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## House of Representatives

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

### PRAYER

Reverend Doug Tanner, Faith and Politics Institute, Washington, D.C., offered the following prayer:

Almighty God, we ask Your blessing this day on the work of this House, and on the hearts and minds of its Members.

At this time of year when nights grow long and temperatures fall, guard us, we pray, against seeing those with whom we agree as bearers of light and warmth and those with whom we disagree as harbingers of darkness and cold. Awaken instead an awareness that dark places of ego and arrogance reside in each of us, as do light places of compassion and camaraderie. Save us from shallowness. Guide us toward depth of soul and strength of spirit. Remind us there are better angels in our nature to carry us toward the land of liberty and justice for all, if we will but open ourselves to their wisdom.

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. SAM JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Mr. SAM JOHNSON 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.

### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 4387. An act to designate the Federal building located at 100 North Palafox Street in Pensacola, Florida, as the "Winston E. Arnow Federal Building".

H.R. 5651. An act to designate the Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the "Andrew W. Bogue Federal Building and United States Courthouse".

H.R. 5706. An Act to designate the building occupied by the Government Printing Office located at 31451 East United Avenue in Pueblo, Colorado, as the "Frank Evans Government Printing Office Building".

H.R. 5773. An Act to designate the Federal building located at 6401 Security Boulevard in Baltimore, Maryland, commonly known as the Social Security Administration Operations Building, as the "Robert M. Ball Federal Building".

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 987. An Act to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 3998. An Act to extend the Child Safety Pilot Program.

### ANNOUNCEMENT BY THE SPEAKER

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

### ADOPTION TAX CREDIT

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

Mr. WILSON of South Carolina. Mr. Speaker, there is a great debate over the January 1 tax increases of over \$2,000 annually per family. I strongly believe we need to extend tax relief for

all Americans to create jobs, and I hope that the bipartisan issue of the adoption tax credit is also quickly extended.

While extremely rewarding, the adoption process may be expensive, often pricing out hardworking individuals and couples. To help keep the dream of parenting alive, Congress originally passed, and President Clinton signed, a \$5,000 tax credit per adoptive family. A great success, this credit was later increased to \$10,000. Today, however, we are facing a looming deadline that threatens this financial incentive and compromises the ability of average American families to adopt.

I urge Speaker PELOSI to immediately schedule a vote on H.R. 213, the Adoption Tax Relief Guarantee Act of 2009, before the adjournment of the 111th Congress. When it comes to the adoption process, lawmakers should work to advance the dream of a family.

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

### ROADWAY SAFETY

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

Mr. WALZ. Mr. Speaker, I rise today to talk about roadway safety and infrastructure and the role it plays in saving lives and growing our economy.

Every year, approximately 34,000 men, women, and children die on our Nation's roadways. Although this number has decreased dramatically over recent years, we still have a long way to go.

One of the major factors in that decrease was a program this body created in the last transportation authorization bill called the Highway Safety Improvement Program. This common-sense program seeks to reduce traffic fatalities and serious injuries by making improvements to infrastructure

This symbol represents the time of day during the House proceedings, e.g.,  1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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such as road signs, guardrails, rumble strips, and other safety measures.

According to a study commissioned by the American Traffic Safety Services Association, for every \$1 million invested in roadway safety, we save seven lives. Taking away the tragedy of all of those lost lives, that number, in terms of economic benefit, is \$42 million saved by saving these lives—a 42 to 1 return on our money is pretty darn good.

I applaud Chairman OBERSTAR and Ranking Member MICA for including the Highway Safety Improvement Program in their current reauthorization draft. This program saves lives, puts people to work, and strengthens America's transportation system.

I urge my colleagues to work diligently to pass a new multiyear transportation bill.

□ 1020

#### TAX HIKES

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, it's just a few days till all taxpaying Americans will be hit with the largest tax hike in history in the wake of the longest recession since the Great Depression. Given this country's economic condition, I think a huge tax hike is exactly what we don't need. We ought to be creating jobs, boosting the economy.

Apparently, the Democrats think a \$3.8 trillion tax hike is the answer. I say make the tax rates permanent and let's get this economy moving again with new jobs and investment. Empower small businesses to grow, hire, and expand. They can add more employees, buy more equipment, and rent bigger spaces. We ought to support them by stopping the largest tax hike in history.

If we want Americans to prosper, they want, need, and deserve better than the Democrats' massive tax increases.

#### IN SUPPORT OF MIDDLE CLASS TAX CUTS

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

Mr. PERLMUTTER. Mr. Speaker, today we have the opportunity to provide tax cuts for 98 percent of all Americans—on earnings up to \$250,000. But as you just heard and as you are going to hear throughout the day, the Republicans don't want to have that tax cut for 98 percent of the people, saving them some \$2,000. They want them for millionaires and billionaires, those guys who don't need it. That's where they are going to focus their efforts, to block tax cuts for those in the middle income ranges. That's their whole purpose from this point on, is to block any action in this House or in the Senate.

The Republicans want to take care of those people who can already take care of themselves, take care of themselves very well, by giving tax cuts for millionaires and billionaires; while Democrats are going to look out for middle income earners and we are going to fight hard today to make sure there are tax cuts for those earning up to \$250,000.

Now, those tax cuts are for everybody, even the super giant wealthy, but only up to their first \$250,000 in earnings. We will work hard today to make sure the middle income earners are protected.

#### POLICE CHIEF HERMILA GARCIA IN MEOQUI, MEXICO MURDERED

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

Mr. POE of Texas. Mr. Speaker, Chief of Police Hermila Garcia is the latest victim in the land of lawless days in Mexico. Chief Garcia was at her job only 51 days when she was brutally murdered by drug cartel assassins. In a brazen ambush, they shot Chief Garcia seven times when she was headed off to work.

So many police chiefs have been murdered in Mexico that no one wants the job. Trained officers are refusing promotions, leaving untrained citizens to run the police department. In the border town of El Vergel, two housewives are the top cops in town. In Chihuahua, the new police chief is a 20-year-old student.

There is a border war going on, and the violence will only get worse on both sides of the line of lawlessness. The rule of law is being stolen by the hand of the gun. We must help our neighbors in Mexico and also secure our border with armed National Guard troops. Otherwise, this wind brewing from the south will bring America the whirlwind.

And that's just the way it is.

#### PERMANENT TAX CUTS TO MIDDLE CLASS FAMILIES

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

Mr. CROWLEY. Today, the House will vote to provide permanent tax cuts to middle class American families. That means no more marriage penalty, lower taxes on family incomes, tax cuts to make college more affordable, and expand small businesses, creating jobs. All for middle class families who earn \$250,000 or less.

But the Republicans are expected to vote "no." Why? Because they say we need to provide tax cuts to the richest 1 percent in America. That's right. The Republican Party will add another \$700 billion to the deficit to assist the richest 1 percent—like Trouble, Leona Helmsley's dog, who inherited \$12 million.

Under the Republican plan, if Trouble doesn't get a tax break, no one else should. No tax cuts for hardworking families. No tax cuts for those living day by day, trying to make ends meet.

My colleagues, adding another \$700 billion to our deficit, that's trouble. Trouble for middle class families, trouble to taxpayers, and trouble to our children and our grandchildren who will be saddled with that debt.

It's clear to me, Mr. Speaker, under Republican rule tax policy will go to the dogs.

#### PASS A BALANCED BUDGET CONSTITUTIONAL AMENDMENT

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

Mr. BUCHANAN. Mr. Speaker, as our national debt climbs to \$14 trillion, on its way to \$20 trillion, I commend the President for taking on this new Debt Commission. But the bottom line is for the last 50 years, we've balanced the budget five times out of 50. If you look at 49 out of 50 Governors, they have to balance the budget. If I look at what happens in Florida, they had a \$70 billion budget 4 years ago. They've got a \$60 billion budget today. But they have to balance their budget. They've got to make the tough choices.

That's why my first week here I introduced a constitutional balanced budget amendment that says simply, we don't spend more than we take in. Small businesses, families, they've got to make the tough choices every day. We don't need to. Why? Because we have the capacity to borrow. That's got to change. Otherwise, we're going to bankrupt America.

We need a constitutional balanced budget amendment today.

#### PASS THE DREAM ACT

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

Mr. POLIS. Mr. Speaker, I rise today in support of the DREAM Act. The lives of hundreds of thousands of de facto Americans hang in the balance. The DREAM Act would provide a route for young people who were brought here, who know no other country, to take on the full rights and responsibilities as Americans.

