilities Act into law on the South Lawn of the White House.

On that day, President Bush noted that it was roughly a year after the Berlin Wall came down and said that this legislation ''takes a sledgehammer to another wall, one which has for too many generations separated Americans with disabilities from the freedom they could glimpse, but not grasp.''

For too long, our Nation kept Americans with disabilities dependent when all they yearned for was independence. The Americans with Disabilities Act has given them the tools to do just that—to quench their thirst for life, liberty, and the pursuit of happiness. It has changed the lives of millions, and it will continue to do so for generations to come.

THE RESTORING AMERICAN FINANCIAL STABILITY ACT OF 2010

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. DAVIS of Illinois. Madam Speaker, this is a good opportunity to implement Wall Street reform, and help make our financial markets safer for everyday American citizens, investors, and small businesses. At the center of our efforts today is the concept of power, and what it means to those who have it, and those who don't. Baltasar Gracian, a renowned Spanish Jesuit writer, once said that ''The sole advantage of power is that you can do more good.''

I think many people would agree with me that the corporations and executives on Wall Street have considerable power. The question remains, however, whether they are using that power to do good things. People will point out, and I agree, that they are making many people very wealthy, but at what cost? For too long corporate interests have been allowed to dominate decision making in America's financial capital, and many times, this has meant unfair and predatory practices. As lawmakers, we should set out to make our financial markets a more evenhanded place for our citizens, and the consumers that put their trust and money on the line.

One of the key things that H.R. 4173 will do is to create a Consumer Financial Protection Bureau, tasked with the responsibility of making sure consumer lending practices are fair. Also, under the Volcker rule, large financial institutions would no longer be allowed to engage in risky trading using federal dollars, supported by taxpayers. Throughout the many various initiatives and stipulations in the bill, one theme is clear: protecting American citizens, and maintaining a fair market that allows both informed consumers and powerful financial markets to thrive in tandem.

H.R. 4173 does not set out to take power away from those on Wall Street, but to make sure they use their many strengths and abilities for the benefit of the average American investor and small business owner. I support H.R. 4173, the Restoring American Financial Stability Act of 2010, knowing that the benefits and wealth for the few should not come at the cost of the many.

HONORING COLONEL THOMAS C. CHAPMAN

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Ms. MATSUI. Madam Speaker, I rise today to honor COL Thomas C. Chapman upon his retirement from the United States Army Corps of Engineers. For the past three years I have had the pleasure of working with Colonel Chapman on a number of flood protection projects that are key to my hometown of Sacramento. I found Colonel Chapman to be a man of intelligence and integrity, a man who never forgot the public he served. As he retires, I would like to pause today and ask that my colleagues join with me in offering our thanks to a distinguished American.

Beginning with his graduation from the United States Military Academy at West Point in 1984, Colonel Chapman has led a distinguished and notable career in the Corps of Engineers. He has assisted with and led many projects which have helped to maintain the integrity and vitality of our nation's infrastructure and worked to improve the security of our military bases abroad.

Colonel Chapman's career has taken him and his family from Fort Knox to South Korea, from Philadelphia to Afghanistan and a number of stops in between. Each stop has been characterized by success. At Camp Red Cloud in South Korea, he developed a new master plan for installations, which was later adopted as a model for all U.S. forces in Korea. As the Chief of Staff of the U.S. Army Engineer School, he oversaw the integration of the Engineer School into the Army's Maneuver Support Center. In Afghanistan, he served as the senior engineer at NATO Corps Headquarters, where he managed both the construction of all NATO facilities and oversaw NATO's Counter-IED training. Colonel Chapman aided Coalition Forces by developing a new engineer organizational structure and by developing NATO's first Counter-IED doctrine.

In July of 2007, Colonel Chapman was installed as the Commander of the Corps of Engineers' Sacramento Division. Lying at the confluence of the Sacramento and American Rivers, the City of Sacramento and surrounding region faces the constant threat of flooding. Our levee and flood protection systems require continuous attention and the Corps of Engineers is actively involved with major upgrades currently being undertaken at Folsom Dam and along local rivers and streams.

In particular, Colonel Chapman's leadership has helped keep the Folsom Dam Joint Federal Project, a collaborative effort with the Bureau of Reclamation, on schedule and on budget. When completed, this immense project will strengthen the dam and add a second spillway, which will allow more water to be released in anticipation of a storm, giving much of Sacramento over 200-year protection. Colonel Chapman has also worked diligently to advance the Natomas Levee Improvement Project, which will also give 200-year protection to the 75,000 people that call Natomas home. On these and other projects, Colonel Chapman has worked with local and state officials to ensure there is a strong partnership between all levels of government.

Madam Speaker, I am truly honored to stand here today to congratulate COL Thomas Chapman, for his tireless work in Sacramento and throughout his 26-year career with the Army Corps of Engineers. As his colleagues, friends and family gather today, including his wife Deidre and their seven children, I once again ask my colleagues to join me in saluting Colonel Chapman. His work has kept American servicemen and women safe abroad and the public safe at home. I offer him my warmest thanks and wish him continued success in the next chapter of his life.

LIEL MAGHEN

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. PAYNE. Madam Speaker, I rise to commend Liel Maghen, one of my 2010 summer interns in the New Story Leadership Program. The New Story Leadership Program, hosts interns from Israel and Palestine, to Washington, DC every year. As a requirement of the program a Congressional Forum is held, and in my attendance on July 20, 2010 Liel Maghen gave a remarkable speech. His story is very inspirational and it gives a clear perspective of his culture and obstacles he overcame. At this time, I present to you his speech:

''I am Liel Maghen and I am your Master of Ceremony for this morning's event.

The Middle East story receives high media coverage and public attention. It is a story of a conflict between two people over the same land and it is a story of terror, occupation, and suffering.

The dimensions of this story combine religion, economy, cultural differences and racism in a complex history of hatred, and present reality of mistrust, that seems far from being solved. However, the small particles of this conflict are the personal stories of people that live in that region.

And like looking at atoms of a human body, these stories reveal different perceptions and demonstrate how these separate particles are connected together in one body that is called the Middle East.

My story starts with my heritage. But before I will begin, let me note that today is ''Tisha Beav''. It is a day of grief for the Jewish people that commemorate the destruction of both great temples in Jerusalem.

According to the religious scriptures, which refer to these temples as Houses, these temples were destroyed as god's punishment for corruption, moral degradation, and false hatred.

I believe that we, the Jewish people who are gathered here today, came here in order to prevent the collapse of our third House the Israeli state.

I was born in the state of Israel to an Italian mother and Libyan father, who decided, as true Zionists, to leave their families and home in order to move to the Jewish state. My mother is a daughter of two Holocaust survivors and my father himself suffered persecution in his Arab homeland throughout his childhood. Therefore, my education, which was traditional Jewish, emphasized the importance of a Jewish state and the need of the Jewish people to defend themselves in order to prevent a second Holocaust. My education was also affected by the political activism of my parents, who were members of the Halikud right wing party.

When I grew up, especially in the time of the second Intifada, I adopted my parents' perspective as my own and believed that the Jewish people are in danger, and that there is no chance for peace. Thus, I was eager to serve my country in a combat unit and to be a representative of my people and history through my army service. This concept of service has a major role in Israeli society and education. And eventually, this service would be the reason for a big change in my perception, a change that occurred because of a friend.

This friend was Johan Zarbib.

I met him in the first week of basic training. We were together in the same unit and partners in the same squad. He, as a foreigner who was born in France, decided to immigrate to Israel for the same reasons as my parents. He told me, that after suffering modern anti Semitism in his homeland, he understood the importance of the Jewish country and wanted to join the army and contribute his share for the sake of the Jewish people.

I, on the other hand, made a personal and difficult decision to change units. I decided to complete my military service by transferring to an education unit, where I could contribute in a different way.

In the last day of the war of Lebanon, in 2006, after the cease-fire was signed but before it was fully implemented, I was shocked to hear that Johan was killed.

The day after, in his funeral, I saw that many other friends from our unit were injured in the same battle.

Looking at them and thinking about Johan, made me re examine these values of contribution and service. I have asked myself if serving in the army is the only way to contribute to my society or maybe was there another option.

My conclusion was that it is our responsibility, as people who suffer from the war, to make an effort for achieving peace. Or as Mahatma Gandhi has said: ''you must be the change that you wish to see in the world''.

Since then, I have participated in different co-existence programs. Although these experiences are difficult and confront sensitive issues, I have come to understand through them, that both sides suffer from this conflict and that only personal connection between people can create a bridge beyond the walls of separation and fear. I have also come to understand that maybe we don't agree on the details of the solution, but we can agree on the process of finding one, process that requires communication, compromise, and reconciliation.

And Finally, Here in Washington, I have had a great opportunity to take this understanding one step further. Thank to Congressman Payne and his inspirational staff I have learned about the political process and how it can make a major impact in people's life. Furthermore, being a part of a group of Israeli and Palestinian activists through the New Story Leadership Program teaches me that many people from both sides are basically on the same side, the side that wants peace.

This future is reachable, and we should join together, Israelis, Palestinians, and Americans, in order to make this future closer to the present.''

Thank you very much,

Shalom, Peace and Salam Aleikum

Madam Speaker, I call upon my colleagues in joining me congratulating Liel Maghen and wishing him all the best. He is truly an inspiration to all that know him.

HONORING DYLAN COCHRAN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Dylan Cochran. Dylan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1179, and earning the most prestigious award of Eagle Scout.

Dylan has been very active with his troop, participating in many scout activities. Over the many years Dylan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Dylan has earned the rank of Warrior in the Tribe of Mic-O-Say and the World Conservation Award. Dylan has also contributed to his community through his Eagle Scout project. Dylan constructed and installed a bench along the Maple Woods Conservation Area trail route.

Madam Speaker, I proudly ask you to join me in commending Dylan Cochran for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING USA HOCKEY

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. QUIGLEY. Madam Speaker, I rise today in recognition of USA Hockey and their support of disabled hockey programs. USA Hockey has proven that hockey truly is for everyone, and their efforts to share the wonderful game of hockey should be commended.

USA Hockey supports four disciplines of disabled hockey, all serving players both young and old. This includes Standing/Amputee hockey, Deaf/Hard of Hearing hockey, Sled hockey, and Special hockey. These groups provide unique practices that enable the players to reconnect with a sport they love. For example, Deaf/Hard of Hearing hockey incorporates a special lighting system and allows coaches and players to communicate through sign language, lip-reading and interpreters. And Sled hockey provides paraplegics with the opportunity to enjoy the sport by using specially designed sleds on the ice.

USA Hockey also proudly supports the USA Warriors Ice Hockey Program, providing wounded United States Military Personnel with therapeutic and recreational opportunities to play hockey. This program focuses on integrating disabled and non-disabled players in order to build self confidence and assist disabled veterans to reconnect with the activities they were involved with prior to their disability. While I can't begin to comprehend all that these brave veterans have experienced and what they've done in service to our nation, I can understand why they still want to play hockey.

I believe that hockey is a tremendous game that teaches its players the value of hard work, discipline, and the benefit of playing as a team. Through the support of USA Hockey,

thousands of disabled participants of all ages are able to learn these important lessons that will help them be successful both on and off the ice.

TWENTY-FIRST CENTURY COMMUNICATIONS AND VIDEO ACCESSIBILITY ACT OF 2010

SPEECH OF

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 2010

Ms. ESHOO. Mr. Speaker, I rise today in strong support of the 21st Century Communications and Video Accessibility Act. I'm proud to be a cosponsor of this legislation, voting for it in the Communications, Technology, and the Internet Subcommittee and in the full Energy and Commerce Committee. I urge all of my colleagues to join me in voting for it today.

Today is a historic day. It is the 20th anniversary of the enactment of the Americans With Disabilities Act, ADA. Twenty years and one day ago, individuals with disabilities did not enjoy the same access to employment, education, or basic services as other Americans. The ADA changed that forever. Our workplaces, schools, buildings, and sidewalks offer safe and fair access for Americans with disabilities, where for too long they had none.

In the 20 years the ADA has been the law of the land, our country has seen significant change. Much of that change has been driven by the high-tech innovators in my Congressional District, the heart of Silicon Valley. In 1990 a supercomputer that would fill a building the size of a warehouse can now fit in the palm of a hand. We can now watch our favorite television shows outside, on an airplane, or in a coffee shop on our computers. Businesses can allow their employees to collaborate face-to-face from offices thousands of miles apart. Communications and video technology have become truly integral aspects of our everyday lives.

Unfortunately, not all Americans have been able to take full advantage of these innovations in technology. By passing the 21st Century Communications and Video Accessibility Act today, we will change this.

Working to address the needs of individuals with vision, hearing, and other disabilities by updating communications laws last revised in 1996, the 21st Century Communications and Video Accessibility Act makes technology and telecommunications devices and services accessible to everyone.

I commend the author of this legislation, Representative ED MARKEY, for his leadership and advocacy on behalf of the disabilities community. On this historic day, I'm proud to support this legislation that will ensure no one is left behind.

HONORING THE NEW LONDON ROTARY CLUB

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. COURTNEY. Madam Speaker, I rise today in appreciation and support for the New London, Connecticut Rotary Club's Camp Rotary, a service program showcased at a July 23rd event that I had the opportunity to attend. The event joined together the Connecticut College AmeriCorps VISTA volunteers and students and teachers of New London Public Schools to celebrate the success of Camp Rotary.

The Rotary motto ''Service Above Self'' exemplifies their strong devotion to community service internationally, and the Rotary Club of New London demonstrates this commitment every day. The New London Rotary Club organizes many service projects annually, including a holiday book drive, a literacy initiative, and a community playground cleanup.

Rotarians have long understood that many young students lose academic momentum over summer vacation. Often, students also practice unhealthy eating habits and sedentary lifestyles over the summer because they lack access to healthy, affordable food and places to exercise.

Camp Rotary, now in its 18th year, provides a valuable opportunity for disadvantaged students of the New London Public School system to enrich their summers through physical activities, educational programs, and college preparation. The school system partners with New London teachers and Connecticut College student volunteers who graciously devote their summers to helping these youth progress.

Camp activities aim to provide an educational and entertaining experience for the 11–15 year olds, but the overarching goal of the program is to put the students on a college path. Many of these young people would be the first in their family to attend college, and Camp Rotary helps them plan for their future by offering tours of universities and goal planning workshops.

The importance of this effort was recently underscored by a report issued by the National College Board finding that the U.S. is now ranked 12th in the industrialized world in college graduation rates. As recently as 1986, the U.S. was ranked first. Camp Rotary aims to solve this problem by awakening interest and motivation in college achievement at the middle school level, which experts agree is the most successful strategy to increase college involvement and completion.

The New London Rotarians understood the need for the Camp Rotary program in the community and successfully and generously established a program to provide more productive summers for hundreds of disadvantaged students. I ask my colleagues to join me in honoring the valuable opportunity the New London Rotary Club and the Rotary Foundation continues to provide for the youth of New London, and the New London teachers and AmeriCorps VISTA volunteers that help Camp Rotary to succeed.

HONORING JORDAN M. McCLOUD

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Jordan M. McCloud. Jordan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1179, and earning the most prestigious award of Eagle Scout.

Jordan has been very active with his troop, participating in many scout activities. Over the many years Jordan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Jordan has earned the rank of Brave in the Tribe of Mic-O-Say and the World Conservation Award. Jordan has also contributed to his community through his Eagle Scout project. Jordan constructed a fire ring and installed erosion prevention measures at New Hope Retreat Center outside of Holt, Missouri.

Madam Speaker, I proudly ask you to join me in commending Jordan M. McCloud for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Ms. LEE of California. Madam Speaker, today I missed rollcall vote No. 458 on H. Res. 1537. Had I been present, I would have voted ''aye.''

CONGRATULATING SPECTRUM HEALTH ON BEING NAMED A TOP HOSPITAL

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. EHLERS. Madam Speaker, it is my distinct pleasure to congratulate Spectrum Health on being named one of the Nation's top ten health care systems. Spectrum has a longstanding reputation as an exceptional health care provider. It is a true benefit and blessing to our community to have world-class health care available locally.