The DREAM Act is not only a human rights issue, it's an economic issue and it's a competitiveness issue. These young people are some of our very best Americans. And it's not an American value to force the sins of the father upon the son.

These young people were brought here when they were 2 years old, 3 years old. It can't be argued that they violated the law of their own volition. They know no other country. To senselessly deport them to a country where they don't know anybody and frequently don't speak the language

would deprive America of the fruits of our labors and the investments that we made in these young people through our public education system.

I call upon the House and the Senate to immediately move to pass the DREAM Act and help make these young people proper Americans.

#### TSA MUST EXPLORE OTHER SCREENING ALTERNATIVES

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

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, our country continues fighting a deadly and determined terrorist enemy. Agencies such as Homeland Security and the TSA work hard to keep us safe and protect us. Still, American citizens are concerned with the newly implemented security measures that are both revealing and personal.

Concerned passengers and even TSA workers feel violated, confused, and uncomfortable. No one is sure what to expect. The American public rightfully wants answers from questions like what is the training, accountability, and selection process for the TSA? Two, what can we learn from other countries' security measures? Three, can we prevent body scan photos from public release? Four, how do we identify who is actually a risk? And isn't there another, more accurate way to do this, rather than treating everyone as a suspect?

People do not have confidence in the Federal Government's ability to protect their privacy, and TSA must explore other screening alternatives because national security and the liberty it aims to protect both matter.

#### TAX CUT FOR 98 PERCENT OF TAXPAYERS

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

Mr. TONKO. Mr. Speaker, I rise today for fairness, for equality, and to simply stand up for what is right. I support a tax cut for our Nation's working families and middle income community. In my district, that includes 98 percent of taxpayers, over 342,000 individuals. What I do not support, and what our Nation simply cannot afford, is a tax cut for millionaires and billionaires.

In fact, Republicans are holding hostage the extension of unemployment benefits at the expense of tax cuts. Six thousand eight hundred individuals in my district make over \$250,000 a year. Conversely, 6,400 individuals in my district will lose their unemployment benefits at the end of this month. The choice—6,800 millionaires and millionaires, or 6,400 hardworking families that will not be able to pay their bills, put food on their table, or heat their

homes on a cold winter's night. I stand with the middle income and working families of my district.

And what happens to the local economy? If we do not extend unemployment benefits, my district alone could see the loss of tens of millions of dollars in economic benefits, including small business losses each and every month.

Mr. Speaker, the moral and economic choice is clear. I stand with our working families and our middle income community.

□ 1030

#### CELEBRATING THE 100TH ANNIVERSARY OF MOTHER TERESA'S BIRTH

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

Mr. FORTENBERRY. Mr. Speaker, on August 26, 2010, the world began the year-long celebration of the centenary of the birth of Mother Teresa, the Blessed Teresa of Calcutta. Mother Teresa's enduring legacy of humility and sacrifice has been heralded across cultures and in many languages throughout the world. And just earlier this year, the United States Postal Service created this stamp in commemoration of Mother Teresa's life's work.

Mother Teresa worked among the poor in conditions that would weaken the hardiest. Yet she stood with strength before presidents, kings, and queens. She saved lives and gave countless thousands hope, hope for the leper, hope for the expectant mother who had been abandoned by family and community, hope for the orphaned child who only wanted a helping heart and a home, hope for the indigent poor who sought a meal and belonging.

The United States Congress honored Mother Teresa with a U.S. Congressional Gold Medal in 1997. And as we commemorate the 100th anniversary of her birth, I urge my colleagues to join me in again uplifting Mother Teresa's life's work, especially during this time when the world is yearning for meaning.

#### PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 4853, MIDDLE CLASS TAX RELIEF ACT OF 2010, AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Ms. PINGREE of Maine. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1745 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1745

*Resolved*, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend

the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chair of the Committee on Ways and Means or his designee that the House concur in the Senate amendment with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

SEC. 2. It shall be in order at any time through the legislative day of December 3, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

The SPEAKER pro tempore (Mr. CUELLAR). The gentlewoman from Maine is recognized for 1 hour.

Ms. PINGREE of Maine. Mr. Speaker, for the purposes of debate only, I am pleased to yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of this rule is for debate only.

#### GENERAL LEAVE

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

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

There was no objection.

Ms. PINGREE of Maine. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1745 provides a closed rule for consideration of the Senate amendment to H.R. 4853. The rule makes in order a motion offered by the chair of the Committee on Ways and Means that the House concur in the Senate amendment to H.R. 4853 with the amendment printed in the report of the Committee on Rules accompanying the resolution. The rule provides 1 hour of debate on the motion equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The rule waives all points of order against consideration of the motion except those arising under clause 10 of rule XXI. The rule provides that the Senate amendment and the motion shall be considered as read. Finally, the rule allows the Speaker to entertain motions to suspend the rules through the legislative day of December 3, 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 resolution.

Mr. Speaker, today we have the opportunity to do the right thing and put

American workers ahead of millionaires and billionaires. This should be our priority and shouldn't be a tough choice to make. Today we can focus on economic growth to help those who are suffering from this recession and to provide permanent, equitable tax relief for the middle class.

These should not be controversial positions. They aren't and they shouldn't be. The economic growth that all Americans can share in ought to be a top priority for every elected official, and lowering the tax burden for working families shouldn't be any kind of a partisan fight.

After the last administration and the previous Congress spent billions of dollars starting two foreign wars and bailing out the big banks that ran roughshod over our economy, isn't it only fair that we do more to help out those who are struggling to find work and to make ends meet? Today we are simply voting on whether or not to protect the middle class and to make sure working families do not suffer needlessly as winter approaches. Nothing more, nothing less.

This is not political showmanship or a partisan game. We are doing the work the American people asked us to do. We are not voting on whether or not to extend tax cuts for the wealthy. We are only voting on extending tax cuts for the middle class, and this is something I sincerely believe we should all agree on.

One of the biggest pieces of misinformation about ending tax cuts for the wealthy is that it would hurt small businesses, which is simply not true. The bill we are talking about today extends tax cuts for incomes up to \$250,000. That covers 97 percent of all small businesses in the United States. And let's be clear about another thing: For all small businesses, the cuts continue for their first \$250,000 of profit.

If we really want to help small businesses, let's offer real direct benefits. Let's help them access funding to grow, offer larger tax deductions for purchasing equipment or create incentives to hire more workers.

I am glad many business owners in my State, the State of Maine, have been able to see through this misinformation. Jim Wellehan, who owns one of the largest shoe store chains in the State, has recently come out against tax cuts for the wealthy because they offer no benefit to his business or his employees. He recently said it makes no sense from any perspective to preserve the tax cuts for the wealthiest people in this country. It will just increase the wealth gap and create more of a social and economic problem.

Jim hits on a critical point. Over the last 30 years, the wealthiest have gotten richer and richer compared to everyone else. In 1980 the average income of the country's top .01 percent of earners was 180 times that of the bottom 90 percent. Today that number is 1,000 times. Meanwhile taxes for the rich

have gone down dramatically. So as the wealthiest take a larger and larger piece of the pie, they have given less and less back to the public infrastructure, to our communities, and to the people who helped create that prosperity.

The truth about tax breaks for the ultra rich is that they are very, very expensive. Cutting taxes for those making over \$250,000 will add \$700 billion to the deficit in the next 10 years alone. That's about the cost of the entire stimulus bill, and most economists agree it would do very little to stimulate the economy.

In January of this year, the non-partisan Congressional Budget Office analyzed 11 policy proposals and ranked them by how effective they would be in fueling economic recovery.

Number one on that list was extending benefits for the unemployed because those dollars go immediately into local economies and spur more spending. If only that was the bill we were voting on today.

What was number 11? Number 11 on that list was extending tax cuts for the wealthy. The benefit of those dollars going to the rich was marginal, because that money would be mostly saved, not spent. That's just not right.

I hope all of my colleagues on both sides of the aisle will join me today in supporting this commonsense bill.

I reserve the balance of my time.

□ 1040

Mr. DREIER. Mr. Speaker, I first want to express my appreciation to my very good friend and Rules Committee colleague, the gentlewoman from North Haven, for yielding me the customary 30 minutes, and 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, as I listen to the very thoughtful statement of my friend and Rules Committee colleague, I'm reminded of—and as I looked at news reports this morning, I guess I should say—as I listen to her statement and then look at the reports that we have this morning, I'm reminded of the 1992 Presidential campaign. And I would like to point to two very famous quotes from that 1992 Presidential campaign.

First, in the general election you will recall that Bill Clinton, George Herbert Walker Bush and Ross Perot all ran against each other. I know the Speaker pro tempore understands very well, coming from Texas, that that was a fascinating campaign 18 years ago. And there was a very famous Vice-Presidential debate. And in that debate, the great, highly decorated Admiral James Stockdale, who I was happy before his passing to have as a good friend, famously began the debate by saying, Who am I, and why am I here?

Now, Mr. Speaker, we already have reports this morning that the negotiators have come together and decided

there will be probably a 2-year extension of the effort to ensure that we don't increase taxes on any Americans over the next 2 years. And in light of that, we are now resorting to a little more than a political ploy saying, well, we've all come together and agreed that we don't want increased taxes on middle income Americans, and so what we should do is let's vote for this and agree on it when, in fact, we're arguing that we should not increase taxes on any Americans.

Now to my second quote from the 1992 Presidential campaign. Senator Paul Tsongas, whose widow, Niki, serves very well here in the House, the gentlewoman from Massachusetts, said very famously, and I quoted him, and she corrected the quote when I told her that I quoted him widely, I quoted him as follows: Senator Tsongas in the 1992 Presidential campaign when he was challenging Bill Clinton in the primary said, The problem with my Democratic Party is that they love employees but they hate employers. And Mrs. Tsongas reminded me that he apparently said, You can't love employees without loving employers. Well, either way, it's very clear that when you look at where we are, it gets back to that famous Lincoln line: you can't lift up the wage earner by pulling down the wage payer. And so all we're saying is that as we look at the challenges that we're facing today, focusing on job creation and economic growth is something that we should do.

And I believe that every Democrat and every Republican in this institution clearly wants to see our economy get back on track. They want to see us grow. They want to see us emerge. No one wants to see the United States of America diminished to the level that was predicted by Dave Cote, a member of the debt commission, the head of Honeywell, who in his statement yesterday said that at the rate we are going, the United States of America will become, in fact, a second-rate Nation. No one, no Democrat or Republican, wants that to happen. And so why don't we use empirical evidence that will prove that we can take a course that will get this economy back on track.

Now, my friend says that we have a cost of \$700 billion. If we fail to increase taxes on those small businesses and those who are upper income wage earners, a \$700 billion cost is what is claimed. In fact, if you talk to economist after economist, as I have, that is, in fact, not the case. Just yesterday a very prominent economist met with a number of Members of this body pointing to the fact that if you do, if you do, Mr. Speaker, actually keep those taxes low, we will actually see an increase in the flow of revenues to the Federal Treasury.

And I point to that again, as I have time and again here. I believe we should be utilizing the bipartisan—the bipartisan model, put forward first by a great Democratic President. We will

mark the 50th anniversary of John F. Kennedy's inaugural address. He was elected 50 years ago. On January 20, there is going to be a great celebration here in this Capitol marking the 50th anniversary of the great inaugural speech, which many of us have been quoting since we were children, of John F. Kennedy.

And we should be utilizing the model put forward by Ronald Reagan, who on February 6 of next year will mark his 100th birthday. And that economic model is one which says that making sure that we reduce marginal tax rates will actually grow the economy and create an increase in the flow of revenues to the Federal Treasury.

So, Mr. Speaker, as we look at where we are today, you have economists from even on the left who will say—even Keynesian economists—that the notion in a down economy—and we all know we have a 9½ percent unemployment rate and we heard the sad news about housing sales that came out this morning—we all know that in a down economy, even the Keynesian economists will say that increasing taxes is a prescription for failure. It actually undermines the potential for economic growth.

Now, we had quite a meeting in the Rules Committee last night, Mr. Speaker, when we brought this measure up, and the distinguished ranking member soon-to-be chairman of the Trade Subcommittee, the gentleman from Houston, Mr. BRADY, referred to what was going on here as political theater. I said that I believe that to be very generous. This is sleight of hand, a political ploy. There are all kinds of pejoratives that can be used to describe the process that we have here.

We have a closed rule, as my friend said, and I argued that I'm for an open rule, which is what I'm often arguing for, and we hope to be able to have that in the 112th Congress as often as possible, but I argued for a modified closed rule, a modified closed rule for consideration of this measure.

Now, what would that mean, Mr. Speaker? If we were to have a modified closed rule, it would mean that we would simply allow this House to have a vote, which is under the present structure before us going to be denied, a vote that has been requested by 31 Democrats and all Republicans. And, Mr. Speaker, I believe that we could, in fact, have a strong bipartisan vote in this House to extend, to ensure that we don't increase taxes on any Americans at this time. And this rule would allow that.

I offered an amendment that would simply say, okay, let's just provide the ranking member, Mr. CAMP, of the Ways and Means Committee, a chance to offer one substitute which would basically mean we are not going to increase taxes on small businesses, and we are not going to increase taxes on any Americans. I offered that amendment, and on a party-line vote it was rejected.

It was fascinating, Mr. Speaker, to hear the chairman of the Ways and Means Committee, my very good friend, SANDY LEVIN, say that making sure we don't increase taxes on middle income Americans is something we can all agree on. And, yes, Mr. Speaker, we can agree on that. But I think it is very evident that this House could, with a majority vote, ensure that we don't increase taxes on any Americans during these very troubling, difficult economic times.

So I would argue that I think it's very important for us, as an institution, to realize that it's really a joke that has been put before us, tragically, during a time when the American people are hurting. I have an unemployment rate in part of the area I'm privileged to represent in Southern California, Mr. Speaker, that is in excess of 15 percent. We have a statewide unemployment rate in the largest State of the Union, the largest, most important State of the Union, the State of California, we have a 12½ percent unemployment rate. People are hurting. And so to do anything other than ensure that we don't increase taxes on the people who are struggling to create jobs for our fellow Americans is something that we have a responsibility to do.

So, Mr. Speaker, I'm going to urge my colleagues to vote "no" on this rule and allow us to let the House work its will and have what I am totally convinced would be a strong, strong vote in favor of ensuring that we don't increase taxes on any Americans.

With that, I reserve the balance of my time.

□ 1050

Ms. PINGREE of Maine. Mr. Speaker, before I yield time to one of my colleagues, I want to answer a couple of things that my good colleague from California mentioned. Soon his party will be in power, and I am confident he will be the chair of the Rules Committee and the Rules Committee will be very open perhaps at that time to have more open rules and to change the process. So I look forward to, as a sophomore Member, learning how a different process will be conducted by the other side of the aisle.

I do want to remind him that during 12 years when his party was in control, there was never a tax bill that came to the floor which allowed for amendments. I don't know if that process will change in the future. It certainly wasn't that way in the past.

Mr. DREIER. Will the gentelady yield on that point?

Ms. PINGREE of Maine. I yield to the gentleman from California.

Mr. DREIER. I will tell you about the 12 years we were in the majority, we did often provide substitutes. So all we are asking for, as I said, all I asked for on this measure is not an open rule, a modified closed rule, which would have provided simply one bite at the apple, one alternative, which is out of

respect to the Democrats in this House who would very much like to have a chance to vote to ensure that we don't increase taxes on any American.

I thank my friend for yielding.

Ms. PINGREE of Maine. Thank you for making that point. I think it is slightly different from the other point of saying that tax bills never were allowed to be amended in the last 12 years. But I look forward to modified open rules or open rules or whatever process we will be working with in the future. That isn't what we have before us today.

I do want to comment that while you were kind of referring to this as political theater, I also recall that you asked for 3 hours of debate on this; and if it is truly political theater, that would be tying up a lot of the people's time to have us conduct this debate for 3 hours if, in fact, you do not consider it serious debate. I mean, in my opinion, you and I just have a strong disagreement. Our two parties and many of our Members disagree on where the appropriate place to have tax cuts is.

We are putting this bill on the floor today because we believe it is important to extend tax cuts for the middle class, that that has the greatest benefit to our economy. And as the OMB and other studies have shown us, tax cuts for the wealthiest to the country just do not stimulate the economy. The money does not go where we think it needs to go to create more jobs, and it is not a good expenditure of \$700 billion, which is what this will cost us over the next decade in a time when we are clamoring to find ways to reduce the deficit.

So I find it unfathomable that there would be any objection to taking a vote on what is clearly the most agreed upon part of our tax cuts here and then allowing for other debate on the rest of the package. So for me, this is a logical way to bring this to the floor. I am pleased that we have this opportunity here.

I am a little frustrated every time I hear this tried to be portrayed as the real argument is only about small businesses. You know, 2 percent of the small businesses in our country are the ones that will be affected by this.