Spectrum Health is now in the company of a very select group of health systems that have demonstrated that they provide better care, save more lives, have fewer medical complications, and make fewer patient safety errors. According to Thomson Reuters, the esteemed national organization presenting this award, Spectrum Health ''set the standard for the industry.'' As a member of The United States House of Representatives serving Grand Rapids and West Michigan, I am delighted to have the opportunity to recognize this health system for its excellence—especially since Spectrum is the only health system in Michigan to receive this honor.

Great recognition brings great appreciation, and I am certain this award will create in our community an increased awareness of the remarkable health care services that Spectrum Health makes available to them through a number of exceptional facilities. I thank Spectrum Health for its steadfast commitment to providing the residents of west Michigan with the finest possible care through the efforts of its physicians and staff.

I am honored to offer my best wishes to Spectrum Health on being named one of the Nation's top ten!

HONORING JOSEPH PAUL HOMAN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Joseph Paul Homan. Joseph is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 312, and earning the most prestigious award of Eagle Scout.

Joseph has been very active with his troop, participating in many scout activities. Over the many years Joseph has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Joseph has earned the rank of Firebuilder in the Tribe of Mic-O-Say and a four-year Air Force Reserve Officer Training Corps scholarship to the University of Missouri-Columbia. Joseph has also contributed to his community through his Eagle Scout project. Joseph planted landscaping, painted fire lanes and refurbished the flag pole at Lutheran High School of Kansas City, Missouri.

Madam Speaker, I proudly ask you to join me in commending Joseph Paul Homan for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

SILVETTE WOMEN'S GOLF CLUB

HON. MICHAEL E. McMAHON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. McMAHON. Madam Speaker, I rise today to honor the Silvette Women's Golf Club of Staten Island on their 75th Anniversary and to recognize this organization as the oldest women's golf club in the State of New York.

On Staten Island in 1935, a group of women came together to form their own golf club. The Silvettes became pioneers in the field of women's golf because they formed the first public women's golf club not associated with a country club. These women played weekly tournaments at the Staten Island-Silver Lake Golf Course and the Latourette Golf Course. Combining the names of the two courses, this group became known as the Silvette Women's Golf Club. The club played their first tournament on May 4, 1938 at the Silver Lake Golf Course.

During the late 1930s and the 1940s, the Silvettes continued to grow as an organization. The Silvettes established an executive board and supported the war effort during World War II by giving out Defense Stamps as prizes. The club has also held many tournaments and events to support various charities.

The Silvettes are very active in Islandwide Golf Tournaments. The Silvettes frequently play against six other women's golf clubs on Staten Island. The club also plays interclub matches against New Jersey and Brooklyn clubs.

In 1968, as a result of overcrowding at the Silver Lake Golf Course, the Silvettes moved to their current home at the South Shore Country Club in the Huguenot area of Staten Island.

I would like to take this time to give special recognition to two members of the Silvette Women's Golf Club. Helen Sangiorgio, the former club president and current publicity chairlady, and Elissa Barry, the current club president, have worked tirelessly for many years to ensure the club continues to grow and prosper. The dedication of these women to the dub is representative of their love for the game of golf and for their love of Staten Island.

Madam Speaker, I ask that my colleagues join me in congratulating the Silvette Women's Golf Club on their 75th Anniversary and on the distinction of being the oldest women's golf club in the State of New York.

THE 60TH ANNIVERSARY OF THE KOREAN WAR: WHY PEACE MATTERS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. KUCINICH. Madam Speaker, this year marks the 60th anniversary of the Korean War and the fifty-seventh anniversary of the signing of the July 1953 Armistice Agreement. The Korean War cost the lives of over 4 million people and a lasting peace remains elusive. The people on the Korean peninsula continue to suffer as they are caught in the midst of a perpetual state of war and heightened tension. Families are divided and they are left voiceless.

The recent sinking of the Republic of Korea Ship (ROKS) *Cheonan* in May and the subsequent announcement that North Korea was severing all relations with South Korea is a symptom of a failed policy in the region. It highlights the need for a permanent peace settlement and for diplomatic efforts to bring North and South Korea to such a settlement.

Following the sinking of the ROKS *Cheonan*, officials in the Administration vowed that the attack would not go unanswered. After 60 years, the United States has failed to establish formal diplomatic channels with North Korea that would be vital in diffusing such crises.

The United States spends over one billion dollars per year to maintain its military presence in South Korea. At a time when millions of Americans are out of work and are struggling to pay their bills, one billion dollars per year is needlessly poured into further militarizing the Korean peninsula. There are debates in Washington over how we are going to pay for unemployment benefits. Yet no one asks how we are going to pay to maintain hundreds of U.S. military bases around the world. No one questions the costs to U.S. tax payers or the Korean people.

I believe strongly in the power and necessity of diplomacy. The United States has a responsibility to utilize its unique role as an ally of South Korea to bring the nation closer to resolution with North Korea.

The Administration can better express support for the people of the Republic of Korea by recommitting to promoting dialogue between the two nations. The expression of support for a possible military response to North Korea's actions can only serve to heighten the likelihood of a military confrontation. Military action in retaliation to North Korea's attack on the South Korean ship can only result in the further loss of life.

Further militarization in the region can have adverse affects on U.S. national security and our support of a military response to North Korea can only undermine future prospects of peace. Further isolating North Korea from South Korea and the international community does not serve the interest of any country truly dedicated to regional stability. Let us use this somber anniversary to work toward peace and facilitate a lasting peace settlement between North and South Korea.

HONORING KEVIN HADLEY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Kevin Hadley. Kevin is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 447, and earning the most prestigious award of Eagle Scout.

Kevin has been very active with his troop, participating in many scout activities. Over the many years Kevin has been involved with scouting, he has not only earned numerous merit badges and contributed to his community through his Eagle Scout project, but also earned the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Kevin Hadley for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING STATE POLICE MAJOR J.R. HANKINS

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. BOOZMAN. Madam Speaker, I would like to congratulate Arkansas State Police Major J.R. Hankins for his promotion to the rank of major by the Arkansas State Police Commission.

Having served in several capacities for the Arkansas State Police, in areas all over the state for more than 30 years, Major Hankins has dedicated and sacrificed his life to make Arkansas safer.

Most recently, Major Hankins served as commander of Troop J headquartered in Clarksville. Earning the promotion of major earlier this year, he has taken on new duties as commander of the Highway Patrol Division for the eastern region of Arkansas. This region includes cities such as Little Rock, Jonesboro, Newport, Forrest City, Pine Bluff and Warren.

Major Hankins is to be commended for his many years of faithful service. He is well deserving of this commendation and I ask my colleagues to join me in congratulating Major J.R. Hankins and wish him future success in his career.

PERSONAL EXPLANATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. DAVIS of Illinois. Madam Speaker, I was unable to cast votes on the following legislative measures on July 26, 2010. My congressional district suffered massive flooding, and I needed to remain in Chicago to focus on the recovery. If I had been present for rollcall votes, I would have voted ''yea'' on each of the following:

Roll 467, July 26, 2010: On Motion to Suspend the Rules and Pass, as Amended: H.R. 1320, To amend the Federal Advisory Committee Act to increase the transparency and accountability of Federal advisory committees, and for other purposes.

Roll 468, July 26, 2010: On Motion to Suspend the Rules and Agree, as Amended: H. Res. 1504, Recognizing and honoring the 20th anniversary of the enactment of the Americans with Disabilities Act of 1990.

Roll 469, July 26, 2010: On Motion to Suspend the Rules and Pass, as Amended: H.R. 3101, Twenty-First Century Communications and Video Accessibility Act.

HONORING BRAD ROWALD

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Brad Rowald. Brad is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 447, and earning the most prestigious award of Eagle Scout.

Brad has been very active with his troop, participating in many scout activities. Over the many years Brad has been involved with scouting, he has not only earned numerous merit badges and contributed to his community through his Eagle Scout project, but also earned the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Brad Rowald for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR AND RECOGNITION OF THE 100TH ANNIVERSARY OF SAINTS PETER AND PAUL UKRAINIAN ORTHODOX CHURCH OF CLEVELAND, OHIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Saints Peter and Paul Ukrainian Orthodox Church of Cleveland, Ohio, as its members celebrate one hundred years of faith, hope and tradition.

The history of Saints Peter and Paul Ukrainian Orthodox Church began on September 21, 1910 at 2280 West 7th Street in Cleveland when the structures of the church and rectory were officially dedicated. These buildings were built with the labor and generous donations of the parishioners, most of whom were immigrants from the Ukraine. Metropolitan Archbishop Andrew Sheptytsky of Lviv was present to provide a blessing to the newly opened parish. The buildings and grounds have since been restored and expanded, yet the original structures remain as strong and as beautiful as when first built.

Saints Peter and Paul Ukrainian Orthodox Church grew quickly. It soon became a part of the community and a strong cultural connection for hundreds of Ukrainian families throughout Cleveland. To assist immigrants and families, the parish expanded services, including the establishment of a savings and loan to help young families secure loans to purchase homes. Picnics, concerts and fundraisers became a weekly tradition. The church offered musical treasures from Ukraine, including performances of a 60-string instrument, the bandura. Parishioners would also make and sell varenyky, a delectable Ukrainian dumpling, which quickly sold to Clevelanders of all ethnic backgrounds.

Madam Speaker and colleagues, please join me in honor of the members of Saints Peter and Paul Ukrainian Orthodox Church, past and present, as they celebrate their 100th anniversary. Their contributions to our community are immeasurable. The church continues to stand as a beacon of culture and faith for Ukrainian Americans, for the diverse people in Cleveland's Tremont neighborhood and throughout our Greater Cleveland community.

STOP DISTORTING HISTORY AND WORK FOR REAL PEACE ON CYPRUS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. BURTON of Indiana. Madam Speaker, Monday, July 20, 2010 marked the 36th anniversary of the day in 1974 that Turkey intervened to stop an ethnic cleansing campaign against Turkish Cypriots by militant Greek Cypriots. As usual, a number of my colleagues have come to the floor of this Chamber over the last few days and weeks to lament the so-called ''invasion'' of Cyprus by Turkey. And as usual every year I come down to the floor to set the record straight and ask my colleagues to stop perpetuating revisionist history that attempts to lay all the blame for the ills of Cyprus at the doorstep of Turkish Cypriots and Turkey; to ask them to lay aside the inflammatory rhetoric; and to ask them to actually work to bring peace to this troubled island.

So, once again, here I am but I am not going to focus on the past—I believe an objective evaluation of the history of Cyprus proves that the crisis on Cyprus is significantly more complex than the ''blame Turkey'' special interest groups would like people to believe. Instead, I am going to focus on the future. While the Cyprus dispute is between Greek Cypriots and Turkish Cypriots, it has a much greater impact on the global community. Over the past few decades this dispute has involved not only the two peoples on the island, but also Turkey, Greece, the United Kingdom, the United States, the United Nations, and the European Union. Moreover, Turkey's membership to the European Union, which the United States enthusiastically supports, is unfortunately being impacted because of the situation in Cyprus.

All of us in this chamber, Republicans and Democrats, want to see peace and prosperity come to all the people of Cyprus. In fact, in 2003, the U.S. House of Representatives unanimously passed House Resolution H. Res. 165 urging support for the U.N. backed Annan Plan—which proposed the creation of a new bizonal, bicommunal state. Unfortunately, the Annan Plan collapsed in 2004, because Greek Cypriots opposed the referendum which would have approved the plan.

Although Turkish Cypriots overwhelmingly supported the referendum, the Greek Cypriots became EU members, and despite promises made to Turkish Cypriots, they remain under international isolation despite their positive efforts. To their credit though, Turkish Cypriots continue to seek a settlement to the issue. This is a testament to their hope for the future.

In September 2008, Greek Cypriot leader Dimitris Christofias and Turkish Cypriot leader Mehmet Ali Talat began a positive and concerted effort to reach some type of acceptable solution. From all reports, over the last two years, the two men have been able to reach a number of ''understandings'' regarding so-called ''convergences.''

However, on April 18, 2010, through a democratic process Turkish Cypriot voters elected a new President, Dr. Dervis Eroglu of the National Unity Party (UBP). Almost immediately the ''blame Turkey'' special interest groups began screaming that the change in Turkish Cypriot Leadership from Talat to Eroglu would lead to a period of retrenchment with future negotiations dominated by harder-line views. Once again, though, the ''blame Turkey'' crowd was wrong. Since taking office, Dr. Eroglu has reassured everyone of his commitment for a just and lasting comprehensive settlement through the ongoing negotiations, under the auspices of U.N. Secretary General Ban Ki Moon.

The first round of the new talks was held on May 26, 2010, and continued briefly on June 3rd and again on June 15th. Four additional sessions have been scheduled through the end of July. Are negotiations proceeding as rapidly and as smoothly as everyone would like; no, but progress is still being made. But, I believe that we are really on the cusp of a breakthrough that could lead to a fair and lasting peace on Cyprus; a peace where the two parties on the island enjoy political equality.

The United States has long maintained a position of strong support for a negotiated settlement. This position has been reaffirmed by the Obama Administration and I urge the Administration to continue to take an active role in the efforts to reach a mutually agreed upon resolution.

If the Administration can keep the sides talking; if the "blame Turkey" groups here in the United States can end the "blame game" and redirect their misspent energies towards the real work of reshaping Cyprus into a Cyprus that respects human rights and the fundamental freedoms for all Cypriots; and if the Greek Cypriots and the Turkish Cypriots can continue to demonstrate political will and negotiate in good faith for the future of all Cypriots; I am hopeful for the future of Cyprus.

RECOGNIZING 20TH ANNIVERSARY OF AMERICANS WITH DISABILITIES ACT

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 26, 2010

Mr. DAVIS of Illinois. Mr. Speaker, today I wish to honor the 20th anniversary of the enactment of the Americans with Disabilities Act of 1990. The law prohibits discrimination by private and public institutions toward citizens with disabilities, mandating that any entity covered by the law take reasonable steps to make their property, lines of communication, and employment accessible to persons with disabilities. In the two decades since the law's passage, it has opened the door for over 50 million Americans to participate more fully in day-to-day activities and to pursue opportunities in society. One out of every five American households has a family member who has a physical or cognitive disability. This historic bill expanded access to physical buildings and countless activities, easing the ability of these citizens to go about their daily lives freely without concern that they will be denied access to a school, shopping center, business, or communication device. Access is a freedom that everyone should enjoy, and I am proud to celebrate two decades of a law designed to promote this freedom for so many. I am proud that many of the accommodations that resulted from this law are considered commonplace now.

My Congressional District has long supported the efforts to promote equal civil rights. Chicago has been a leader in the movement to improve the livelihood of Americans with disabilities. For example, the Chicago Transit System has implemented a comprehensive policy of equality by making 100 percent of the public buses wheel chair accessible, as well as improving service to meet the needs of the hearing impaired and the blind.

There is still more that we must do to promote equal rights for persons with disabilities. The recent health care law included an important step forward with the inclusion of the Community First Choice Option, which allows States to include within their Medicaid State Plans an option to receive community-based services for individuals with disabilities who are eligible for nursing homes and other institutional settings. The Community First Choice Option gives people the choice to leave facilities and institutions for their own homes and communities with appropriate, cost effective services and supports. We must continue to work to encourage States to make this option a reality. We also must continue to work to make choice for receiving care in one's community mandatory at the federal level via passage of the Community Choice Act. We should build on the precedent set two decades ago with the enactment of the ADA by giving Americans with disabilities the freedom to choose where they live.

Equality is a founding principle of our country. It has been an arduous process for many groups of people—from the Emancipation Proclamation to the Nineteenth Amendment for women's suffrage to the Civil Rights Act of 1964. The Americans with Disabilities Act of 1990 was another milestone in equality for our Nation. Thousands of individuals worked in earnest to make this law possible, and thousands continue to champion this law's implementation. For these efforts, we honor the 20th anniversary of the enactment of the revolutionary bill.

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. PUTNAM. Madam Speaker, on Monday, July 26, 2010, I was not present for three recorded votes. Had I been present, I would have voted the following way:

Rollcall No. 467—"yea."

Rollcall No. 468—"yea."

Rollcall No. 469—"yea."

IN HONOR OF UNITED STATES SENATOR GEORGE VOINOVICH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of United States Senator GEORGE VOINOVICH as he is named the Honorary President of the American Nationality Movement at the Annual Captive Nations Commemoration held in Cleveland, Ohio. During his career, Senator VOINOVICH has served as a State Representative, County Auditor, Lieutenant Governor, Governor, Mayor of Cleveland and Senator. In each capacity, he served with honor and dignity.