I disagree with your statement that Democrats love employees and dislike employers. Many of us on this side of the aisle are employers. I am an employer. I have a small business, and I actually feel pretty good about myself.

Mr. DREIER. If the gentelady will yield, I was simply quoting the late Senator Paul Tsongas. It wasn't my quote. I was simply quoting Senator Tsongas.

Ms. PINGREE of Maine. I do appreciate that, and I am glad to know that dear Senator Tsongas' wife has corrected you on the appropriate way to use that quote. But either way, it was something that you brought to the floor to make the point that somehow you think this bill is put forward so that Democrats can show their disapproval of employers. And I can speak

personally that I work closely with employers in my district. I am an employer and think there are employers who will benefit under this as well. That is why I quoted, in my own remarks, Jim Wellehan who owns a chain of shoe stores in our State who said: I am not in favor of a bill that would give tax cuts to the wealthy because it doesn't do anything to help my employees or my business. And that, in fact, is what he is concerned about. You know, employers need customers, which are those employees, and that is why we consider it so critical to make sure that we do something to benefit those people who will be purchasing.

Just one other comment that I had in my notes here today from a small business owner in Lincoln, Nebraska. People talk about the \$250,000 without talking about that as net profit. Here is how he described it: A lot of people don't understand how small business works. We reinvest in our business. We try to minimize the amount of taxable income we have. I went out and bought an \$80,000 piece of equipment. I did it so I could reduce my taxes. The only people I can think of who could honestly call themselves small businesses that this would affect would be stock brokers and lawyers.

That is what Rick Poore, owner of a Lincoln, Nebraska, clothing firm who employs 30 people thinks about this.

Well, if in fact the 2 percent we are trying to help today are stock brokers and lawyers, I don't think the American public is clamoring for them to have another tax break, and I think people aren't explaining and displaying an understanding of how business works. This is about net profit for small businesses, which even reduces further the number of businesses who will be affected by this.

Now, Mr. Speaker, I would like to yield 3 minutes to the gentlewoman from Hawaii (Ms. HIRONO).

Ms. HIRONO. I thank the gentlewoman from Maine for yielding me this time.

I rise in strong support of the rule and the bill we are voting on today, the Middle Class Tax Relief Act. This bill will help millions of Americans who are trying to make ends meet by providing them with sorely needed tax relief. The Middle Class Tax Relief Act permanently extends the tax cuts for middle class taxpayers so that individuals who make less than \$200,000 a year, under \$250,000 for joint filers, will get the tax relief they need. This legislation would help about 323,000 lower- and middle-income families in my congressional district alone.

My colleagues on the other side of the aisle have made it clear that they won't vote for this bill because it doesn't meet their highest priority—continuing the status quo of providing tax breaks for the wealthiest 2 percent of Americans. On the one hand, they claim to be concerned about reducing the \$13.8 trillion national debt, opposing an extension of unemployment ben-

efits for the nearly 2 million Americans who desperately need the assistance, including more than 4,000 in Hawaii. Not only is this reprehensible, it is bad math. A recent Labor Department report shows for every dollar spent on unemployment insurance, \$2 are reinvested into the economy.

On the other hand, continuing tax breaks for millionaires and billionaires, the richest 2 percent of Americans, would add a whopping \$700 billion to our deficit over 10 years. These tax breaks would not trickle-down to create more jobs or help our economic recovery. In fact, they would add to our deficit. And, by the way, these richest taxpayers will also get the benefit of this tax relief in this bill for their first \$200,000 of income. Why should this group of taxpayers then get an additional benefit that 98 percent of Americans will not.

Mr. Speaker, this is about fairness. We need to fight for working families and let the tax breaks for the wealthy expire so that they can start to pay their fair share of taxes. Today's vote on this bill will let the American people, the 98 percent who don't make \$200,000 a year, including 323,000 families in Hawaii, know who is on their side fighting for them.

I urge my colleagues to support this measure.

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

Mr. Speaker, I would say to both of my colleagues who are both good friends of mine that as I listen to the arguments that have been put forward, the standard old class warfare, us versus them, rich versus poor, is an argument that has failed for years and years and years. I think all we need to do is look at the November 2 election. There was a rejection of this divisive tone which we regularly hear around here: the haves and the have-nots.

The fact of the matter is any Member of this House who votes in favor of the measure that is going to be before us is voting for a tax increase. They are voting in favor of increasing taxes on American investors and small businesses in this country. There is all kinds of dispute about this: how many are small businesses, 2 percent. We have evidence that it is substantially higher than that. But if there are any small businesses that are out there trying to create jobs and this policy of increasing taxes undermines them and inhibits their ability to say to a person in this country who is seeking a job opportunity that they can't have it because of this burden that is being inflicted, this is clearly wrong.

Now, again, on the notion of this \$700 billion, this \$700 billion, the cost, and we are exacerbating the deficit, that is preposterous. If we can get people with a 9.4 percent unemployment rate, 9.6 percent, as I said, in my State, 12.5 percent unemployment rate, if we can get people from the unemployment rolls onto the working rolls, that in and of itself is evidence that we will increase

the flow of revenue to the Federal treasury.

□ 1100

Why? We'll diminish the cost of unemployment benefits, and we will have people who are working as productive members of society who are paying taxes. So this \$700 billion figure is a ridiculous one.

Mr. Speaker, I will say again: Any Member of this House who votes in favor of the measure that is before us is going to be voting to increase taxes on working Americans, and it is just plain wrong.

Let me just close again by saying that, when I used the term "political theater," I was quoting the very thoughtful ranking member of the Trade Subcommittee of Ways and Means, Mr. BRADY, who came before us in the Rules Committee and said, This is political theater.

Why? There are reports today that the negotiators from the White House and both Houses of Congress have come to an agreement that we are going to ensure that we don't increase taxes on any Americans for at least 2 years. Those are the reports that we have that have come out. So we are here on the House floor, denying this institution an opportunity to vote on a proposal like that.

We in the Rules Committee, Mr. Speaker, simply said, Gosh, since 31 Democrats have signed a letter saying they believe it would be a mistake to increase taxes on any Americans, the House should have a chance to vote on that.

I offered that proposal upstairs last night in the Rules Committee. A party-line vote.

The Democrats said, Oh, no. We're not going to allow what would clearly be a majority of this House, I believe, if we were to actually have a vote, to work its will. We are going to resort to legerdemain and not allow a motion to recommit.

This bill before us, Mr. Speaker, happens to be the airport and airway bill. It's basically the FAA bill. They did that to deny even an opportunity for a motion to recommit. Now, I know that's all inside baseball stuff, but it's inside baseball stuff that led the American people to cast the votes that they did on November 2, because it was a year ago last June when this "read the bill" measure came forward, when we had the 300-page amendment dropped in our laps at 3 o'clock in the morning in the Rules Committee, and we didn't have a chance to read it. So the American people started looking at what takes place in this institution, and on November 2, they rejected it.

Well, with what we are doing here today, it is obviously an indication that this majority that is now in charge is tone deaf. They don't understand the message that the American people sent, because they have spent time looking here at what is going on, and that is why we have focused on increasing transparency, disclosure, and accountability.

So, as they have done that, they've said, Don't do the kinds of things that you are contemplating doing right now.

The bottom line is, by resorting to legerdemain, we are going to end up increasing taxes on working Americans.

I say, in closing, Mr. Speaker, that any Member of this House who votes in favor of this measure is voting to increase taxes on the men and women in this country who are out there saving, investing, and working to create jobs for our fellow Americans, and it is just plain wrong. So I urge a "no" vote on the previous question and a "no" vote on the rule.

I yield back the balance of my time. Ms. PINGREE of Maine. I thank the gentleman from California for his remarks.

Mr. Speaker, before I close, I would just say again that I think we have a difference of opinion on the semantics here.

You want to argue that, if we don't continue tax cuts/tax breaks for the wealthiest people in this country that we are increasing taxes. I would say it is time we let those tax breaks end, those tax breaks that went on for too long and that did nothing, in my opinion, to stimulate the economy.

I also just want to add my own comment.

You know, there is a lot of interpretation about November 2. The voters cast their votes. Things changed dramatically. Many of us who have been in politics over time know that sometimes you're in the majority, sometimes you're in the minority; sometimes your ideas come out on top, and sometimes they don't.

But I have to say personally, in interpreting my own district, voters heard me say every day that I pledge to continue the tax breaks for the middle class but that I will not vote to extend them for the wealthiest in this country. I debated my opponent, and it was written about in the newspaper. There were endless interviews when I made it very clear as to what my point of view was and why I thought it was important. I come from a State where small business rules, where I am a small business owner, and where I said to people, You know, this isn't a small business issue; this is about helping the wealthiest people in this country.