Senator VOINOVICH learned early on the significance of family, heritage and faith. He was born and raised in the working class, ethnically diverse neighborhood of Collinwood along Cleveland's northeast side. His parents encouraged him to go to college, and he graduated with a BA degree from Ohio University, and in 1961, a law degree from The Ohio State University.

Since his first election to public office as a Member of the Ohio House of Representatives in 1967, Senator VOINOVICH has focused his public service on issues and causes that require strong leadership. He has focused on children's issues, environmental issues, economic issues and government accountability. As Governor of the State of Ohio, Senator VOINOVICH brought together members of both parties to strengthen and enact new laws in the areas of child support, child safety and early childhood education. He also enacted stricter laws against child abusers and predators.

Since his election to the United States Senate in 1999, Senator VOINOVICH has served on numerous committees where he has worked diligently to ensure that the Federal Government works as efficiently and resourcefully as possible. In the 111th Congress, Senator VOINOVICH has continued his work protecting and preserving our environment including our most significant natural resource—our Great Lakes. He serves as co-chair of the Senate Great Lakes Task Force where he has worked to clean up and restore the Great Lakes, to safeguard the Great Lakes from oil and gas drilling, and to protect the Lakes from invasive species like the Asian carp.

Madam Speaker and colleagues, please join me in honor and recognition of Senator George VOINOVICH as he is named as Honorary President by the American Nationalities Movement. Senator VOINOVICH's lifelong public service reflects hard work, accomplishment and dedication on behalf of our community and our Nation.

RECOGNIZING SIX OUTSTANDING HIGH SCHOOLS IN TEXAS' 26TH DISTRICT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. BURGESS. Madam Speaker, I rise today to recognize six outstanding high schools located within the 26th Congressional District of Texas that were chosen by Newsweek to be placed on "America's Best High School List 2010."

"America's Best High School List" is compiled annually utilizing statistical data about the academia that public, magnet, and specialty high schools implement within their classrooms. Ranking of each school is based upon the rigorous courses that school staffs challenge their students with, such as advanced placement college-level courses and tests. Only six percent of public schools in the United States made the list this year.

Madam Speaker, I would like to submit for the RECORD the names of the high schools within my district that achieved this honor:

Keller High School (Keller ISD), Keller, TX;

Wakeland High School (Frisco ISD), Frisco, TX;

Flower Mound High School (Lewisville ISD), Flower Mound, TX;

LD Bell High School (Hurst-Euless-Bedford ISD), Hurst, TX;

Marcus High School (Lewisville ISD), Flower Mound, TX; and

The Colony High School (Lewisville ISD), The Colony, TX.

Madam Speaker, it is truly an honor to rise today and commend these exemplary high schools. I am proud to represent all of the hard working teachers, administrators, staff and students of these fine educational institutions in the U.S. House of Representatives.

HONORING THE LIFE OF MRS. KAREN BAUMAN

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. HIGGINS. Madam Speaker, I rise today to honor the life of Karen Bauman and to acknowledge her dedication to the teachers, students, and people of Western New York. Mrs. Bauman passed away suddenly on June 30, 2010 at the age of fifty-eight.

Karen Bauman was born on October 5, 1951 in Buffalo, New York. She was the younger of two children born to Frank and Sophia Hlavna. She graduated from Hamburg High School in 1969 and continued her education at Bryant and Stratton College. After finishing school, Karen found a job working for Liberty National Bank. It was at this bank where Karen met her future husband, Thomas Bauman. They were married in 1979, and when their children were born, Steven in 1980 and Joseph in 1984, Karen decided to stay home to raise her family.

Karen became uniquely involved in education when her oldest son, Steven, began kindergarten in 1986. She started volunteering at St. Mary of the Lake School several times a week, but it wasn't until 1990, the same year her son Joseph started kindergarten, when she was hired full time. She stayed in her position as an aide for twenty years.

During her many years of service, Karen had the privilege of teaching many children, leaving an everlasting impression on their lives. One of her students, Nicole Santiago, wrote, ''She was one of the sweetest women I have ever had the good fortune to know. The things she has taught me will stay with me for the rest of my life. I will miss her so much.''

Everyone who knew Karen remembers how her smile and laughter would brighten up the room and how she was always involved with various school, parish, and community functions. Whether it was serving as a Eucharistic Minister at St. Mary of the Lake Church or helping out at various school functions at St. Mary's School for the Deaf, Karen dedicated her life to service and volunteerism. Karen believed in living a Catholic life and she passed that on to her two sons.

Mrs. Bauman is survived by her husband, Thomas Bauman, her sons, Steven and Joseph, her brother, Larry Hlavna, as well as one niece and six nephews.

Madam Speaker, I rise today to honor Karen Bauman for her dedication to others and tireless service to the Western New York community. I invite my colleagues to join me in honoring her life and extending her family our deepest condolences.

CELEBRATING THE 75TH ANNIVERSARY OF THE SOCIAL SECURITY PROGRAM

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. YOUNG of Florida. Madam Speaker, our nation will observe a landmark event next month as we celebrate the 75th anniversary of the Social Security program.

With its signing into law by President Franklin Roosevelt on August 14, 1935, our nation established a lifeline for countless millions of Americans and for thousands of the residents of the 10th Congressional District I have the privilege to represent. Throughout the past eight decades, Congress has always acted in a bipartisan manner to ensure the fiscal solvency of the program.

Ever since I was elected to Congress in 1970, I have dedicated myself to ensuring the financial security of the Social Security Trust Funds. At times, I had to speak out against Presidents of both parties who proposed changes in the system that would cut or eliminate Social Security cost-of-living-adjustments (COLAs) or even replace the program with private Social Security savings accounts. It was in the early 1980s that I established the bipartisan Social Security Caucus to fight against cuts in the COLAs and to preserve and protect the Social Security Trust Funds to ensure that benefits would continue to be there, as promised, for current and future generations of workers.

It was with great pride that I supported two of the major legislative initiatives to improve the delivery of Social Security benefits and to provide for the program's long-term financial solvency. The 1972 amendments adjusted benefits to allow them to catch up with inflation over the program's first 37 years and also instituted an automatic cost-of-living payment to allow them to stay in balance with inflation from there on out. The 1983 amendments made some adjustments to the program to reflect the longer lifespan of workers and the impact of inflation on the program and protected the long-term stability of the program for more than 75 years. That legislation passed the House 243–102 with my support as I joined 163 Democrats and 79 Republicans in approving the bill.

The 1983 amendments reflect what Congress can do in the interest of the American people when we work together in a bipartisan manner for the good of the people we are elected to serve. A House with a large Democrat majority joined a Senate with a Republican majority and worked with Republican President Ronald Reagan to make some tough decisions that protected the Social Security benefits for generations of older Americans.

As our nation looks down the road at our fiscal future, I will remain vigilant in seeing that Social Security continues to be a sound self-financing system that provides retirement security for generations of retirees. There is no doubt though that the time will come when we need to reexamine the financial footing of the system and it is my hope that we will once again join together in a bipartisan manner to make the best decisions for the American people.

Madam Speaker, too often Social Security has been used as a political weapon to scare older Americans for the benefit of one political cause or another. As we prepare to celebrate a milestone anniversary of the Social Security program, let us dedicate ourselves to reassuring the American people of our commitment to its long-term solvency and to honoring the greatest traditions of this House and this Congress to ensure that we address any future needs of the program in a bipartisan manner as we have done so many times in the past.

My resolve to protect Social Security for our nation's elderly remains firm and you can be sure of my continuing commitment in this regard. We owe the people we represent no less.

RECOGNIZING THE BICENTENNIAL OF THE CITY OF McMINNVILLE

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. DAVIS of Tennessee. Madam Speaker, I rise today to recognize the City of McMinnville, which next week will celebrate its bicentennial.

Named after Governor Joseph McMinn, who helped write the Tennessee state constitution in 1796, McMinnville has been the center of economic activity for Warren County for the last two hundred years. Agriculture and horticulture have long been staples of the people who live in middle Tennessee, and McMinnville is no exception. McMinnville's position on the Cumberland Plateau makes it uniquely suited to growing a wide variety of crops and plants. Home to about 650 nurseries specializing in everything from evergreen trees to flowering shrubs, it's no wonder that McMinnville is known as the ''Nursery Capital of the World.''

For a rural Tennessee community, McMinnville has given our country its fair share of notable statesmen and entertainers. Carl Thomas Rowan grew up in McMinnville before attending Tennessee State and Washburn Universities. He was later appointed Deputy Assistant Secretary of State by President John F. Kennedy, served at the U.S. Ambassador to Finland, and became the first African American to hold a seat on the National Security Council.

In keeping with Tennessee's musical tradition, several McMinnville residents have become well known musicians in Nashville and throughout the United States. McMinnville native Uncle Dave Macon, also known as ''the Dixie Dewdrop,'' became one of the first stars of the Grand Ole Opry. Dinah Shore moved to McMinnville with her family in 1924 and went on to become a television star and singer, performing alongside stars like Frank Sinatra and Ella Fitzgerald. Born and raised in McMinnville, Dottie West was made famous with her role as ''Miss Country Sunshine'' in a Coca-Cola commercial and her performances at the Grand Ole Opry.

As residents in McMinnville and across Warren County prepare to mark the city's 200th anniversary, I encourage them to take a moment and reflect on the history and heritage of their community so that it may be preserved as the city begins its third century.

IN MEMORY OF HARRY W. ''RED'' CAUGHRON

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. CANTOR. Madam Speaker, I rise today to pay tribute to an outstanding educator and

coach who graced the hallways—and the gridiron—of some of the finest academic institutions in the Commonwealth of Virginia. Harry W. ''Red'' Caughron, an All-Conference tackle for the College of William & Mary in the 1940s and longtime head coach and athletic director at Woodberry Forest School in Madison County, VA, died May 28, 2010.

Coach Caughron was described by admirers as ''the very best of the principles that should imbue sport.'' A native of Sevierville, Tennessee, he played freshman football at William & Mary before serving with the 78th Infantry Division, 2nd Battalion, and the 84th Infantry Division during World War II. After the war, he returned to William & Mary, where he co-captained the squad that defeated Oklahoma State in the 1948 Delta Bowl, and completed both undergraduate and graduate degrees.

Caughron coached at James Wood High School in Winchester, Virginia, and at Hammond High School in Alexandria, Virginia, before joining Woodberry Forest in 1960. He became athletic director at Woodberry in 1961.

Over 31 seasons as Woodberry's head coach, Caughron compiled a record of 217 wins, 56 losses, and seven ties—one of the best among Virginia high school coaches. His teams, eight of which were undefeated, earned 15 conference championships. He was an eight-time Virginia Prep League Coach of the Year, and was inducted into the Virginia Sports Hall of Fame in 2009.

Caughron was a modest man who, while committed to winning, was even more invested in developing young men of sterling character who played by the rules and exhibited good sportsmanship. It is my privilege to honor the memory of Red Caughron.

RECOGNIZING THE 200TH ANNIVERSARY OF THE PENSACOLA FIRE DEPARTMENT

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. MILLER of Florida. Madam Speaker, it is with great pleasure that I rise today to recognize the 200th Anniversary of the City of Pensacola's Fire Department. Pensacola has truly benefited from their 200 years of exceptional service.

Since 1810, Pensacola's Fire Department has been made up of men and women with the utmost valor and integrity. These individuals have dedicated their lives to the service of protecting the 60,000 residents of Pensacola, Florida. Specializing in fire suppression, fire code enforcement, emergency medical services and public education programs, these first responders have provided vital services that have benefited countless individuals throughout the community.

Determined and dedicated, the city of Pensacola's brave fire fighters go above and beyond the call of duty every day. Their level of commitment and sacrifice over the last 200 years is truly remarkable and will never be forgotten. Whether is it fighting flames or visiting school campuses, these men and women serve with distinction and as real American heroes.

Madam Speaker, on behalf of the United States Congress and the entire northwest Florida community, I am proud to honor the Pensacola Fire Department on their 200th Anniversary. Their commitment to community and passion to protect will always be remembered. It is an honor to acknowledge this momentous occasion, and I thank the men and women of the department for their two centuries of selfless service.

PERSONAL EXPLANATION

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. BRALEY of Iowa. Madam Speaker, I missed votes on Monday, July 26, 2010 due to flooding in the district. If I were present, I would have voted:

''Yea'' on rollcall No. 467, On Motion to Suspend the Rules and Pass, as amended, H.R. 1320—To amend the Federal Advisory Committee Act to increase the transparency and accountability of Federal advisory committees, and for other purposes.

''Yea'' on rollcall No. 468, On Motion to Suspend the Rules and Agree, as amended, H. Res. 1504—Recognizing and honoring the 20th anniversary of the enactment of the Americans with Disabilities Act of 1990.

''Yea'' on rollcall No. 469, On Motion to Suspend the Rules and Pass, as amended, H.R. 3101—Twenty-First Century Communications and Video Accessibility Act.

COLONEL THOMAS C. CHAPMAN

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. CARDOZA. Madam Speaker, I rise today to honor Colonel Thomas C. Chapman as he is completing his post as the 29th District Commander of the Sacramento District of the U.S. Army Corps of Engineers.

Col. Chapman was commissioned as a second lieutenant in the Army Corps of Engineers in 1984. His initial assignments were at Fort Knox, KY, with the 552nd Engineer Battalion, 194th Armor Brigade and 19th Engineer Battalion as Platoon Leader, Company Executive Officer and Battalion Assistant S3. Follow-on assignments included Battalion S4 and Company Commander with the 326th Engineer Battalion, 101st Airborne Division (Air Assault) at Fort Campbell and during Operations Desert Shield and Desert Storm. He was also Project Manager in the Chicago District, U.S. Army Corps of Engineers; Staff Engineer for the 2nd Infantry Division at Camp Red Cloud, Korea; and Brigade Operations and Executive Officer at Ford Leonard Wood. Col. Chapman also served as Assistant Chief of Staff of the U.S. Army Maneuver Support Center and Chief of Staff of the U.S. Army Engineer School.

Col. Chapman commanded the Philadelphia District of the U.S. Army Corps of Engineers from July 2002 to July 2004. Before coming to the Sacramento District in 2007, he also was Assistant Corps Engineer for the NATO Rapid Deployment Corps in Italy, which included serving as Chief Engineer for NATO's International Security Assistance Force in Afghanistan.

Col. Chapman holds a bachelor of science degree in civil engineering from the United States Military Academy and a master of science degree in civil engineering from the Illinois Institute of Technology. He is a graduate of the U.S. Army Ranger, Airborne and Air Assault courses, the Engineer Officer Basic and Advanced courses, the U.S. Army Command and General Staff College, and the Industrial College of the Armed Forces where he earned a master of science degree in national resource strategy. He is a registered professional engineer in Virginia.

Through my professional work with Col. Chapman, I found him to be a consummate public servant dedicated to mission of the Corps and to seeing progress on several flood control projects of utmost importance to my congressional district. I am honored to recognize his service and call him my friend. I wish him continued success and happiness in his future.

Madam Speaker, I ask that my colleagues join me in honoring Colonel Thomas C. Chapman for his efforts and dedication to the Sacramento District of the U.S. Army Corps of Engineers.

RECOGNITION OF SUDHIR PARIKH

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. PALLONE. Madam Speaker, I rise today in recognition of Dr. Sudhir M. Parikh, a resident of New Jersey and honored member of the Indian American community. Dr. Parikh recently received the 2010 Padma Shri award from President Pratibha Patil of India, honoring distinguished Indians and people of Indian origin for their contributions to a wide variety of fields in public life. I applaud Dr. Parikh's achievements and dedication and recognize his work as it serves as an inspiration to us all.

Dr. Parikh is a nationally acclaimed and respected allergist and immunologist and has used his time, money, and influence to advance the goals of the Indian American and Indian communities. With the Padma Shri award, Dr. Parikh becomes the only Indian American to receive the Ellis Island Medal of Honor, the Pravasi Bharatiya Samman, and the Padma Shri. The Ellis Island Medal is the highest civilian honor presented to a U.S. immigrant for community and social service. The Pravasi Bharatiya Samman award is the highest honor the Government of India presents to non-residents.