I just have to say, when I go back and look at the November 2 election, oddly enough, I'm still here, and I intend to be here on January 5 and to be sworn in again. Somehow, the voters in my district said, Go for it. We don't want to see any more tax breaks for the wealthy. We, in fact, only want to see tax cuts for the middle class.

So I am interpreting November 2 to mean we are doing the right thing on the floor today. We are putting forward the one measure that allows us to make sure we can separate the tax cuts for the wealthiest from the tax cuts for the middle class. That is what we are doing here today.

Let me just close, Mr. Speaker.

Ten years ago, Congress passed a package of tax cuts with the lion's share of the benefits going to the wealthiest of the wealthy. The stated intent was to grow and secure our economy. Today, millions of families across this country are struggling. They are worried about finding work. They are barely covering their monthly expenses.

I have to ask my colleagues: Do your constituents feel more economically secure than they did 10 years ago?

Since these cuts took place, we have gone from a balanced Federal budget to troubling deficits. We have seen the middle class weaken, and we have experienced the worst economic downturn since the Great Depression. The billions we have given in handouts to the super rich have been major contributors to all of those realities.

Today, we have a historic opportunity to support the middle class, to show real Americans that we as Members of Congress are hearing their frustrations and their anger. We can stand up today and say that we are going to help the vast majority of Americans, that we care deeply about the economic security of the middle class and that, for once, Congress is going to act in the best interest of the middle class.

I strongly stand behind H.R. 4853, extending the tax cuts for middle class families and businesses who make up to \$250,000. They need a break, and we should be doing even more for them. It is simply outrageous to suggest that we should hold these tax cuts hostage in order to continue a failed policy that has weakened our economy, has placed a bigger burden on working families and has only been effective in making the rich richer. I urge all of my colleagues to support middle class Americans and to vote for the underlying bill.

I 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 SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the yeas 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 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting House Resolution 1745, if ordered, and suspending the rules with regard to House Resolution 1638, House Resolution 1598, and House Resolution 1576, if ordered.

The vote was taken by electronic device, and there were—yeas 224, nays 186, not voting 23, as follows:

[Roll No. 596]

YEAS—224

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

NAYS—186

Aderholt	Bono Mack	Cassidy
Adler (NJ)	Boozman	Castle
Akin	Boren	Chaffetz
Altmire	Boustany	Childers
Austria	Brady (TX)	Coble
Bachus	Bright	Coffman (CO)
Bartlett	Broun (GA)	Cole
Barton (TX)	Brown (SC)	Conaway
Bean	Buchanan	Cooper
Berry	Burgess	Costa
Biggert	Burton (IN)	Crenshaw
Bilbray	Calvert	Culberson
Billirakis	Camp	Davis (AL)
Bishop (UT)	Campbell	Davis (KY)
Blackburn	Cantor	Dent
Blunt	Cao	Diaz-Balart, L.
Boehner	Capito	Diaz-Balart, M.
Bonner	Carter	Djou

Dreier	LaTourette	Rehberg	Bishop (GA)	Hinojosa	Pascrell	Harper	McCarthy (CA)	Rogers (MI)
Duncan	Latta	Reichert	Bishop (NY)	Hirono	Pastor (AZ)	Hastings (WA)	McCaul	Rohrabacher
Ehlers	Lee (NY)	Roe (TN)	Blumenauer	Hodes	Payne	Heller	McClintock	Rooney
Emerson	Lewis (CA)	Rogers (AL)	Boccheri	Holden	Pelosi	Hensarling	McCotter	Ros-Lehtinen
Flake	Linder	Rogers (KY)	Boswell	Holt	Perlmutter	Herger	McHenry	Roskam
Fleming	LoBiondo	Rogers (MI)	Brady (PA)	Honda	Pingree (ME)	Herseth Sandlin	McIntyre	Ross
Forbes	Lucas	Rohrabacher	Braley (IA)	Hoyer	Polis (CO)	Himes	McKeon	Royce
Fortenberry	Luetkemeyer	Rooney	Brown, Corrine	Inslee	Price (NC)	Hoekstra	Mica	Ryan (WI)
Foxo	Lummis	Ros-Lehtinen	Butterfield	Israel	Quigley	Hunter	Miller (FL)	Scalise
Franks (AZ)	Lungren, Daniel	Roskam	Capps	Jackson (IL)	Rahall	Inglis	Miller (MI)	Schmidt
Frelinghuysen	E.	Ross	Capuano	Jackson Lee	Rangel	Issa	Miller, Gary	Schock
Galegally	Mack	Royce	Carmahan	(TX)	Reyes	Jenkins	Minnick	Sensenbrenner
Garrett (NJ)	Manzullo	Ryan (WI)	Carney	Johnson (GA)	Richardson	Johnson (IL)	Mitchell	Sessions
Gerlach	Matheson	Scalise	Carson (IN)	Johnson, E. B.	Rodriguez	Johnson, Sam	Moran (KS)	Shimkus
Gingrey (GA)	McCarthy (CA)	Schmidt	Castor (FL)	Kagen	Rothman (NJ)	Jones	Moran (VA)	Shuler
Gohmert	McCaul	Schock	Childers	Kanjorski	Roybal-Allard	Jordan (OH)	Murphy, Tim	Shuster
Goodlatte	McClintock	Sensenbrenner	Chu	Kaptur	Ruppersberger	King (IA)	Myrick	Simpson
Granger	McCotter	Sessions	Clarke	Kennedy	Rush	King (NY)	Neugebauer	Smith (NE)
Graves (GA)	McHenry	Shimkus	Clay	Kildee	Ryan (OH)	Kingston	Nunes	Smith (NJ)
Graves (MO)	McIntyre	Shuster	Cleaver	Kilpatrick (MI)	Salazar	Kirkpatrick (AZ)	Olson	Smith (TX)
Griffith	McKeon	Simpson	Clyburn	Kilroy	Sánchez, Linda	Kline (MN)	Paul	Space
Guthrie	Mica	Smith (NE)	Cohen	Kind	T.	Lamborn	Paulsen	Stearns
Hall (TX)	Miller (FL)	Smith (NJ)	Conyers	Kissell	Sanchez, Loretta	Lance	Pence	Stutzman
Harper	Miller (MI)	Smith (TX)	Courtney	Klein (FL)	Sarbanes	Latham	Perriello	Sullivan
Hastings (WA)	Miller, Gary	Stearns	Critz	Kosmas	Schakowsky	LaTourette	Peters	Terry
Heller	Minnick	Stutzman	Crowley	Kratovil	Schauer	Latta	Peterson	Thompson (PA)
Hensarling	Mitchell	Sullivan	Cuellar	Kucinich	Schiff	Lee (NY)	Petri	Thornberry
Herger	Moran (KS)	Terry	Cummings	Langevin	Schwartz	Lewis (CA)	Pitts	Tiahrt
Hoekstra	Murphy, Tim	Thompson (PA)	Davis (CA)	Larsen (WA)	Scott (GA)	Linder	Platts	Tiberi
Hunter	Myrick	Thornberry	Davis (IL)	Larson (CT)	Scott (VA)	Lipinski	Poe (TX)	Turner
Inglis	Neugebauer	Tiahrt	Davis (TN)	Lee (CA)	Serrano	LoBiondo	Pomeroy	Upton
Issa	Nunes	Tiberi	DeGette	Levin	Sestak	Lucas	Posey	Walden
Jenkins	Olson	Turner	DeLauro	Loebsack	Shea-Porter	Luetkemeyer	Price (GA)	Wamp
Johnson (IL)	Paul	Upton	Deutch	Loftgren, Zoe	Sherman	Lummis	Radanovich	Westmoreland
Johnson, Sam	Paulsen	Dicks	Dingell	Lowey	Sires	Lungren, Daniel	Reed	Whitfield
Jones	Pence	Doggett	Dingell	Lujan	Skelton	E.	Rehberg	Wilson (SC)
Jordan (OH)	Peterson	Donnelly (IN)	Walden	Lynch	Slaughter	Mack	Reichert	Wittman
King (IA)	Petri	Doyle	Westmoreland	Maffei	Smith (WA)	Manzullo	Roe (TN)	Wolf
King (NY)	Pitts	Driehaus	Whitfield	Maloney	Snyder	Marshall	Rogers (AL)	Young (AK)
Kingston	Platts	Edwards (MD)	Wilson (SC)	Markey (CO)	Speier	Matheson	Rogers (KY)	Young (FL)
Kline (MN)	Poe (TX)	Edwards (TX)	Wittman	Markey (MA)	Spratt			
Kratovil	Posey	Ellison	Wolf	Matsui	Stark			
Lamborn	Price (GA)	Engel	Young (AK)	McCarthy (NY)	Stupak	Bachmann	DeFazio	McMorris
Lance	Radanovich	Eshoo	Young (FL)	McCollum	Sutton	Barrett (SC)	Delahunt	Rodgers
Latham	Reed	Etheridge		McDermott	Tanner	Boucher	Fallin	Owens
		Farr		McGovern	Teague	Brown-Waite,	Hastings (FL)	Putnam
		Fattah		McMahon	Thompson (CA)	Ginny	Lewis (GA)	Schradner
		Filner		McNerney	Thompson (MS)	Buyer		Shadegg
		Foster		Meeke (FL)	Tierney	Cardoza	Marchant	Taylor
		Frank (MA)		Meeke (NY)	Titus			
		Fudge		Melancon	Tonko			
		Garamendi		Michaud	Towns			
		Giffords		Miller (NC)	Tsongas			
		Gonzalez		Miller, George	Van Hollen			
		Gordon (TN)		Mollohan	Velázquez			
		Grayson		Moore (KS)	Visclosky			
		Green, Al		Moore (WI)	Walz			
		Green, Gene		Murphy (CT)	Wasserman			
		Grijalva		Murphy (NY)	Schultz			
		Gutierrez		Murphy, Patrick	Waters			
		Hall (NY)		Nadler (NY)	Watson			
		Halvorson		Napolitano	Watt			
		Hare		Neal (MA)	Waxman			
		Harman		Nye	Weiner			
		Heinrich		Oberstar	Welch			
		Higgins		Obey	Wilson (OH)			
		Hill		Olver	Woolsey			
		Hinchee		Ortiz	Wu			
				Pallone	Yarmuth			