Publisher of Parikh Worldwide Media, Inc., the largest Indian American publishing group in the United States, Dr. Parikh's priority is to use the media to empower second-generation Indians assimilating to American society. His work with the media has a dual purpose: to expose mainstream America to the accomplishments and quality of the Indian American community and to encourage young people to pursue the American Dream.

Dr. Parikh has also helped construct an influential Indian American lobbying force in Washington D.C., arranged several high-level meetings between U.S. and Indian lawmakers,

and secured critical votes on multiple Indian issues. Dr. Parikh has worked closely with members of both houses of Congress and the Administration to develop a close, strategic relationship between the United States and India. Under his guidance, the Friends of India Caucus was created in the Senate. Dr. Parikh was also actively involved in the U.S.-India Civilian Nuclear Agreement. He currently serves as founding board member and Vice Chairman of the Indian American Republican Council, President of the Indian American Forum for Political Education and the board of the Federation of Indian Associations.

As a community activist, Dr. Parikh has donated to charitable organizations in both the United States and India. Most notably, he accompanied former President Bill Clinton to Gujarat in 2001 following the devastating earthquake and in 2004 launched a humanitarian program to help tsunami victims. Dr. Parikh has worked to establish trauma centers in India and supports the One Teacher School in tribal regions. Moreover, Dr. Parikh has donated considerably to the Indian Independence Day Parade, the American India Foundation, Share and Care, and the Nargis Dutt Foundation. Dr. Parikh is one of the largest benefactors of both the Vraj Temple and the Vaishnavaite Temple.

Madam Speaker, please join me in leading this body in acknowledgement of the extraordinary contributions of Dr. Sudhir Parikh. He is a greatly valued citizen of the state of New Jersey, and I am honored to recognize him today.

RECOGNIZING THE FORSAN LADY BUFFS' SOFTBALL 2009 AND 2010 STATE CHAMPIONSHIP

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. NEUGEBAUER. Madam Speaker, I proudly congratulate the Lady Buffs softball team of Forsan High School in Forsan, Texas for winning the 2009 and 2010 Texas 1A State Softball Championships.

In their second appearance in the state tournament, the Lady Buffs defended their softball state championship. The Forsan Lady Buffs finished their 2009–2010 season with a 26–4 record, with none of their four losses coming against Class 1A opponents. The impressive record demonstrates the team's strength and ability to work together to achieve success.

Coached by Shanna Roberts, this year's Forsan Lady Buffs successfully proved that their 2009 State Championship was not a fluke, as critics claimed. The team had a strong postseason, outscoring their opponents by 41 runs, 50–9. In the 2010 state championship game, Amanda Longorio pitched a one-hit shutout, leading the Lady Buffs to a 5–0 win over Blue Ridge; this earned her the distinction as the game's Most Valuable Player.

I applaud the Lady Buffs' hard work and tradition of success. With great support from the community, the team proved itself as the best 1A softball team in Texas two years running. The Lady Buffs exemplify the principles of competitive spirit and success both on and off the field, and I congratulate them on their well-deserved state championships.

HONORING THE RETIREMENT OF MR. STEVEN MORRISON

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Ms. BALDWIN. Madam Speaker, I rise today to honor the career and achievements of Mr. Steven Morrison, Executive Director of the Jewish Federation of Madison, as he retires from his esteemed position after 27 years of service.

From an early age, Steve displayed a passion for service in the Jewish community. Shortly after joining the B'nai B'rith Youth Organization in his hometown of Elgin, Illinois in 1959, he was elected AZA Grand Aleph Godol—International President. This position was only the beginning of a long career dedicated to improving the world and giving back to his community.

When Steve arrived in Madison in 1984, he immediately began working to strengthen Madison's Jewish community and weave it into the larger fabric of this great city. Under his leadership, Camp Shalom grew from a program serving 150 youngsters to one which now serves almost a thousand children of diverse racial, ethnic, and social backgrounds and abilities every summer. Steve helped enrollment in the Hilde L. Mosse Gan HaYeled Preschool and Midrasha Hebrew High School reach record levels. He also assisted in the development of the recreational facilities and programs offered at the Goodman Campus, which are now enjoyed by families throughout the region. Furthermore, as Executive Director of Madison's Jewish Social Services, Steve expanded the agency's outreach to immigrants and refugees in need of support as they adapted to a new home and way of life.

Steve's commitment to the larger Madison community is rooted in the Judaic teachings of education and justice. With humor, tact, keen intellect, compassion, and chutzpah, he brings people to the table and helps guide them toward mutual understanding and growth. Steve is a fierce defender of minority rights, whether speaking against hate crimes or in support of same-sex marriage. As Chair of the Madison Public Schools Human Relations Council for more than two decades, Steve helped teachers and administrators better understand the needs of students who come from a variety of backgrounds. Among the countless awards and honors that Steve received over the years are the Mandelkorn Distinguished Service Award given by the Association of Jewish Community Organization Professionals and Ally of the Year given by OutReach, Madison's LGBT Community Center.

Tikkun olam, or the obligation to repair the world, is a basic tenet of Judaism. Broadly, it is interpreted to suggest that we all have a role to play in giving back and enhancing the world in which we live. There is nobody, in my mind, who personifies this better than Steve. I have no doubt that the impact of his work will continue to benefit individuals in communities here in Wisconsin, across the United States, and far beyond the borders of our great nation. May his unwavering dedication, vision, and lifelong commitment to the highest ethical standards continue to serve as an inspiration for us. I join both the Jewish and greater Madison communities in honoring Mr. Steven Morrison's achievements and thanking him for his lifetime of service.

PERSONAL EXPLANATION

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. BISHOP of Georgia. Madam Speaker, I regret that I was unavoidably absent yesterday afternoon, July 26, on very urgent business. Had I been present for the three votes which occurred yesterday evening, I would have voted "aye" on H.R. 1320, rollcall vote No. 467; I would have voted "aye" on H. Res. 1504, rollcall vote No. 468; and I would have voted "aye" on H.R. 3101, rollcall vote No. 469.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $13,252,030,092,034.06.

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 $2,613,604,345,740.26 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

THE 29TH CELEBRATION OF LA PRESENCIA PUERTORRIQUEÑA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. VISCLOSKY. Madam Speaker, I am honored to stand here before you today to commemorate La Presencia Puertorriqueña, or the Puerto Rican Presence, a celebration in honor of Puerto Rican heritage. On July 29, 2010, the patrons of Northwest Indiana will come together in East Chicago to celebrate, learn, and understand one another's differences through festivities of the diverse ethnic heritage. Through the variety of Puerto Rican showcases and spotlights, people will learn the history, heritage, culture, and much more about the commonwealth.

La Presencia Puertorriqueña, which embarks on its 29th celebration, is done in coordination each year with a significant event: Puerto Rico's unification to the United States through a commonwealth, which occurred on July 25, 1952. Each year, as over 5,000 people flock to line the streets of East Chicago, the initiation of Puerto Rico as a part of the United States is celebrated. With this celebration, the entire history and culture of Puerto Rico is presented to the people of Northwest Indiana for a memorable experience.

In an array of ways, families and folk who attend can share an educational and warm Puerto Rican influenced experience. During the festivities, Puerto Rican ethnic heritage is put on display. Relics, traditional instruments, drawings, paintings, and a variety of other items representative of Puerto Rican culture fill the East Chicago library. Many talented individuals find themselves performing for these festivities through music and dance. Each year, people reminisce about native regalia, delectable food, stylistic art, and the notorious island coqui, a tiny frog known throughout the island of Puerto Rico for its relentless chirping. It is an educational experience the whole family can enjoy. People are left with memories and knowledge about the culture, heritage, and diverse values of the Puerto Rico.

For the past twenty-nine years, La Presencia Puertorriqueña has brought together thousands, including an assortment of local sponsors, business and civic leaders, politicians, non-profit organizations, and people of a variety of heritages to appreciate the Puerto Rican presence in Northwest Indiana and come together.

Madam Speaker, at this time, let us pay tribute to the Puerto Rican people and their influence in the Northwest Indiana area. As we celebrate the welcoming of Puerto Rico as a commonwealth, I ask that you and my other distinguished colleagues join me in honoring Puerto Rican contributions and culture in the Northwest Indiana area. Their efforts in the community to educate and serve the people are to be commended.

HONORING FALLEN MARINE LANCE CPL. GARRETT GAMBLE

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. OLSON. Madam Speaker, I rise today to honor Lance Cpl. Garrett Gamble. Garrett died in the Helmand province, Afghanistan on March 11th, 2010.

In honor of Garrett's life and service, I submit the following poem, penned by Albert Cafrey Caswell.

GARRETT'S GIFT

Garrett's!
Garrett's gift!
So Brilliant, and Bright!
So Magnificent, this light!
So all of this!
So Brave, This Light!
As That Last Full Measure . . .
Was but Garrett's fine gift, this night!
A United States Marine!
Who upon battlefields of honor, was seen!
Seen . . . Marching, into that valley of death. . . .
With no regrets!
As shone, his most brilliant sheen! His quest!
As he took, all of those most courageous steps!
But worn upon his fine chest, all in courage's crest!
Giving all, until none lie left!
For all of his most beloved Brothers In Arms, to bless!
All in a Hero's quest, all To Be The Best!
As a Freedom Fighter, no less!
For such lights come, only from one's soul so bright!
To but vanquish the darkness, and bring The Light!
All in what you have done, all in your short life. . . !
A Mother cries, as her fine son has died . . . as she asks why?
Fine comfort! One day up in Heaven, he will be by your side!
Thy Will Be Done!
For you Garrett my son, are but the Brightest of All Ones!
Because, moments are all we have!
To Grab Hearts, To Make Difference . . . To Heaven Rise!
All in your most magnificent shades of green! You United States Marine . . .
And when there comes a gentle rain, all across Sugar Land. . . .
Our Lord's tears will remain, with your Mother to ease pain!
For Heaven has just gotten stronger, as a new Marine belongs there!
And as the tears roll down our cheeks, remember what brilliance can be!
And remember all of this, and remember Garrett's Gift!
Amen!

IN HONOR OF THE DONATION OF JOSEPH SCHIPRETT TO THE LONSDALE PUBLIC LIBRARY

HON. JOHN KLINE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. KLINE of Minnesota. Madam Speaker, I rise today to recognize the generosity of a benevolent donation to benefit the community of Lonsdale, Minnesota.

The Lonsdale public library is now home to a text enlarger that returns the gift of reading to those whose eyes aren't as sharp as they once were. Estimated to cost $1,800, this gift was made possible by Joseph Schiprett, a Lonsdale resident. Joseph purchased the machine for his wife who was losing her eyesight due to Diabetes. Helen, who never lost her love for reading, passed away in 2007, at which time Joseph shared this gift with the entire Lonsdale community.

As the Senior Republican on the Education and Labor Committee, I commend Mr. Schiprett for his selfless donation and investment in the continuing education of the Lonsdale community.

HONORING DAVE SOLEM

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. WALDEN. Madam Speaker, I rise today to share with you the deep appreciation that I and the people of the Klamath Basin hold for Dave Solem, the manager of the Klamath Irrigation District.

Those who know Dave admire his considerable knowledge, skill, and leadership abilities. You can always rely on Dave to have the informed perspective and good judgment to find solutions that make a difference.

It is with mixed emotions that I join my fellow Oregonians in bidding Dave farewell as he leaves the Klamath Basin for a new career. After 28 years of managing the Klamath Irrigation District, Dave is leaving to become the general manager of the South Columbia Basin Irrigation District in Pasco, Washington. Dave's departure is a great loss for those of us who hold Klamath Basin agriculture close to our hearts.

Madam Speaker, you may be familiar with the vast agricultural bounty of the Klamath Basin. Known worldwide for its superior food and forage crops, the success of the basin depends on the conservation and delivery of water. Dave's contributions to irrigated agriculture have been unmatched.

As the general manager of the Klamath Irrigation District, Dave earned a stellar reputation as a leader, organizer, and team player, overseeing all aspects of operation and maintenance of a complex irrigation and drainage system. The Klamath Irrigation District is a major enterprise consisting of irrigation and drainage systems that span 400 miles in length.

Dave, a professional in every sense of the word, managed major water projects during his tenure, including the $14 million A-Canal Fish Screen and Headworks Construction, the $900,000 A-Canal Tunnel Invert Replacement, the $700,000 Miller Hill Pumping Plant Replacement, and the $350,000 Adams Siphon Construction.

Madam Speaker, Dave knows the value of water and has spent a career managing that precious resource for all uses. Klamath Irrigation District, under Dave's leadership, has been committed to ongoing efforts to conserve water, including several miles of canal piping, the automated telemetric control system of all of the head gates and major canals, and, most recently, the initiation of a GIS mapping and monitoring system for the district.

Dave has served as director of the Klamath Water Users Association, including two terms as president. He was frequently the voice of irrigated agriculture in state and federal forums. He distinguished himself in his time at the Klamath Water Users Association by receiving their Leadership Award three times, and was praised for the strong roles he took in the Klamath River Fisheries Task Force and his participation in addressing issues related to water supply, water quality, herbicide application, tribal trust, the environment, and electric power.

Dave is no stranger to Congress, as he has made frequent trips to Washington, D.C. to meet with members of Congress, Senators, and staff members as well as testify in hearings. He has met with high level agency and administration officials to help them understand that intricacies of water in the Klamath Basin.

I invite my colleagues to join me in wishing Dave and his wife, Julie, Godspeed as they pursue new horizons. Dave will be sorely missed in the Klamath Basin, as he is a man of extraordinary character and honesty who has served the irrigators in the Klamath Reclamation Project exceptionally well.

Dave may be leaving the area, but the results of his great work will remain, and he will always be our friend.

HONORING MILFORD POLICE CHIEF WAYNE WALLI

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Milford Police Chief Wayne Walli, upon his retirement after a distinguished 39 year career in law enforcement.

After graduating from Rochester High School in 1967, Wayne pursued what he thought would be his career path, earning a Bachelor of Science Degree in Engineering from Oakland University in 1971. During his senior year at Oakland University Wayne discovered that he no longer felt a passion for the vocation he had chosen. Soon after graduation, Mr. Walli took an extended vacation to New York City where by observing the busy police officers of Manhattan he took an interest in police work.

Upon his return to Michigan, Wayne Walli was elated to discover that the City of Pontiac was hiring police officers. Applying for the position, Walli set himself on the career path he would follow for the next four decades. Chief Walli began his career in law enforcement with the City of Pontiac in 1972. He served that city for 11 years as a police officer, 4½ years as a Sergeant and Captain for 6½ years. Leaving a lasting legacy, Walli authored the orientation manual still employed by the Pontiac Police Department for beginning sergeants.

Walli completed training at the FBI National Academy in 1993 and in 1996 became Police Chief of Milford where he was instrumental in initiating a township wide police millage in 1997. In 2004 he was instrumental in the approval of a millage dedicated to converting the former library to house the police department headquarters. Under his leadership the Milford Police Department increased its patrol and investigative abilities, growing the number of sworn officers from 12 to 20 although the number of officers is currently 18.

Chief Wayne Walli is a member of the FBI National Academy Associates, the International Association of Chiefs of Police, the Michigan Association of Chiefs of Police and the Oakland County Association of Chiefs of Police.

Wayne Walli has proven to be a man of dedicated and irreproachable service. His loss will be felt by all the citizens of Milford who wish him nothing but happiness.

Madam Speaker, for 39 years Police Chief William Walli has faithfully served the State of Michigan. As he enters the next phase of his life, he leaves behind a legacy of dedication, integrity, and excellence. Today, I ask my colleagues to join me in congratulating Police Chief William Walli upon his retirement and recognizing his years of loyal service to our community and country.

RECOGNIZING LAURA HURD, CODY HUDSON, MARCELO SOMOS VALENZUELA, AND RACHEL CHISHOLM FOR THEIR OUTSTANDING WORK IN SANDERSON, TX

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. RODRIGUEZ. Madam Speaker, I rise today to recognize 4 students for their outstanding contributions in my district and their dedication to academic success. University of Texas students Laura Hurd, Cody Hudson, Marcelo Somos Valenzuela, and Rachel Chisholm recently completed and presented their graduate hydrology projects on flooding in Sanderson, Texas. This is especially important because their academic work will directly benefit the people of Sanderson and Terrell County.

In 1965, Sanderson experienced severe flooding, killing 27 people and devastating the town. In response, the Federal government built $37 million worth of dams and watershed infrastructure to protect the flood-prone area from any future incidents. This infrastructure has prevented similar devastating floods and changed the flood plain forever; however, the FEMA flood plain maps were never updated to reflect this new infrastructure. The old maps still show much of the town and over 200 residents living in a flood plain that no longer exists. By law, residents living in flood zones are required to purchase flood insurance. For many years residents of this tiny, rural town have been unnecessarily paying for flood insurance.

The town of Sanderson in Terrell County, Texas, is a town of just over 1000 people and is larger than the state of Rhode Island. By itself, this community does not possess the capacity or means to remap its flood zones. With the help of the University of Texas and its graduate hydrology students, the town was able to complete much of the technical and complex analysis required in flood zone mapping. At the same time the students were able to gain valuable experience by completing hands-on coursework.

The students traveled to Sanderson during their Spring Break to begin their work. The community of Sanderson is very appreciative and I am proud to acknowledge their work. I want to again thank Laura Hurd, Cody Hudson, Marcelo Somos Valenzuela, and Rachel Chisholm as well as Mr. David Maidment the Director of the UT Center for Research in Water Resources and other administrators that made this possible.

As a former educator myself, I am always impressed when we can use academic enrichment exercises to improve local communities. This will leave a lasting effect on this community and we are grateful for your work.

PERSONAL EXPLANATION

HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Ms. CHU. Madam Speaker, on July 26, 2010, I was absent from the House and missed rollcall votes 467, 468 and 469.

Had I been present for vote 468, on H.R. 1320, the Federal Advisory Committee Act Amendments, I would have voted ''aye.''

Had I been present for vote 469, on H. Res. 1504, recognizing and honoring the 20th anniversary of the enactment of the Americans with Disabilities Act, I would have voted ''aye.''

Had I been present for vote 470, H.R. 3101, the Twenty-first Century Communications and Video Accessibility Act, I would have voted ''aye.''

HONORING MR. BRIAN TOUPS FOR EARNING THE GOLD CONGRESSIONAL AWARD

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Mr. Brian Toups for earning the Gold Congressional Award. Mr. Toups has proven himself to be an achiever and an exceptionally capable young man. Madam Speaker, I am pleased to recognize him for being awarded with such a distinct and coveted honor.

The Gold Congressional Award is the only congressionally recognized award given to youth. The recipient must meet a rigorous set of requirements. These requirements include a minimum of four hundred community service hours, two hundred hours of personal development and physical fitness activities, and the planning, preparation, and execution of a four night expedition. Not only has Mr. Toups successfully met each requirement, he has surpassed every expectation.

To fulfill the four hundred hours of community service, Mr. Brian Toups spent time working at a program for underprivileged children. While working with these children, Mr. Toups was a shining example of the virtue of voluntarism as he worked to provide a positive influence and make a lasting impact in their lives. Additionally, Mr. Toups pushed his physical limits by enrolling in a competitive gymnastics program. Indeed, this was no easy task. However, focusing his ambition and remaining steadfast in his commitment, he prevailed.

Mr. Brian Toups, spent many hours penning literary works ranging from short stories to novels. Honing his skills as a writer, he has submitted at least 500 pages of stories to a local publisher. In his final effort to earn the Gold Congressional Award, Mr. Toups prepared a journey to Northern Alaska. During this trip, he was faced with numerous challenges as he traversed the rugged road known as the James W. Dalton Highway.

Madam Speaker, throughout the course of his journey, Mr. Brian Toups had an incredible opportunity to develop character and integrity by taking an active role in his community. It is a real privilege to recognize Mr. Toups, and on behalf of the entire United States Congress I congratulate him on his amazing accomplishment.

IN HONOR OF CAROL HARTUNIAN GIRVETZ

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. FARR. Madam Speaker, I rise today to honor the life of Carol Hartunian Girvetz of Santa Cruz, California. Carol Hartunian Girvetz passed away on July 4th, 2010. Carol will be remembered always as a loving mother, loyal wife, and dedicated citizen committed to her community.

Carol Hartunian Girvetz was born in Hollywood in 1946 to Armenian immigrant parents. She spent her early years as a young adult studying Art and English at UC Santa Barbara. After college, she began her career as a teacher and quickly changed paths upon taking a job with Pan American as a flight attendant. During this time, she worked on many R&R flights tending to soldiers from the Vietnam War as they traveled to meet their loved ones back at home, and then returning them back to the battlefield.

After her days of traveling with Pan American, Carol returned to California to begin her new life as a wife and mother. Carol and her husband George raised their two children, Evan and Shyla in the small town of Freedom in Santa Cruz County. Her connection with the community was immediate as she became enmeshed in the community's needs. She served on the Women's Commission and along with several women, started the first shelter for female victims of domestic violence. This achievement would be the first of many in her thirty years of service to Santa Cruz County. Carol most recently retired from the position of Assistant County Administrative Officer, where I had worked with her for years. Carol was known by her colleagues for her strong work ethic, great sense of humor, and devotion to public service. She was an extraordinary person and public employee who will always be remembered and missed by her colleagues.

In addition to her work in public service, Carol was also heavily involved in local fine arts in Santa Cruz. She played a large role in the development of the McPherson Center for Art and History. She also served as a board member for such organizations as United Way of Santa Cruz County and Santa Cruz Museum of Art and History, among others. Her hard work has given the community and future generations the opportunity to be immersed in fine arts. Her life is a testament to how the commitment of public service can leave a lasting impact on a community.

Madam Speaker, I ask members of the House to join me in honoring the life of Carol Hartunian Girvetz, and extend our nation's deepest gratitude to her thirty years of service to her community. Carol lived sixty-four years of life filled with the love of her family, passion for public service and the arts, and will be greatly missed.

ON THE BIRTH OF CAMERON ROSE DONAHUE

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. WILSON of South Carolina. Madam Speaker, I am happy to congratulate Brian Donahue and his wife Julie on the birth of their new daughter Cameron Rose Donahue. Cameron was born on Monday, July 26, 2010, at 3:34 in the afternoon at Arlington, Virginia, with a full head of gorgeous red hair.

Cameron Rose Donahue is 6 pounds of pride and joy to her grandparents, R. Scott and Claudia Horner of New Jersey and Marilyn and Francis Donahue of Florida and New Jersey.

I am so excited for this new blessing to the Donahue family and wish them all the best.

HONORING GEORGE B. VASHON

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor George B. Vashon, a 19th century Pennsylvanian who distinguished himself as an African-American educator, abolitionist, poet, and activist, and who earlier this year was posthumously admitted to the bar 163 years after he first tried to break this barrier. Vashon was born in Carlisle, PA in 1824 and raised in Pittsburgh, the son of John B. Vashon, a leading anti-slavery crusader, businessman, and veteran of the War of 1812. Both John and George Vashon were active in the western Pennsylvania abolitionist efforts of the time, helping escaped slaves on the Underground Railroad and organizing Pittsburgh's black community in several anti-slavery gatherings. Frederick Douglass, William Lloyd Garrison, and Martin Delany were among the Vashons' closest associates and family friends.

Growing up as a student of the abolitionist crusade, George B. Vashon became the first black American to graduate from Oberlin College and soon turned his focus toward the law as the means by which he would effect change. In 1847, after studying under the Honorable Judge Walter Forward, later a U.S. Treasury Secretary, George Vashon applied for admission to the Pennsylvania bar but was denied because of his race. In 1838, a revision of Pennsylvania's constitution restricted the practice of law to white men. Shortly after he was turned down in Pennsylvania, Vashon applied for and passed the New York bar and became the first black lawyer in that state, where he later went on to become the first black person to run for office in New York. Vashon would later also be admitted to the bar of the U.S. Supreme Court. After he gained this achievement, he again sought admission to the Pennsylvania bar, but was denied for a second time.

George B. Vashon's career was mostly spent in education: as one of the first black college professors in this country, an official in Pittsburgh's public school system, a founder and the first black professor at Howard University, and the President of Avery College in Pennsylvania. He helped lead many anti-slavery conventions, was active in the lobbying efforts to pass the 13th, 14th, and 15th amendments to the Constitution, and was a contributor to Frederick Douglass' newspaper, The North Star.

Madam Speaker, George Vashon's life was dedicated to bringing equality to African Americans and he broke many barriers in trying to do so. Not surprisingly, however, he also faced significant discrimination and his being denied admission to the Pennsylvania bar thwarted his hopes of practicing law in his home state. His many accomplishments and lifework are inspiring and continue to stand as impressive for a person of any color.

In an attempt to remedy what was denied George B. Vashon in his lifetime, his great grandson Nolan Atkinson, a prominent Philadelphia attorney and constituent of mine, was joined by his nephew and Vashon's great, great grandson, Paul Thornell, in petitioning the Supreme Court of Pennsylvania on behalf of their ancestor. On May 4, the Pennsylvania Supreme Court righted a wrong in the history books when it posthumously admitted Vashon to the Pennsylvania bar. In doing so, the Court issued the following order: "In acknowledgement of Mr. Vashon's credentials and achievements, this Court hereby admits George B. Vashon to the practice of law in the Courts of this Commonwealth posthumously."

Madam Speaker, I am pleased to share this notable achievement of an outstanding, if lesser-known American—George B. Vashon. It is also a privilege to recognize the important efforts that resulted in his becoming the first African American to gain admission to legal practice in Pennsylvania.

HONORING THE CROSS PLAINS FIRE DEPARTMENT

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Ms. BALDWIN. Madam Speaker, I rise today to honor the 100th anniversary of the Cross Plains Fire Department.

Since 1910, the Cross Plains area has been under the responsive and watchful eye of the Cross Plains Fire Department. Fire departments play an essential role in any community, and the Cross Plains Fire Department is no exception. Their steadfast vigilance of the area is a reflection of the tight-knit community which they safeguard and the outstanding bravery of the men and women of the Cross Plains Fire Department over the last 100 years is praiseworthy.

The establishment of the Cross Plains Fire Department in 1910 actually predates the incorporation of the Village of Cross Plains. Today, Fire Chief Dale Lochner and his staff operate out of a single fire station, protecting over 41 square miles and almost 4,000 residents. In addition to providing service to the Village of Cross Plains, the station also serves the Townships of Cross Plains and Berry. Whether it is fighting fires, search and rescue, or saving lives as first responders, firefighters are essential to our communities.

Volunteer firefighters risk their lives everyday for the people of their communities and

the livelihood of our great Nation. These true heroes provide every citizen with a feeling of security and safety, something that cannot be taken for granted. Every year, in towns all across Wisconsin and the United States, volunteer firefighters like those of the Cross Plains Fire Department provide a vital public service without requiring a single dime in compensation. Their selflessness and willingness to give back to the community is inspirational.

The motto of the Village of Cross Plains is, ''Famous for Friendliness,'' and this ideal is personified by the volunteer staff at the Cross Plains Fire Department. Every day since 1910, the residents of the Cross Plains area have enjoyed the service and protection provided by the department. Today, I join the residents of the Village of Cross Plains and the towns of Cross Plains and Berry, the residents of Wisconsin, and all citizens of the United States in recognizing, honoring, and sincerely thanking the Cross Plains Fire Department for their tireless work and commitment for the past 100 years.

HONORING THE SERVICE OF U.S. MARSHAL RICHARD J. O'CONNELL

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. BOOZMAN. Madam Speaker, I rise today to honor U.S. Marshal Richard J. O'Connell for his outstanding service to this country.

In June of 2003, President Bush appointed Dick the U.S. Marshal for the Western District of Arkansas and for the last 5½ years he has worked to uphold justice and initiate programs to make our streets safer.

Dick was instrumental in establishing a Sex Offender Task Force, a multi-jurisdictional group of law enforcement officers working to keep our kids safe. In the first 14 months, task force officers arrested 1,047 people.

In 2006, the city of Fort Smith aggressively campaigned to be the home of the U.S. Marshals Museum and Dick served as steering committee cochairman. Under his leadership, the city was chosen to be the site of the U.S. Marshals Museum.

I have had the privilege to work with Dick during his time serving as U.S. Marshal. I appreciate his friendship and example. I am honored to have had the opportunity to have worked with such a great man, and thank him for his service.

HONORING MATTHEW LANE

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. COURTNEY. Madam Speaker, I rise today to honor Matthew Lane for his heroic lifesaving efforts in reviving his coworker from cardiac arrest. Matthew is a 19-year-old employee at Wicker Park in Manchester, Connecticut, and a resident of nearby Colchester. On June 19, during cleanup for an event held earlier in the evening, Matthew found his coworker Stephanie Lee in cardiac arrest. During the weeks prior to her collapse, Stephanie had undergone several medical tests on her heart and had received a heart monitor to help diagnose her condition. As soon as he realized the severity of the situation, Matthew quickly called 911 and carefully followed the dispatcher's instructions to perform CPR. Matthew, who had received instruction on CPR several years earlier in preparation for a camp counselor position, was able to successfully revive Stephanie.

Stephanie, a 22-year-old resident of Vernon, was quickly taken to a nearby hospital, where doctors were able to diagnose her with a rare condition called catecholaminergic polymorphic ventricular tachycardia (CPVT). Doctors implanted an internal cardiac defibrillator to help prevent future collapses. Thanks to the quick actions of her co-worker, Stephanie will be able to return to the Massachusetts College of Pharmacy in Boston, where she will be a fourth year pharmacology student. Matthew will be returning to Central Connecticut State University as a sophomore this fall.

This lesson in heroics brings attention to the importance of CPR training and exposure to basic first aid education. In honor of Matthew's heroic actions, the city of Manchester's Board of Directors will present him with an official citation during their August 3rd meeting. I ask all members of the House to join me in honoring Matthew Lane for his undying sense of service and commitment to the people of eastern Connecticut.

HONORING REV. DR. MARK ANTHONY JONES, SR.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. KILDEE. Madam Speaker, Christ Fellowship Missionary Baptist Church will celebrate the installation of Rev. Dr. Mark Anthony Jones, Sr., as their new pastor on Sunday, August 8 in Flint, Michigan.

Rev. Dr. Mark Anthony Jones, Sr., is the son of Leora Yvonne Jones and the late Rev. Dr. Charles William Jones. He was licensed at the age of 16 and ordained the following year. He was the pastor of a church in Alabama when he took over his father's church in Chicago, the Mount Union Missionary Baptist Church. In what he considers one of his greatest accomplishments, Reverend Dr. Jones and his wife, Valda, founded the Mount Union Missionary Baptist Church of Grand Rapids in 2007. A nationally known evangelist, Reverend Dr. Jones has preached across the United States and in Seoul Korea.

In addition to his ministerial work, Reverend Dr. Jones found time to earn his associate of arts in religious education degree, his bachelor of arts in theology degree, his master of divinity degree and his doctorate of divinity degree.

Madam Speaker, I ask the House of Representatives to join me in congratulating Rev. Dr. Mark Anthony Jones, Sr., and Christ Fellowship Missionary Baptist Church as they celebrate this milestone. Christ Fellowship Missionary Baptist Church has been bringing the reality of God's love and His plan for salvation through Jesus Christ to the people of Flint since the 1920s. Continuing in this tradition, the congregation may rejoice in the work they have already accomplished and under the leadership of Reverend Dr. Jones embark upon a new era of enthusiasm and spiritual growth. I pray God will bless and guide him as he brings the message of God's assurance of eternal life to the people of our community.

UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 2010

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 22, 2010

Mr. DAVIS of Illinois. Mr. Speaker, I strongly, resolutely, and steadfastly support this bill to extend critical unemployment benefits for our citizens through the end of November. This bill will provide vital assistance to over 137,600 Illinoisans, and to the 2.5 million Americans, who lost their benefits between June 2nd and July 17th. This bill helps address a national emergency resulting from one of the worst economic recessions in our country's history.

Unemployment insurance is not a theoretical concept to these citizens. Unemployment is a very real lifeline. It allows mothers and fathers to buy food for their children. It allows people to help keep a roof over their families' heads. I have received so many tearful calls from my constituents who call to beg for my help. They are disheartened by their continued unemployment despite active and prolonged efforts to find a job. They are embarrassed that they cannot support their families, and they are frightened that their children will suffer from their inability to feed, clothe, or provide housing. When they learn that their government allowed these lifeline benefits to expire and failed to reinstate them for almost 8 weeks, they are shocked. They worked and paid taxes for years with an understanding that government would help them in a time of need. Yet, this assistance was not there.