## NOT VOTING—23

Alexander  
Bachmann  
Barrett (SC)  
Berman  
Boucher  
Brown-Waite,  
Ginny  
Buyer  
Cardoza

□ 1144

Messrs. TERRY, GRAVES of Missouri, SCALISE and GOODLATTE changed their vote from “yea” to “nay.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated for:

Mr. GRAYSON. Mr. Speaker, during rollcall vote No. 596 on Motion on Ordering the Previous Question—H.R. 1745, I was unavoidably detained because of a transportation delay. Had I been present, I would have voted “yea.”

The SPEAKER pro tempore (Mr. PASTOR of Arizona). 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. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 213, nays 203, not voting 18, as follows:

[Roll No. 597]

YEAS—213

Ackerman  
Andrews  
Arcuri

Baca  
Baldwin  
Barrow

Becerra  
Berkley  
Berman

Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boccheri  
Boswell  
Brady (PA)  
Braley (IA)  
Brown, Corrine  
Butterfield  
Capps  
Capuano  
Carmahan  
Carney  
Carson (IN)  
Castor (FL)  
Childers  
Chu  
Clarke  
Cohen  
Conyers  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
Davis (TN)  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Driehaus  
Edwards (MD)  
Edwards (TX)  
Ellison  
Engel  
Eshoo  
Etheridge  
Farr  
Fattah  
Filner  
Foster  
Frank (MA)  
Fudge  
Garamendi  
Giffords  
Gonzalez  
Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Harman  
Heinrich  
Higgins  
Hill  
Hinchee

## NAYS—203

Aderholt  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Austria  
Bachus  
Baird  
Bartlett  
Barton (TX)  
Bean  
Berry  
Biggart  
Bilbray  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boren  
Boustany  
Boyd  
Brady (TX)  
Bright  
Broun (GA)

Brown (SC)  
Buchanan  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Carter  
Cassidy  
Castle  
Chaffetz  
Chandler  
Coble  
Coffman (CO)  
Cole  
Conaway  
Connolly (VA)  
Cooper  
Costa  
Costello  
Crenshaw  
Culberson  
Dahlkemper  
Davis (AL)  
Davis (KY)

## SUPPORTING NATIONAL GEAR UP DAY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1638) supporting the goals and ideals of National GEAR UP Day.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution.

The question was taken.

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

RECORDED VOTE

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

## NOT VOTING—18

Bachmann  
Barrett (SC)  
Boucher  
Brown-Waite,  
Ginny  
Buyer  
Cardoza

DeFazio  
Delahunt  
Fallin  
Hastings (FL)  
Lewis (GA)  
Marchant

McMorris  
Rodgers  
Owens  
Putnam  
Schradner  
Shadegg  
Taylor

## Announcement by the Speaker Pro Tempore

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

□ 1155

Messrs. BOYD, POSEY, and COSTELLO changed their vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 405, noes 0, not voting 28, as follows:

[Roll No. 598]

AYES—405

Ackerman	Davis (KY)	Jenkins
Aderholt	Davis (TN)	Johnson (GA)
Adler (NJ)	DeGette	Johnson (IL)
Akin	DeLauro	Johnson, E. B.
Alexander	Dent	Johnson, Sam
Altmire	Deutch	Jones
Andrews	Diaz-Balart, L.	Jordan (OH)
Arcuri	Diaz-Balart, M.	Kagen
Austria	Dicks	Kanjorski
Baca	Dingell	Kennedy
Bachus	Djou	Kildee
Baird	Doggett	Kilpatrick (MI)
Baldwin	Donnelly (IN)	Kilroy
Barrow	Doyle	Kind
Bartlett	Dreier	King (IA)
Barton (TX)	Driehaus	King (NY)
Bean	Duncan	Kingston
Becerra	Edwards (MD)	Kirkpatrick (AZ)
Berkley	Edwards (TX)	Kissell
Berman	Ehlers	Klein (FL)
Berry	Ellison	Kline (MN)
Biggert	Ellsworth	Kosmas
Bilbray	Emerson	Kratovil
Bilirakis	Engel	Kucinich
Bishop (GA)	Eshoo	Lamborn
Bishop (NY)	Etheridge	Lance
Blackburn	Farr	Langevin
Blumenauer	Fattah	Larsen (WA)
Blunt	Filner	Larson (CT)
Bocchieri	Flake	Latham
Bonner	Fleming	LaTourette
Bono Mack	Forbes	Latta
Boozman	Fortenberry	Lee (CA)
Boren	Foster	Lee (NY)
Boswell	Fox	Levin
Boustany	Frank (MA)	Lewis (CA)
Boyd	Franks (AZ)	Linder
Brady (PA)	Frelinghuysen	Lipinski
Brady (TX)	Fudge	LoBiondo
Braley (IA)	Gallely	Loebsack
Bright	Garrett (NJ)	Lofgren, Zoe
Broun (GA)	Gerlach	Lowey
Brown (SC)	Giffords	Lucas
Brown, Corrine	Gingrey (GA)	Luetkemeyer
Buchanan	Gonzalez	Lujan
Burgess	Goodlatte	Lummis
Burton (IN)	Gordon (TN)	Lungren, Daniel
Calvert	Granger	E.
Camp	Graves (GA)	Lynch
Campbell	Graves (MO)	Mack
Cantor	Grayson	Maffei
Cao	Green, Al	Maloney
Capito	Green, Gene	Manzullo
Capps	Griffith	Markey (CO)
Capuano	Grijalva	Markey (MA)
Carnahan	Guthrie	Marshall
Carney	Gutierrez	Matheson
Carson (IN)	Hall (NY)	Matsui
Carter	Hall (TX)	McCarthy (CA)
Cassidy	Halvorson	McCarthy (NY)
Castle	Hare	McCaul
Castor (FL)	Harman	McClintock
Chaffetz	Harper	McCollum
Chandler	Hastings (WA)	McCotter
Childers	Heinrich	McDermott
Chu	Heller	McGovern
Clay	Hensarling	McHenry
Cleaver	Hergert	McIntyre
Coble	Herseth Sandlin	McKeon
Coffman (CO)	Higgins	McMahon
Cohen	Hill	McNerney
Cole	Himes	Meek (FL)
Conaway	Hinchee	Meeks (NY)
Connolly (VA)	Hirono	Melancon
Cooper	Hodes	Mica
Costa	Hoekstra	Michaud
Costello	Holden	Miller (FL)
Courtney	Holt	Miller (MI)
Crenshaw	Honda	Miller (NC)
Critz	Hoyer	Miller, Gary
Crowley	Hunter	Miller, George
Cuellar	Inglis	Minnick
Culberson	Inslee	Mitchell
Cummings	Israel	Mollohan
Dahlkemper	Issa	Moore (KS)
Davis (AL)	Jackson (IL)	Moore (WI)
Davis (CA)	Jackson Lee	Moran (KS)
Davis (IL)	(TX)	Moran (VA)