I think it is unfortunate that Republicans have delayed this critical financial assistance for so long. To add insult to injury, while proclaiming that our government could not afford $33 billion to help our citizens who are suffering during an economic emergency, the Republican leadership confidently asserted the position that we want the government to lose over $650 billion for the wealthy. This is approximately 20 times the cost of this critical unemployment assistance. This is the same leadership that had no difficulty spending a trillion dollars for two wars and giving tax breaks to the wealthiest of the wealthy.

The extension of the aid for 99 weeks is an important first step in helping our citizens who are struggling to find employment. I promise to continue to work with the Democratic leadership to push for ways to help those who remain unemployed beyond the 99 weeks. Long-term unemployment is an unfortunate reality for Chicago and for my constituents.

Passing this bill today tells our citizens that we are working for them. Further, passing this bill today reinforces their confidence in their government—confidence that they will help care for them in the lean times. For these reasons, I urge my colleagues to vote for its passage.

PERSONAL EXPLANATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. COLE. Madam Speaker, on Monday, July 26, 2010, I missed a series of 3 votes. I missed rollcall votes Nos. 467, 468, and 469. Had I been present and voting, I would have voted as follows: rollcall vote No. 467: ''no'' (On agreeing to H.R. 1320), rollcall vote No. 468: ''aye'' (On agreeing to H. Res. 1504), rollcall vote No. 469: ''aye'' (On agreeing to H.R. 3101).

RECOGNIZING THE 60TH ANNIVERSARY OF THE KOREAN WAR AND THE JULY 27, 1953, ARMISTICE SIGNING

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Ms. LEE of California. Madam Speaker, I rise to recognize the 60th anniversary of the outbreak of the Korean War, and commemorate the signing of the Armistice which brought an end to three years of brutal fighting.

This year marks the 60th anniversary of the Korean War, and the 57th anniversary of the signing of the Armistice that ended the fighting on July 27th, 1953. We must reflect not only upon the enduring strength of the U.S.-Korea relationship, but also on the past and present suffering of millions of Korean and Korean-American families caused by the hostilities on the Korean Peninsula.

I have long stood against the scourge of pre-emptive and endless war and advocated in support of constructive diplomacy and engagement.

The Armistice was only intended as a temporary measure to stop open hostilities until a permanent accord could be reached. It is my sincere hope that, in light of the continuing conflict between North and South Korea, this somber milestone will serve as a call to action in working toward a proactive and peaceful resolution to the situation on the Korean Peninsula. 60 years is enough.

HONORING ARTHUR SCHWENK

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. PENCE. Madam Speaker, I rise to honor an extraordinary servant leader and fellow Hoosier. My relationship with Reverend Arthur Schwenk dates back to my school boy days when I was a student in his German class, and I recognize his extraordinary achievements and work on behalf of German-American relations.

Reverend Schwenk earned his Bachelor of Arts Education and Master of Arts degrees in German and psychology from Ball State University, and went on to teach in the public school system for 34 years. In 2005 he graduated from Concordia Theological Seminary with a Masters degree in theology and was ordained in 2006.

Throughout his career, Reverend Schwenk was an active and engaged community leader, as well as citizen ambassador. Never one to sit on the sidelines, he was instrumental in creating a partnership between my hometown of Columbus, Indiana, and Lane, Germany, and he also helped Indiana counties learn about many facets of German culture. For over thirty five years, Reverend Schwenk organized and led both adult and student tour groups to Germany to learn from and engage in German culture.

Clearly, Reverend Schwenk is passionate about, and dedicated to, helping fellow Hoosiers and Americans better understand and appreciate German-American relations. It is most fitting that he is being awarded the ''Federal Republic of Germany Friendship Award,'' one of the highest awards bestowed upon an individual by the German government. This prestigious award honors Reverend Schwenk's desire to create mutual understanding and appreciation of his native Germany here in America. On behalf of hundreds of students, myself included, I thank Reverend Schwenk for his sacrifice in educating and encouraging continued understanding and respect for German-American relations.

TRIBUTE TO DIXIE/BERKELEY TRAINING SCHOOL

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to an institution that helped to educate some of South Carolina's brightest minds and contributed significantly to our state's history. The Berkeley Training School, like so many schools established to educate African American children, was vital to its community and its students. I pay this tribute as its alumni are preparing to hold a Grand School Reunion on September 3–5, 2010, to celebrate the school's anniversary and the contributions of this tremendous institution.

Berkeley Training School began as Dixie Training School in early 1880 in Moncks Corner, South Carolina. It was originally planned as a short-term program to last just three months in a local church. The local school superintendent, Mr. I. Percher, was so impressed by the program and its teacher, Mr. J.L. Mitchell that he extended the school's term to eight months.

In 1900, a one-room schoolhouse was constructed to house Dixie Training School. Mr. Essex Reid organized the effort to build the school, and Mrs. Annie Williams was hired as the teacher. It didn't take long, however, before the school outgrew its small building. A building committee was organized and charged with raising $6,700 for a new four-room school. Mr. Steven Reid made the first $5 donation, and the community stepped up to raise $5,500. Reverend James Van Wright was instrumental in securing support from local citizens for the school using the mantra ''a dollar a day.'' Philanthropist Julius Rosenwald contributed the remaining $1,200 that was needed to complete the project. The new four-room schoolhouse opened in 1920.

Also, in 1920, Richard Allen Ready became principal, and three teachers were hired Ella Forest, Wilhemena Alston, and Laurieene Shine Heywood. Mr. Ready served the school faithfully for 32 years. During his tenure, Alberta Garnett Dupree received the first Dixie Training Certificate in 1924. The name of the school was changed in the 1930s to Berkeley Training School.

After Mr. Ready's death in 1952, Mr. Swinzon S. Wigfall, Sr. was named the new principal. He served just two years and was followed by Frank Gadsden, Sr., who oversaw the school's move into a new building in an area known as ''Mitten Lane'' on Highway 17A. The move included a new principal, Joseph H. Jefferson, Sr., who remained in this position until the school was merged with Berkeley High School in the 1970s. Mr. Jefferson went on to become an area superintendent and Berkeley Training School ceased to exist as a separate entity.

Over its 90-year history, a number of students who attended Dixie/Berkeley Training School have distinguished themselves in all walks of life. A few notable alumni include: the late Lt. General Henry Doctor, Jr., the first African-American Inspector General of the Army; banker Elijah B. McCants; businessman Joseph Sanders; Dr. Syrus Alston; lawyers Dorothy Manigault and the late Donald Gadsden; funeral directors the late George Holman, Milton Scott and the late Octavious Gethers; building contractors the late Oscar Haynes and Sass Burden; School Superintendent the late William Baylor; educator Dr. Lela Haynes-Session; R. Delores Gibbs, MD and Henry Marion, MD; artist Robert Alston; Henry Harris, CPA; Franklyn Scott, DDS, PC; Robert L. Wilson, Jr., MSW, New York City Deputy Commissioner of Children Services; and my wife and partner for the last 49 years the former Emily England to name just a few.

Madam Speaker, I ask you and my colleagues to join me in celebrating the contributions of Dixie/Berkeley Training School. This remarkable school was a beacon for Moncks Corner and all of Berkeley County. It helped shape the lives of hundreds of students who spent their formative years at this institution, and they, in turn, have made a lasting impact on our state.

REMEMBERING HERMAN NEUROHR

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 27, 2010

Mr. KILDEE. Madam Speaker, it is with a heavy heart that I rise today and pay tribute to a man that I consider a father, a brother and a friend. Sadly, Herman Neurohr passed away on July 15th at the age of 86. I have worked with Herm for most of my adult life and I will miss him immensely.

Herman Neurohr was born on September 21, 1923 in Flint, Michigan. At the beginning of World War II, he joined the Marine Corps and was stationed in the Pacific Theater. At the conclusion of the war, Herm returned to Flint and worked for many years at Buick Motor Division of General Motors before retiring.

It was during this time that I became acquainted with Herm. Herm's son, Neil, was one of my students when I ran for a seat in

the Michigan House of Representatives in 1964 and both became active in my campaign. Herm has been an integral part of my life since that time. He quickly became my number one volunteer and the ''go to guy'' to get any job done. I have fond memories of Herm and his wife Hazel helping out not only with campaign work but daily tasks and babysitting my children. I still have the letter Neil wrote to me in 1969 asking that I make Herm the campaign manager. It is a decision I have never regretted.

In 1976 when I was elected to Congress, the first person I hired to be on my staff was Herm and he ran my district office for 7 years. He loved politics and government and he was loyal and inspired loyalty in others. He helped me lay the framework for my district office, a framework that has functioned successfully for more than 30 years.

As a member of VFW Post 4139, Herm helped construct the building. He loved working with his hands and built 3 homes over the years. He traveled to Arizona in the winter and made 7 trips to Germany to visit relatives. Neil, and his daughter-in-law, Carol, were able to accompany him on 2 of his trips.

Left to treasure his memory are Neil and Carol, his daughter Kelly, special friend Shirley Wager, many relatives and friends. Herm was deeply devoted to his family and loved to spend time with his grandsons, Nick and Dustin Stevens, and his great-granddaughter, Asia.

Madam Speaker, it is a profound honor for me to ask the House of Representatives to join me in a moment of silence to remember the life of Herman Neurohr. He changed the way I viewed the world and I often remember his advice when I am contemplating a problem today. His wisdom was pragmatic, direct and grounded in common sense and I always welcomed his input. Even after he retired, I would talk to him about critical issues. Even though I am saddened by his passing, my memories of Herm warm my heart and I will cherish the time we spent together.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S6263–S6343

Measures Introduced: Nine bills and two resolutions were introduced, as follows: S. 3651–3659, S.J. Res. 36, and S. Res. 595. **Page S6302**

Measures Reported:

Report to accompany S. 1132, to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers. (S. Rept. No. 111–233)

H.R. 1454, to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp, with an amendment in the nature of a substitute. (S. Rept. No. 111–234) **Page S6302**

Measures Passed:

Enrollment Correction: Senate agreed to H. Con. Res. 304, directing the Clerk of the House of Representatives to correct the enrollment of H.R. 725. **Page S6263**

Independent Living Centers Technical Adjustment Act: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of H.R. 5610, to provide a technical adjustment with respect to funding for independent living centers under the Rehabilitation Act of 1973 in order to ensure stability for such centers, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Page S6278**

Schumer (for Harkin) Amendment No. 4518, to extend a date. **Page S6278**

United States Manufacturing Enhancement Act: Senate passed H.R. 4380, to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty. **Page S6341**

Small Business Act and the Small Business Investment Act: Senate passed H.R. 5849, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958. **Page S6341**

National Historically Black Colleges and Universities Week: Senate agreed to S. Res. 595, designating the week beginning September 12, 2010, as "National Historically Black Colleges and Universities Week". **Page S6341**

Measures Considered:

Disclose Act: Senate continued consideration of the motion to proceed to consideration of S. 3628, to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections. **Pages S6278–85**

During consideration of this measure today, Senate also took the following action:

By 57 yeas to 41 nays (Vote No. 220), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to consideration of the bill. **Page S6285**

Subsequently, Senator Reid entered a motion to reconsider the vote by which cloture was not invoked on the motion to proceed to consideration of the bill. **Page S6285**

Small Business Lending Fund Act—Agreement: Senate resumed consideration of H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, taking action on the following amendments and motion proposed thereto: **Pages S6285–96**

Withdrawn:

Reid (for Baucus) Amendment No. 4499, in the nature of a substitute. **Pages S6285–93**

Reid (for LeMieux) Amendment No. 4500 (to Amendment No. 4499), to establish the Small Business Lending Fund Program. **Pages S6285–93**

Reid Amendment No. 4501 (to Amendment No. 4500), to change the enactment date. **Pages S6285–93**

Reid Amendment No. 4502 (to the language proposed to be stricken by Amendment No. 4499), to change the enactment date. **Pages S6285–93**

Reid Amendment No. 4503 (to Amendment No. 4502), of a perfecting nature. **Pages S6285–93**

Cloture Motion on Reid (for Baucus) Amendment No. 4499 (listed above). **Page S6293**

Cloture Motion on the bill. **Page S6293**

Pending:

Reid (for Baucus/Landrieu) Amendment No. 4519, in the nature of a substitute. **Page S6293**

Reid Amendment No. 4520 (to Amendment No. 4519), to change the enactment date. **Page S6293**

Reid Amendment No. 4521 (to Amendment No. 4520), of a perfecting nature. **Page S6293**

Reid Amendment No. 4522 (to the language proposed to be stricken by Amendment No. 4519), to change the enactment date. **Page S6293**

Reid Amendment No. 4523 (to Amendment No. 4522), of a perfecting nature. **Page S6293**

Reid motion to commit the bill to the Committee on Finance with instructions, Reid Amendment No. 4524 (the instructions on the motion to commit), to provide for a study. **Page S6293**

Reid Amendment No. 4525 (to the instructions (Amendment No. 4524) of the motion to commit), of a perfecting nature. **Pages S6293–94**

Reid Amendment No. 4526 (to Amendment No. 4525), of a perfecting nature. **Page S6294**

A motion was entered to close further debate on the Reid (for Baucus/Landrieu) Amendment No. 4519 (listed above), and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, July 29, 2010. **Page S6293**

A motion was entered to close further debate on the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the Reid (for Baucus/Landrieu) Amendment No. 4519 (listed above). **Page S6293**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:30 a.m., on Wednesday, July 28, 2010. **Pages S6341–42**

Nominations Received: Senate received the following nominations:

Anthony Bryk, of California, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2015.

Julie A. Reiskin, of Colorado, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2013.

45 Army nominations in the rank of general.

3 Navy nominations in the rank of admiral.

Page S6343

Messages from the House: **Page S6300**

Measures Referred: **Page S6300**

Measures Read the First Time: **Page S6300**

Enrolled Bills Presented: **Page S6300**

Executive Communications: **Pages S6300–02**

Additional Cosponsors: **Pages S6302–03**

Statements on Introduced Bills/Resolutions: **Pages S6303–08**

Additional Statements: **Pages S6296–S6300**

Amendments Submitted: **Pages S6308–40**

Notices of Intent: **Page S6340**

Notices of Hearings/Meetings: **Page S6340**

Authorities for Committees to Meet: **Pages S6340–41**

Privileges of the Floor: **Page S6341**

Record Votes: One record vote was taken today. (Total—220) **Page S6285**

Adjournment: Senate convened at 10 a.m. and adjourned at 6:37 p.m., until 9:30 a.m. on Wednesday, July 28, 2010. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S6342.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: FINANCIAL SERVICES AND GENERAL GOVERNMENT

Committee on Appropriations: Subcommittee on Financial Services and General Government approved for full committee consideration of an original bill making appropriations for Financial Services and General Government for fiscal year 2011.

APPROPRIATIONS: LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies approved for full committee consideration of an original bill making appropriations for Labor, Health and Human Services, Education, and Related Agencies for fiscal year 2011.

NEW START TREATY

Committee on Armed Services: Committee concluded a hearing to examine independent analyses of the New START treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol (Treaty Doc. 111–05), after receiving testimony from Steven Pifer, Center on the United States

and Europe; Keith B. Payne, Missouri State University Graduate Department of Defense and Strategic Studies; Franklin C. Miller; and John S. Foster, Jr.

NOMINATION

Committee on Armed Services: Committee concluded a hearing to examine the nomination of James N. Mattis, USMC, for reappointment to the grade of general and to be Commander, United States Central Command, after the nominee testified and answered questions in his own behalf.

CONSUMER ONLINE PRIVACY

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine consumer online privacy, after receiving testimony from Jonathan D. Leibowitz, Chairman, Federal Trade Commission; Julius Genachowski, Chairman, Federal Communications Commission; Guy Tribble, Apple Inc., Bret Taylor, Facebook, Alma Whitten, Google, Inc., Jim Harper, Cato Institute, and Dorothy Attwood, AT&T, Inc., all of Washington, D.C.; and Joseph Turow, University of Pennsylvania Annenberg School for Communication, Philadelphia.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported S. 3597, to improve the ability of the National Oceanic and Atmospheric Administration, the Coast Guard, and coastal States to sustain healthy ocean and coastal ecosystems by maintaining and sustaining their capabilities relating to oil spill preparedness, prevention, response, restoration, and research, with an amendment in the nature of a substitute.

BP DEEPWATER HORIZON DISASTER

Committee on Environment and Public Works: Subcommittee on Water and Wildlife concluded a hearing to examine assessing natural resource damages resulting from the BP Deepwater Horizon disaster, after receiving testimony from Cynthia Dohner, Regional Director, Southeast Region, Fish and Wildlife Service, Department of the Interior; Tony Penn, Deputy Chief, Assessment and Restoration Division, Office of Response and Restoration, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce; Eva J. Pell, Under Secretary for Science, Smithsonian Institution; Robert B. Spies, Exxon Valdez Oil Spill Trustee Council, Livermore, California; Stanley Senner, Ocean Conservancy, Washington, D.C.; Erik Rifkin, National Aquarium Conservation Center, Baltimore, Maryland; and John F. Young, Jr., Jefferson Parish Council, Jefferson, Louisiana.

RECONCILIATION OPTIONS IN AFGHANISTAN

Committee on Foreign Relations: Committee concluded a hearing to examine perspectives on reconciliation options in Afghanistan, after receiving testimony from Ryan C. Crocker, former U.S. Ambassador to Iraq, Texas A&M University George Bush School of Government and Public Service, College Station; and Zainab Salbi, Women for Women International, and David J. Kilcullen, Center for a New American Security, both of Washington, D.C.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Alejandro Daniel Wolff, of California, to be Ambassador to the Republic of Chile, Larry Leon Palmer, of Georgia, to be Ambassador to the Bolivarian Republic of Venezuela, Pamela E. Bridgewater Awkard, of Virginia, to be Ambassador to Jamaica, and Phyllis Marie Powers, of Virginia, to be Ambassador to the Republic of Panama, all of the Department of State, after the nominees testified and answered questions in their own behalf.

HIGH-RISK LOGISTICS PLANNING

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine high-risk logistics planning, focusing on progress on improving Department of Defense supply chain management and challenges in strategic spending, after receiving testimony from Alan F. Estevez, Principal Deputy Assistant Secretary of Defense for Logistics and Material Readiness; and Jack E. Edwards, Director, Defense Capabilities and Management, Government Accountability Office.

PROTECTING VICTIMS OF MAJOR OIL SPILLS

Committee on the Judiciary: Committee concluded a hearing to examine Exxon Valdez to Deepwater Horizon, focusing on protecting victims of major oil spills, after receiving testimony from Senator Begich; Lieutenant General Thomas G. McInerney, USAF (Ret.), Clifton, Virginia; Brian B. O'Neill, Faegre & Benson LLP, Minneapolis, Minnesota; and Joseph W. Banta, Prince William Sound Regional Citizens' Advisory Council, Anchorage, Alaska.

DEEPWATER DRILLING MORATORIUM

Committee on Small Business and Entrepreneurship: Committee concluded a hearing to examine the deepwater drilling moratorium, after receiving testimony from Charlotte Randolph, President, Lafourche Parish, Lafourche Parish, Louisiana; Ethane Treese, Dun

& Bradstreet, Washington, D.C.; Joseph R. Mason, Louisiana State University, and Don Briggs, Louisiana Oil & Gas Association, both of Baton Rouge; Leslie Bertucci, R and D Enterprises of LA, LLC, New Orleans, Louisiana; Kimberly Nastasi, Mississippi Gulf Coast Chamber of Commerce, Biloxi; and Troy Lillie, Maurice, Louisiana.

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: 25 public bills, H.R. 5865–5889; and 6 resolutions, H. Con. Res. 305; and H. Res. 1560–1564, were introduced. **Pages H6162–63**

Additional Cosponsors: **Pages H6163–64**

Reports Filed: Reports were filed today as follows:

H.R. 5629, to ensure full recovery from responsible parties of damages for physical and economic injuries, adverse effects on the environment, and clean up of oil spill pollution, to improve the safety of vessels and pipelines supporting offshore oil drilling, and to ensure that there are adequate response plans to prevent environmental damage from oil spills, with an amendment (H. Rept. 111–567, Pt. 1);

H.R. 5138, to protect children from sexual exploitation by mandating reporting requirements for convicted sex traffickers and other registered sex offenders against minors intending to engage in international travel, providing advance notice of intended travel by high interest registered sex offenders outside the United States to the government of the country of destination, and requesting foreign governments to notify the United States when a known child sex offender is seeking to enter the United States (H. Rept. 111–568, Pt. 1);

H.R. 5682, to improve the operation of certain facilities and programs of the House of Representatives (H. Rept. 111–569);

H. Res. 1559, providing for consideration of the bill (H.R. 5822) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2011, and for other purposes and providing for consideration of motions to suspend the rules (H. Rept. 111–570);

H.R. 2480, to improve the accuracy of fur product labeling, with an amendment (H. Rept. 111–571);

H.R. 5156, to provide for the establishment of a Clean Energy Technology Manufacturing and Export Assistance Fund to assist United States businesses with exporting clean energy technology products and services, with an amendment (H. Rept. 111–572, Pt. 1) and

H.R. 1796, to amend the Consumer Product Safety Act to require residential carbon monoxide detectors to meet the applicable ANSI/UL standard by treating that standard as a consumer product safety rule, to encourage States to require the installation of such detectors in homes, and for other purposes, with an amendment (H. Rept. 111–573). **Page H6162**

Speaker: Read a letter from the Speaker wherein she appointed Representative Tonko to act as Speaker pro tempore for today. **Page H6045**

Recess: The House recessed at 9:13 a.m. and reconvened at 10 a.m. **Page H6046**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Supplemental Appropriations Act, 2010: Agreed to recede from the House amendment to the Senate amendment to H.R. 4899, making supplemental appropriations for the fiscal year ending September 30, 2010, and concur in the Senate amendment, by a ⅔ yea-and-nay vote of 308 yeas to 114 nays, Roll No. 474; **Pages H6052–68, H6124–25**

Surface Transportation Earmark Rescission, Savings, and Accountability Act: H.R. 5730, to rescind earmarks for certain surface transportation projects, by a ⅔ yea-and-nay vote of 394 yeas to 23 nays, Roll No. 471; **Pages H6068–71, H6112–13**

Congratulating the Commandant of the Coast Guard and the Superintendent of the Coast Guard Academy and its staff: H. Con. Res. 258, to congratulate the Commandant of the Coast Guard and the Superintendent of the Coast Guard Academy and its staff for 100 years of operation of the Coast Guard Academy in New London, Connecticut; **Pages H6071–74**

Expressing gratitude for the contributions of air traffic controllers of the United States: H. Res. 1401, amended, to express gratitude for the contributions that the air traffic controllers of the United States make to keep the traveling public safe and the airspace of the United States running efficiently; **Pages H6074–78**

Recognizing and honoring the freight rail industry: H. Res. 1366, to recognize and honor the freight rail industry, by a ⅔ yea-and-nay vote of 411 yeas with none voting "nay" and 2 voting "present", Roll No. 472; **Pages H6078–81, H6113–14**

Agreed to amend the title so as to read: "Recognizing and honoring the freight railroad industry and its employees.". **Page H6114**

Multi-State Disaster Relief Act: H.R. 5825, to review, update, and revise the factors to measure the severity, magnitude, and impact of a disaster and to evaluate the need for assistance to individuals and households; **Pages H6081–83**

Condemning the July 11, 2010, terrorist attacks in Kampala, Uganda: H. Res. 1538, amended, to condemn the July 11, 2010, terrorist attacks in Kampala, Uganda; **Pages H6086–87**

International Megan's Law of 2010: H.R. 5138, amended, to protect children from sexual exploitation by mandating reporting requirements for convicted sex traffickers and other registered sex offenders against minors intending to engage in international travel, providing advance notice of intended travel by high interest registered sex offenders outside the United States to the government of the country of destination, and requesting foreign governments to notify the United States when a known child sex offender is seeking to enter the United States; **Pages H6087–97**

Providing for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958: H.R. 5849, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958; **Page H6097**

Improving certain administrative operations of the Library of Congress: H.R. 5681, amended, to improve certain administrative operations of the Library of Congress; **Pages H6097–98**

Improving the operation of certain facilities and programs of the House of Representatives: H.R. 5682, amended, to improve the operation of certain facilities and programs of the House of Representatives; **Page H6098**

Fallen Heroes Flag Act: H.R. 415, to provide Capitol-flown flags to the immediate family of fire fighters, law enforcement officers, emergency medical technicians, and other rescue workers who are killed in the line of duty; **Pages H6099–H6100**

Securing Aircraft Cockpits Against Lasers Act of 2010: H.R. 5810, amended, to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes; **Pages H6100–01**

Northern Border Counternarcotics Strategy Act of 2010: H.R. 4748, amended, to amend the Office of National Drug Control Policy Reauthorization Act of 2006 to require a northern border counternarcotics strategy, by a ⅔ yea-and-nay vote of 413 yeas with none voting "nay", Roll No. 475; **Pages H6104–06, H6125–26**

Securing the Protection of our Enduring and Established Constitutional Heritage Act: Concurred in the Senate amendment to H.R. 2765, to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments and certain foreign judgments against the providers of interactive computer services; **Pages H6126–29**

National Criminal Justice Commission Act of 2010: H.R. 5143, amended, to establish the National Criminal Justice Commission; **Pages H6129–33**

Removal Clarification Act of 2010: H.R. 5281, amended, to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts; **Pages H6133–34**

Federal Restricted Buildings and Grounds Improvement Act: H.R. 2780, amended, to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code; and **Pages H6134–35**

Simplifying the Ambiguous Law, Keeping Everyone Reliably Safe Act of 2010: H.R. 5662, amended, to amend title 18, United States Code, with respect to the offense of stalking. **Pages H6135–36**

Directing the President to remove the United States Armed Forces from Pakistan: The House disagreed to H. Con. Res. 301, directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove the United States Armed Forces from Pakistan, by a yea-and-nay vote of 38 yeas to 372 nays with 4 voting "present", Roll No. 473. **Pages H6114–24**

H. Res. 1556, the rule providing for consideration of the concurrent resolution, was agreed to by a yea-and-nay vote of 222 yeas to 196 nays, Roll No. 470,

after the previous question was ordered without objection. **Pages H6106–12, H6112**

Commission on International Religious Freedom—Correction to Appointment: The Chair announced the following correction to the Speaker's appointment of June 23, 2010, of the following member on the part of the House to the Commission on International Religious Freedom: Upon the recommendation of the Minority Leader: Mr. Ted Van Der Meid of Rochester, NY, for a two-year term ending May 14, 2012, to succeed Ms. Felice Gaer. **Page H6126**

Commission on International Religious Freedom—Appointment: The Chair announced the Speaker's appointment of the following member on the part of the House to the Commission on International Religious Freedom: Upon the recommendation of the Minority Leader: Ms. Nina Shea of Washington, DC, for a two-year term ending May 14, 2012, to succeed herself. **Page H6126**

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO): H. Con. Res. 266, to express the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO); **Pages H6083–85**

Senior Financial Empowerment Act: H.R. 3040, amended, to prevent mail, telemarketing, and Internet fraud targeting seniors in the United States, to promote efforts to increase public awareness of the enormous impact that mail, telemarketing, and Internet fraud have on seniors, and to educate the public, seniors, their families, and their caregivers about how to identify and combat fraudulent activity; and **Pages H6101–04**

Protecting Gun Owners in Bankruptcy Act of 2010: H.R. 5827, amended, to amend title 11 of the United States Code to include firearms in the types of property allowable under the alternative provision for exempting property from the estate. **Pages H6137–39**

Senate Message: Message received from the Senate today appears on page H6087.

Quorum Calls—Votes: Six yea-and-nay votes developed during the proceedings of today and appear on pages H6112, H6113, H6113–14, H6124, H6125, and H6125–26. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 10:50 p.m.

Committee Meetings

DEFENSE APPROPRIATIONS BILL

Committee on Appropriations: Subcommittee on Defense approved for full Committee action the FY 2011 Defense Appropriations bill.

JAPAN'S RECENT SECURITY DEVELOPMENTS

Committee on Armed Services: Held a hearing on Japan: Recent Security Developments. Testimony was heard from Kurt M. Campbell, Assistant Secretary, East Asian and Pacific Affairs, Department of State; and the following officials of the Department of Defense: Wallace C. Gregson, Assistant Secretary, Asian and Pacific Security Affairs; and Jackalyne Pfannenstiel, Assistant Secretary, Energy, Installations, and Environment, Department of the Navy.

CLOSING YUCCA MOUNTAIN BUDGET IMPLICATIONS

Committee on the Budget: Held a hearing on Budget Implications of Closing Yucca Mountain. Testimony was heard from Kristina M. Johnson, Under Secretary, Department of Energy; Michael F. Hertz, Deputy Assistant Attorney General, Civil Division, Department of Justice; and a public witness.

BP'S OIL SPILL'S TOURISM IMPACT

Committee on Energy and Commerce: Subcommittee on Commerce, Trade and Consumer Protection held a hearing entitled "The BP Oil Spill and Gulf Coast Tourism: Assessing the Impact." Testimony was heard from Kenneth Feinberg, Administrator, Gulf Coast Claims Facility; and public witnesses.

HEALTH IT IMPROVEMENTS IMPLEMENTATION

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled "Implementation of the Health Information Technology for Economic and Clinical (HITECH) Act." Testimony was heard from the following officials of the Department of Health and Human Services: David Blumenthal, M.D., National Coordinator, Health Information Technology; and Anthony Trenkle, Director, Office of E-Health Standards and Services, Centers for Medicare and Medicaid Services; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Financial Services: Ordered reported, as amended, the following bills: H.R. 5814, Public Housing Reinvestment and Tenant Protection Act of 2010; and H.R. 4868, Housing Preservation and Tenant Protection Act of 2010.

FOREIGN CLIMATE FINANCE ASSISTANCE CHANGE

Committee on Foreign Affairs: Subcommittee on Asia, The Pacific and the Global Environment held a hearing on Climate Change Finance: Providing Assistance for Vulnerable Countries. Testimony was heard from Lael Brainard, Under Secretary, International Affairs, Department of the Treasury; the following officials of the Department of State: Jonathan Pershing, Deputy Special Envoy, Climate Change, and Maura O'Neill, Senior Counselor to the Administrator and Chief Innovation Officer, U.S. Agency for International Development; RADM David W. Titley, USN, Oceanographer and Navigator, Department of the Navy; and public witnesses.

UN MILLENNIUM DEVELOPMENT GOALS

Committee on Foreign Affairs: Subcommittee on International Organizations, Human Rights and Oversight held a hearing on Achieving the United Nations Millennium Development Goals: Progress through Partnerships. Testimony was heard from public witnesses.

FIRST RESPONDER INTEROPERABLE EMERGENCY COMMUNICATIONS

Committee on Homeland Security: Subcommittee on Emergency Communications, Preparedness, and Response held a hearing entitled " Interoperable Emergency Communications: Does the National Broadband Plan Meet the Needs of First Responders?" Testimony was heard from RADM James Arden Barnett, Jr., (ret.) Chief, Public Safety and Homeland Security Bureau, FCC; Greg Schaffer, Assistant Secretary, Office of Cyber Security and Communications, Department of Homeland Security; Deputy Chief Charles F. Dowd, Communications Division, Police Department, New York City; and public witnesses.

FEDERAL RULEMAKING AND THE REGULATORY PROCESS

Committee on the Judiciary: Subcommittee on Commercial and Administration Law held a hearing on Federal Rulemaking and the Regulatory Process. Testimony was heard from Cass R. Sunstein, Administrator, Office of Information and Regulatory Affairs, Executive Office of the President, OMB; Curtis Copeland, Specialist in American National Government, Government and Finance Division, CRS, Library of Congress; and public witnesses.