Murphy (CT)	Rogers (MI)
Murphy (NY)	Rohrabacher
Murphy, Patrick	Rooney
Murphy, Tim	Ros-Lehtinen
Myrick	Roskam
Nadler (NY)	Ross
Napolitano	Rothman (NJ)
Neal (MA)	Roybal-Allard
Neugebauer	Royce
Nunes	Ruppersberger
Nye	Rush
Oberstar	Ryan (OH)
Obey	Ryan (WI)
Olson	Salazar
Oliver	Sánchez, Linda
Ortiz	T.
Owens	Sanchez, Loretta
Pallone	Sarbanes
Pascarell	Scalise
Pastor (AZ)	Schakowsky
Paul	Schauer
Paulsen	Schiff
Payne	Schmidt
Pence	Schock
Perlmutter	Schwartz
Perriello	Scott (GA)
Peters	Scott (VA)
Peterson	Sensenbrenner
Petri	Serrano
Pingree (ME)	Sessions
Pitts	Sestak
Platts	Shadegg
Poe (TX)	Shea-Porter
Polis (CO)	Sherman
Posey	Shimkus
Price (NC)	Shuler
Quigley	Shuster
Radano	Simpson
Rahall	Sires
Rangel	Skelton
Reed	Slaughter
Rehberg	Smith (NE)
Reichert	Smith (NJ)
Reyes	Smith (TX)
Richardson	Smith (WA)
Rodriguez	Snyder
Roe (TN)	Space
Rogers (AL)	Speier
Rogers (KY)	Spratt

Stark	Thompson (CA)
Stearns	Thompson (MS)
Stupak	Thompson (PA)
Stutzman	Thornberry
Sullivan	Tiahrt
Sutton	Tiberi
Tanner	Tierney
Taylor	Titus
Teague	Tonko
Terry	Towns
Thompson (CA)	Tsongas
Thompson (MS)	Turner
Thompson (PA)	Upton
Thornberry	Van Hollen
Tiahrt	Velázquez
Tiberi	Visclosky
Tierney	Walz
Titus	Wamp
Tonko	Wasserman
Towns	Schultz
Tsongas	Waters
Turner	Watson
Upton	Watt
Van Hollen	Waxman
Velázquez	Weiner
Visclosky	Welch
Walz	Westmoreland
Wamp	Sires
Wasserman	Whitfield
Schultz	Wilson (OH)
Waters	Wilson (SC)
Watson	Wittman
Watt	Wolf
Waxman	Woolsey
Weiner	Wu
Welch	Yarmuth
Westmoreland	Young (AK)
Sires	Young (FL)

The question was taken.

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

RECORDED VOTE

Mr. CONNOLLY of Virginia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 412, noes 0, not voting 21, as follows:

[Roll No. 599]

AYES—412

Ackerman	Cooper	Heller
Aderholt	Costa	Hensarling
Adler (NJ)	Costello	Hergert
Akin	Courtney	Herseth Sandlin
Alexander	Crenshaw	Higgins
Altmire	Critz	Hill
Andrews	Crowley	Himes
Arcuri	Cuellar	Hinchee
Austria	Culberson	Hinojosa
Baca	Cummings	Hirono
Bachus	Dahlkemper	Hodes
Baird	Davis (AL)	Hoekstra
Baldwin	Davis (CA)	Holden
Barrow	Davis (IL)	Holt
Bartlett	Davis (KY)	Honda
Barton (TX)	Davis (TN)	Hoyer
Bean	DeGette	Hunter
Becerra	DeLauro	Inglis
Berkley	Dent	Inslee
Berman	Deutch	Israel
Berry	Diaz-Balart, L.	Issa
Bilbray	Diaz-Balart, M.	Jackson (IL)
Bilirakis	Dicks	Jackson Lee
Bishop (GA)	Dingell	(TX)
Bishop (NY)	Djou	Jenkins
Blackburn	Doggett	Johnson (GA)
Blumenauer	Donnelly (IN)	Johnson (IL)
Blunt	Doyle	Johnson, E. B.
Bocchieri	Dreier	Johnson, Sam
Bonner	Driehaus	Jones
Bono Mack	Duncan	Jordan (OH)
Boozman	Edwards (MD)	Kagen
Boren	Edwards (TX)	Kanjorski
Boswell	Ehlers	Kaptur
Boustany	Ellison	Kennedy
Boyd	Ellsworth	Kildee
Brady (PA)	Emerson	Kilpatrick (MI)
Brady (TX)	Engel	Kilroy
Braley (IA)	Eshoo	Kind
Bright	Etheridge	King (IA)
Broun (GA)	Farr	King (NY)
Brown (SC)	Fattah	Kingston
Buchanan	Filner	Kirkpatrick (AZ)
Burgess	Flake	Kissell
Burton (IN)	Fleming	Klein (FL)
Calvert	Forbes	Kline (MN)
Camp	Fortenberry	Kosmas
Campbell	Foster	Kratovil
Cantor	Fox	Kucinich
Cao	Frank (MA)	Lamborn
Capito	Franks (AZ)	Lance
Capps	Frelinghuysen	Langevin
Capuano	Fudge	Larsen (WA)
Carnahan	Gallely	Larson (CT)
Carney	Garrett (NJ)	Latham
Carson (IN)	Gerlach	LaTourette
Carter	Giffords	Latta
Cassidy	Gingrey (GA)	Lee (CA)
Castle	Gohmert	Lee (NY)
Castor (FL)	Gonzalez	Levin
Chaffetz	Goodlatte	Lewis (CA)
Chandler	Granger	Linder
Childers	Graves (GA)	Lipinski
Chu	Graves (MO)	LoBiondo
Clay	Grayson	Loebsack
Cleaver	Green, Al	Lofgren, Zoe
Coble	Green, Gene	Lowey
Coffman (CO)	Griffith	Lucas
Cohen	Grijalva	Luetkemeyer
Cole	Guthrie	Lujan
Conaway	Gutierrez	Lummis
Connolly (VA)	Hall (NY)	Lungren, Daniel
Cooper	Hall (TX)	E.
Costa	Halvorson	Lynch
Costello	Hare	Mack
Courtney	Harman	Maffei
Crenshaw	Harper	Maloney
Critz	Hastings (WA)	Manzullo
Crowley	Heinrich	Markey (CO)
Cuellar		
Culberson		
Cummings		
Dahlkemper		
Davis (AL)		
Davis (CA)		
Davis (IL)		

NOT VOTING—28

Bachmann	Clarke	Kaptur
Barrett (SC)	Clyburn	Lewis (GA)
Bishop (UT)	Conyers	Marchant
Boehner	DeFazio	McMorris
Boucher	Delahunt	Rodgers
Brown-Waite,	Fallin	Pomeroy
Ginny	Garamendi	Price (GA)
Butterfield	Gohmert	Putnam
Buyer	Hastings (FL)	Schrader
Cardoza	Hinojosa	Walden

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1203

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL WORK AND FAMILY MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1598) expressing support for the designation of the month of October as National Work and Family Month.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution.



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.

AIRPORT AND AIRWAY EXTENSION  
ACT OF 2010, PART IV

Mr. COSTELLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6473) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6473

*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 "Airport and Airway Extension Act of 2010, Part IV".

## SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking "December 31, 2010" and inserting "March 31, 2011".

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking "December 31, 2010" and inserting "March 31, 2011".

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking "December 31, 2010" and inserting "March 31, 2011".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2011.

## SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking "January 1, 2011" and inserting "April 1, 2011"; and

(2) by inserting "or the Airport and Airway Extension Act of 2010, Part IV" before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking "January 1, 2011" and inserting "April 1, 2011".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2011.

## SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103 of title 49, United States Code, is amended—

(A) by striking "and" at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting "; and"; and

(C) by inserting after paragraph (7) the following:

"(8) \$1,850,000,000 for the 6-month period beginning on October 1, 2010."

(2) OBLIGATION OF AMOUNTS.—Subject to limitations specified in advance in appropriation Acts, sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2011, and shall remain available until expended.