FTC AND JUSTICE DEPARTMENT'S ANTITRUST DIVISION

Committee on the Judiciary: Subcommittee on Courts and Competition Policy held a hearing on the Federal Trade Commissions's Bureau of Competition and the U.S. Department of Justice's Antitrust Division. Testimony was heard from Christine A. Varney, Assistant Attorney General, Antitrust, Department of Justice; and Jon Leibowitz, Chairman, FTC.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Subcommittee on Insular Affairs, Oceans and Wildlife held a hearing on the following bills: H.R. 3850, Nutria Eradication and Control Act of 2009; H.R. 3910, Longline Catcher Processor Subsector Single Fishery Cooperative Act; H.R. 4914, Coastal Jobs Creation Act of 2010; H.R. 5180, National Marine Fisheries Service Ombudsman Act of 2010; H.R. 5331, To revise the boundaries of John H. Chaffee Coastal Barrier Resources System Sachuest Point Unit RI–04P, Easton Beach Unit RI–05P, Almy Pony Unit RI–06, and Hazards Beach Unit RI–07 in Rhode Island; H.R. 5380, Hakalau Forest National Wildlife Refuge Expansion Act of 2010; and H.R. 5482, Corolla Wild Horses Protection Act. Testimony was heard from Representatives Hirono, Jones, and Larsen of Washington; Greg Siekaniec, Assistant Director, National Wildlife Refugee System, U.S. Fish and Wildlife Service, Department of the Interior; Eric Schwaab, Assistant Administrator, Fisheries, NOAA, Department of Commerce; Jonathan McKnight, Associate Director, Habitat Conservation Wildlife and Heritage Program, Department of Natural Resources, State of Maryland; and public witnesses.

FEMALE DC CODE FELONS

Committee on Oversight and Government Reform: Subcommittee on Federal Workforce, Postal Service, and the District of Columbia held a hearing entitled " Female D.C. Code Felons: Unique Challenges in Prison and at Home." Testimony was heard from Harley Lappin, Federal Bureau of Prisons, Department of Justice; Adrienne Poteat, Court Systems and Offender Supervision Agency; and public witnesses.

MILITARY CONSTRUCTION AND VA AND RELATED AGENCIES APPROPRIATION

Committee on Rules: Granted, by a non-record vote, a structured rule providing for consideration of H.R. 5822, the "Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2011." The rule provides 1 hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule provides that the bill shall be considered as read through page 63, line 4. The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI. The rule makes in order

only those amendments printed in the Rules Committee report. The amendments made in order 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 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question. All points of order against the amendments except those arising under clause 9 or 10 of rule XXI are waived. The rule provides that for those amendments reported from the Committee of the Whole, the question of their adoption shall be put to the House en gros and without division of the question.

The rule provides one motion to recommit with or without instructions. The rule provides that after consideration of the bill for amendment, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent. The rule provides that the Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations or a designee. The rule provides that the Chair may not entertain a motion to strike out the enacting words of the bill

Finally, the rule authorities the Speaker to entertain motions that the House suspend the rules at any time through the calendar day of August 1, 2010. 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 rule. Testimony was heard from Representatives Edwards of Texas, Peters, Crenshaw, Bilirakis, Roe of Tennessee and Djou.

RECOVERY ACT TRANSPORTATION INFRASTRUCTURE INVESTMENTS

Committee on Transportation and Infrastructure: Held a hearing on Recovery Act: Progress Report for Transportation Infrastructure Investments. Testimony was heard from Ray H. LaHood, Secretary of Transportation; and public witnesses.

VETERANS MEASURES

Committee on Veterans' Affairs: Subcommittee on Disability Assistance and Memorial Affairs approved for full Committee action the following bills: H.R. 3787, amended, To amend title 38, United States Code, to deem certain service in the reserve components as active service for purposes of laws administered by the Secretary of Veterans Affairs; H.R. 4541, amended, Veterans Pensions Protection Act of 2010; H.R. 5064, Fair Access to Veterans Benefits Act of 2010; and H.R. 5549, RAPID Claims Act.

GULF WAR ILLNESS

Committee on Veterans' Affairs: Subcommittee on Oversight and Investigations held a hearing on Gulf War Illness: The Future for Dissatisfied Veterans. Testimony was heard from the following officials of the Department of Veterans Affairs: Charles L. Cragin, Chairman, Advisory Committee on Gulf War Veterans; and John R. Gingrich, Chief of Staff; representatives of veterans organizations; and public witnesses.

ENHANCING U.S.-EU TRADE RELATIONSHIP

Committee on Ways and Means: Subcommittee on Trade held a hearing on Enhancing the U.S.-EU Trade Relationship. Testimony was heard from Stuart E. Eizenstat, former Under Secretary, International Trade, Department of Commerce; and public witnesses.

BRIEFING—DIA PROGRAM

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Defense Intelligence Agency Program. The Committee was briefed by departmental witnesses.

INFORMATION SHARING

Permanent Select Committee on Intelligence: Subcommittee on Intelligence Community Management met in executive session to hold a hearing on Information Sharing. Testimony was heard from the following officials of the Office of the Director of National Intelligence: Robert S. Litt, General Counsel; David R. Shedd, Deputy Director, National Intelligence, Policy, Plans, and Requirements; and Priscilla Guthrie, Intelligence Community Chief Information Officer.

Joint Meetings

PROMOTING CLEAN ENERGY ECONOMY

Joint Economic Committee: Committee concluded a hearing to examine promoting a clean energy economy, after receiving testimony from Michael Greenstone, Massachusetts Institute of Technology, Cambridge; Anthony E. Malkin, Malkin Holdings, New York, New York; and E.G. Ward, Texas A&M University Offshore Technology Research Center, College Station.

INSTABILITY IN KYRGYZSTAN

Commission on Security and Cooperation in Europe: Commission concluded a hearing to examine instability in Kyrgyzstan, focusing on the international response, prospects for stability, democracy, interethnic reconciliation, and implications for United States policy, after receiving testimony from Robert O. Blake, Assistant Secretary of State for South and Central Asia; Arslan Anarbaev, Embassy of the

Kyrgyz Republic, and Martha Olcott, Carnegie Endowment for International Peace, both of Washington, D.C.; and Bakyt Beshimov, Arlington, Massachusetts.

COMMITTEE MEETINGS FOR WEDNESDAY, JULY 28, 2010

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: Business meeting to consider the nominations of Janet L. Yellen, of California, to be Vice Chairman of the Board of Governors of the Federal Reserve System, Peter A. Diamond, of Massachusetts, Sarah Bloom Raskin, of Maryland, all to be a Member of the Board of Governors of the Federal Reserve System, Osvaldo Luis Gratacós Munet, of Puerto Rico, to be Inspector General, Export-Import Bank, and Steve A. Linick, of Virginia, to be Inspector General of the Federal Housing Finance Agency, 2:30 p.m., SD–538.

Committee on Environment and Public Works: To hold hearings to examine protecting America's water treatment facilities, 2:30 p.m., SD–406.

Committee on Foreign Relations: To hold hearings to examine the nominations of Terence Patrick McCulley, of Oregon, to be Ambassador to the Federal Republic of Nigeria, Michele Thoren Bond, of the District of Columbia, to be Ambassador to the Kingdom of Lesotho, and Robert Porter Jackson, of Virginia, to be Ambassador to the Republic of Cameroon, all of the Department of State, 10 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: Business meeting to consider the nominations of Subra Suresh, of Massachusetts, to be Director of the National Science Foundation, and Mary Minow, of California, to be a Member of the National Museum and Library Services Board, Time to be announced, Room to be announced.

Committee on Homeland Security and Governmental Affairs: Business meeting to consider H.R. 2868, to amend the Homeland Security Act of 2002 to enhance security and protect against acts of terrorism against chemical facilities, to amend the Safe Drinking Water Act to enhance the security of public water systems, and to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works, S. 3335, to require Congress to establish a unified and searchable database on a public Web site for congressional earmarks as called for by the President in his 2010 State of the Union Address to Congress, S. 2991, to amend title 31, United States Code, to enhance the oversight authorities of the Comptroller General, S. 3243, to require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to complete all periodic background reinvestigations of certain law enforcement personnel, S. 2902, to improve the Federal Acquisition Institute, H.R. 3980, to provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, H.R. 1517, to allow certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service, S. 3650, to amend chapter 21 of title 5, United States Code, to provide that fathers of certain permanently disabled or deceased veterans shall be included with mothers of such veterans as preference eligibles for treatment in the civil service, S. 3567, to designate the facility of the United States Postal Service located at 100 Broadway in Lynbrook, New York, as the "Navy Corpsman Jeffrey L. Wiener Post Office Building", H.R. 5278, to designate the facility of the United States Postal Service located at 405 West Second Street in Dixon, Illinois, as the "President Ronald W. Reagan Post Office Building", and H.R. 5395, to designate the facility of the United States Postal Service located at 151 North Maitland Avenue in Maitland, Florida, as the "Paula Hawkins Post Office Building", 10 a.m., SD–342.

Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration, with the Ad Hoc Subcommittee on Disaster Recovery, to hold joint hearings to examine flood preparedness and mitigation, focusing on map modernization, levee inspection, and levee repairs, 3 p.m., SD–342.

Committee on the Judiciary: To hold an oversight hearing to examine the Federal Bureau of Investigation, 10 a.m., SD–226.

Full Committee, to hold hearings to examine the nominations of Kathleen M. O'Malley, of Ohio, to be United States Circuit Judge for the Federal Circuit, Beryl Alaine Howell, of the District of Columbia, to be United States District Judge for the District of Columbia, and Robert Leon Wilkins, of the District of Columbia, to be a United States District Judge for the District of Columbia, 2:30 p.m., SD–226.

Committee on Rules and Administration: To resume hearings to examine the filibuster, focusing on legislative proposals to change Senate procedures, 10:30 a.m., SR–301.

House

Committee on Agriculture, to consider the following: H.R. 5509, Chesapeake Bay Program Reauthorization and Improvement Act; H.R. 3519, Veterinarian Services Investment Act; a measure reauthorizing mandatory price reporting; and other pending business, 2:30 p.m., 1300 Longworth.

Subcommittee on Department of Operations, Oversight, Nutrition and Forestry, hearing to review quality control systems in the Supplemental Nutrition Assistance Program, 10 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on State, Foreign Operations, and Related Programs, oversight hearing on U.S. Civilian Assistance for Afghanistan, 10 a.m., 2359 Rayburn.

Committee on Armed Services, Subcommittee on Oversight and Investigations, hearing on Transformation in

Progress: The Services' Enlisted Professional Military Education Programs, 1:30 p.m., 2212 Rayburn.

Subcommittee on Readiness and the Subcommittee on Seapower and Expeditionary Forces, joint hearing on surface fleet readiness, 10 a.m., 2118 Rayburn.

Subcommittee on Terrorism, Unconventional Threats and Capabilities, hearing on harnessing small business innovation for national security cyber needs, 2 p.m., 2118 Rayburn.

Committee on Energy and Commerce, to mark up the following bills: H.R. 903, Dental Emergency Responder Act; H.R. 1745, Family Health Care Accessibility Act; H.R. 3199, Emergency Medic Transition (EMT) Act; H.R. 5710, National All Schedules Prescription Electronic Reporting Reauthorization Act of 2010; H.R. 5756, Training and Research for Autism Improvements Nationwide Act of 2010; H.R. 5809, Safe Drug Disposal Act of 2010; H.R. 2923, Combat Methamphetamine Enhancement Act of 2009; and H.R. 3470, Nationally Enhancing the Well-being of Babies through Outreach and Research Now Act, 10 a.m., 2123 Rayburn.

Committee on Financial Services, to mark up the following bills: H.R. 2267, Internet Gambling Regulation, Consumer Protection, and Enforcement Act; H.R. 3421, Medical Debt Relief Act of 2009; H.R. 4790, Shareholder Protection Act of 2010; H.R. 5823, United States Covered Bond Act of 2010; and H.R. 476, House Fairness Act of 2009, 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, hearing on Turkey's New Foreign Policy Direction: Implications for U.S.-Turkish Relations, 10 a.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Transportation Security and Infrastructure Protection, hearing entitled "Lost in the Shuffle: Examining TSA's Management of Surface Transportation Security Inspectors," 2 p.m., 311 Cannon.

Committee on the Judiciary, Subcommittee on Crime, Terrorism and Homeland Security, hearing on Online Privacy, Social Networking, and Crime Victimization, 2 p.m., 2141 Rayburn.

Committee on Natural Resources, hearing on the following bills: H.R. 5023, Requirements, Expectations, and Standard Procedures for Executive Consultation with Tribes Act; H.R. 4384, To establish the Utah Navajo Trust Fund Commission; and H.R. 5468, Bridgeport Indian Colony Land Trust, Health, and Economic Development Act of 2010, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, to consider the following: H.R. 5815, Inspector General Authority Improvement Act of 2010; H.R. 1507, Whistleblower Protection Enhancement Act of 2009; H.R. 2853, All-American Flag Act; H.R. 5637, American Jobs Matter Act of 2010; S. 2868, Federal Supply Schedules Usage Act of 2009; H.R. 5366, Overseas Contractor Reform Act; H.R. 5616, National Historical Publication and Records Commission Act of 2010; H. Res. 1428, Recognizing Brooklyn Botanic Garden on its 100th anniversary as the preeminent horticultural attraction in the borough of Brooklyn and its longstanding commitment to environmental stewardship and education for the City of New York; H. Res. 1546, Congratulating the Washington Stealth for winning the National Lacrosse League Championship; H.R. 3456, To designate the facility of the United States Postal Service located at 1900 West Gray Street in Houston, Texas, as the "Hazel Hainsworth Young Post Office Building;" H.R. 4266, To designate the facility of the United States Postal Service located at 4110 Almeda Road in Houston, Texas, as the "George Thomas 'Mickey' Leland Post Office Building"; H.R. 5565, To designate the facility of the United States Postal Service located at 5014 Gary Avenue in Lubbock, Texas, as the "Sergeant Chris Davis Post Office"; H.R. 5584, to designate the facility of the United States Postal Service located at 500 Whitestone Boulevard in Cedar Park, Texas, as the "Army Specialist Matthew Troy Morris Post Office Building"; H.R. 5605vania, To designate the facility of the United States Postal Service located at 47 East Fayette Street in Uniontown, Pennsylvania, as the "George C. Marshall Post Office"; H.R. 5606, To designate the facility of the United States Postal Service located at 47 South 7th Street in Indiana, Pennsylvania, as the "Jimmy M. 'Jimmy' Stewart Post Office Building"; H.R. 5655, To designate the Little River Branch facility of the United States Postal Service located at 240 NE 84th Street in Miami, Florida, as the "Jesse J. McCrary, Jr. Post Office"; H.R. 5721, To designate the facility of the United States Postal Service located at 335 Merchant Street, Honolulu, Hawaii, as the "Frank F. Fasi Post Office Building"; H.R. 5758, To designate the facility of the United States Postal Service located at 2 Government Center in Fall River, Massachusetts, as the "Sergeant Robert Barrett Post Office Building"; and H.R. 5831, To designate the facility of the United States Postal Service located at 1081 Elbel Road in Schertz, Texas, as the "Schertz Veterans Post Office"; 10 a.m., 2154 Rayburn.

Subcommittee on Domestic Policy, hearing entitled "Are Superweeds an Outgrowth of USDA Biotech Policy?" 2 p.m., 2154 Rayburn.

Subcommittee on National Security and Foreign Affairs, hearing entitled "National Security, Interagency Collaboration, and Lessons from SOUTHCOM and AFRICOM," 2 p.m., 2247 Rayburn.

Committee on Rules, to consider H.R. 5850, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2011, 5 p.m., H–313 Capitol.

Committee on Science and Technology, Subcommittee on Energy and Environment, to mark H.R 5866, Nuclear Energy Research and Development Act of 2010, 10 a.m., 2318 Rayburn.

Committee on Small Business, hearing entitled "Oversight of the Small Business Administration and Its Programs," 1 p.m., 2360 Rayburn.

Committee on Veterans' Affairs, to continue oversight hearings of Inadequate Cost Control at the U.S. Department of Veterans Affairs, 10 a.m., 334 Cannon.

Permanent Select Committee on Intelligence, executive, briefing on Diversity Practices, 2 p.m., 304–HVC.

Subcommittee on Terrorism, Human Intelligence, Analysis, and Counterintelligence, executive, briefing on Somalia, 10 a.m., 304–HVC.

Next Meeting of the SENATE

9:30 a.m., Wednesday, July 28

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond one hour), Senate will continue consideration of H.R. 5297, Small Business Lending Fund Act, with a 1 p.m. filing deadline for all first-degree amendments.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, July 28

House Chamber

Program for Wednesday: Consideration of H.R. 5822—Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2011 (Subject to a Rule).

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