(3) PROGRAM IMPLEMENTATION.—For purposes of calculating funding apportionments and meeting other requirements under sections 47114, 47115, 47116, and 47117 of title 49, United States Code, for the 6-month period beginning on October 1, 2010, the Administrator of the Federal Aviation Administration shall—

(A) first calculate funding apportionments on an annualized basis as if the total amount available under section 48103 of such title for fiscal year 2011 were \$3,700,000,000; and

(B) then reduce by 50 percent—

(i) all funding apportionments calculated under subparagraph (A); and

(ii) amounts available pursuant to sections 47117(b) and 47117(f)(2) of such title.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of such title is amended by striking "December 31, 2010," and inserting "March 31, 2011,".

## SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(l)(7) of title 49, United States Code, is amended by striking "January 1, 2011," and inserting "April 1, 2011,".

(b) Section 44302(f)(1) of such title is amended—

(1) by striking "December 31, 2010," and inserting "March 31, 2011,"; and

(2) by striking "March 31, 2011," and inserting "June 30, 2011,".

(c) Section 44303(b) of such title is amended by striking "March 31, 2011," and inserting "June 30, 2011,".

(d) Section 47107(s)(3) of such title is amended by striking "January 1, 2011," and inserting "April 1, 2011,".

(e) Section 47115(j) of such title is amended by striking "January 1, 2011," inserting "April 1, 2011,".

(f) Section 47141(f) of such title is amended by striking "December 31, 2010," and inserting "March 31, 2011,".

(g) Section 49108 of such title is amended by striking "December 31, 2010," and inserting "March 31, 2011,".

(h) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by striking "January 1, 2011," and inserting "April 1, 2011,".

(i) Section 186(d) of such Act (117 Stat. 2518) is amended by striking "January 1, 2011," inserting "April 1, 2011,".

(j) The amendments made by this section shall take effect on January 1, 2011.

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. 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. 6473.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 6473, the Airport and Airway Extension Act of 2010, Part IV.

I want to thank Chairman OBERSTAR of the Committee on Transportation for bringing this bill to the floor today.

At the end of September, we passed an FAA extension that will expire on December 31. H.R. 6473 is a clean 3-month extension that runs through the end of March. However, I am hopeful that we can still pass a long-term FAA reauthorization bill before the 111th Congress adjourns.

There are many important provisions in the FAA reauthorization bill, such as binding arbitration for the air traffic controllers, addressing the consolidation and realignment of FAA facilities, and making investments to accelerate NextGen. In addition, the bill will create thousands of jobs at a time when our economy continues to struggle and too many Americans are out of work. Our aviation system plays a significant role in our national economy, and I will continue to push for a comprehensive, long-term FAA reauthorization bill.

I urge my colleagues to support the bill.

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

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

Mr. Speaker, as was pointed out, in May, the House passed H.R. 915, the FAA Reauthorization Act of 2009. In March of this year, the Senate passed its own FAA reauthorization bill. The House took that up, amended it, passed it, and sent it back to the Senate. Since then, we have been in formal discussions to reconcile the two bills. While these discussions have led to tentative agreements on nearly all of the provisions, a few controversial issues have prevented the House and Senate from reaching a final agreement.

Therefore, with the FAA's authorities set to expire at the end of the calendar year, we again find it necessary to consider another extension. Like the 16 earlier extensions over the past 3 years, the bill before us would provide a short-term extension of the taxes, programs, and funding of the FAA, this time through the end of March 2011.

It is unfortunate that this Congress has not been able to reach final agreement on a comprehensive FAA reauthorization bill. We recognize the importance of a multiyear authorization, and I look forward to working with Mr. COSTELLO and my other colleagues in the next Congress to that end.

However, in order to ensure the safe operation of the National Airspace System while Congress continues to debate a full reauthorization package, I certainly support passage of today's extension and urge my colleagues to do the same.

I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield such time as he may consume to the chairman of the full Transportation and Infrastructure Committee, the gentleman from Minnesota, Chairman OBERSTAR.

Mr. OBERSTAR. I thank the chairman for yielding time, and I thank Mr.

MICA for his partnership in bringing yet another Transportation bill to the House floor in these waning hours of the session. I wish with all my heart we didn't have to be here and that the other body had acted on this measure in the 110th Congress and earlier in this Congress, but that's not the case, unfortunately.

Without going into any detail or further reviewing of the inscrutable actions of the other body, I will just say that we are here again, doing our part in public service, carrying out our trust to the people of this country and to the cause of aviation in assuring that we continue the programs of aviation until such time—and hope continues in my heart and that of Mr. COSTELLO, Mr. PETRI, Mr. MICA, and, I think, of the whole aviation community—that we will be able to accomplish passage of the full authorization bill.

We are headed for a billion passengers in the airspace of the United States. Last year, a billion people traveled by air worldwide. Three-fourths of them traveled in the U.S. airspace. We account for more air travel than all the rest of the world combined. To continue to provide the level of service needed for this engine of economic growth of aviation, which accounts for 9 percent of our gross domestic product, we need to prepare for the future.

This legislation will provide the authorization for the Next Generation air traffic control technology to be implemented in time with the effectiveness that the FAA has always pursued and for the good purposes of aviation.

It is important for us to persist until the very last hours of this Congress to ensure that the goals of aviation will be met; that safety in aviation will be provided at the highest possible level, as stated in the opening paragraph of the FAA Act of 1958; that we meet our trust to the flying public to ensure that the separation of aircraft at altitude will be conducted by the most robust, efficient, available technology; and that we prepare the groundwork for future growth in aviation. This legislation does it.

It is a tribute to Mr. COSTELLO and to Mr. PETRI. They have worked together. Particularly, Mr. COSTELLO has chaired the subcommittee and has bent himself to the effort. He has persisted rigorously in hearings, in meetings, in markup to fashion the best possible future for aviation. This bill is a monument to his service as chair of the Aviation Subcommittee. For that reason alone, it ought to be enacted by the Congress.

For myself, this is a nostalgic moment. I think, unless we are here again on aviation, it is likely to be my last measure on which I will speak in this body. I thank my colleagues for their support.

I thank our diligent, dedicated, and gifted committee staff, especially David Heymsfeld and Ward McCarragher, our full committee Chief

of Staff and counsel, for the many, many years we have spent together; Stacie Soumbeniotis, who came onto the committee to become one of the most outstanding aviation professionals in this whole country; and many others whose names I will submit for the RECORD.

□ 1230

I am grateful for their friendships, their partnerships, and to the people of my district for this opportunity to serve the great public good in this greatest legislative body in the world.

Mr. Speaker, I rise in strong support of H.R. 6473, the "Airport and Airways Extension Act of 2010, Part IV". This bill ensures that aviation programs, taxes, and Airport and Airway Trust Fund expenditure authority will continue without interruption pending completion of long-term Federal Aviation Administration (FAA) reauthorization legislation. Because the long-term bill may not be completed before the current authority for aviation programs expires at the end of this month, H.R. 6473 is needed to extend aviation programs, taxes, and expenditure authority for an additional 3 months, through March 31, 2011.

This 3-month extension is not intended as the final decision on how long an extension should be authorized if the long-term bill cannot be passed this month. The term of an extension is under House-Senate discussion. Because of the difficulties in passing any legislation this month, we thought it desirable to begin the process with 3 months as a placeholder.

The most recent long-term FAA reauthorization act, the Vision 100—Century of Aviation Reauthorization Act (P.L. 108–176), expired on September 30, 2007.

Although the House passed an FAA reauthorization bill during the 110th Congress, and again in 2009, the Senate failed to pass an FAA bill until March of this year. The FAA has, therefore, been operating under a series of short-term extension acts, the most recent of which expires on December 31, 2010.

Since passage of the Senate bill in March, we have been working diligently to resolve the differences between the House and Senate bills. As it stands now, the negotiated bill would provide the aviation sector with the stability of a multi-year authorization, safety reforms, record-high capital investment levels, acceleration of the Next Generation Air Transportation System effort, and a passenger bill of rights. Moreover, a comprehensive multi-billion dollar FAA reauthorization would create tens of thousands of well paying aviation sector jobs. Unfortunately, since July, the FAA reauthorization bill has been hung up in the Senate, primarily over a provision that would significantly increase the number of long-distance flights at Washington National Airport.

We will continue to work as hard as we can on behalf of the American public for a strong, comprehensive FAA reauthorization bill, which I still remain hopeful that we can deliver this Congress. However, without the passage of either a multi-year authorization, or another extension, the FAA's capital, research, and airport grant programs would shut down after December 31, 2010, and thousands of FAA employees would be furloughed. FAA's authority to make expenditures from the Airport and Airway Trust Fund would also cease with-

out an extension. Therefore, if we are unable to enact an FAA reauthorization bill, we need to ensure that the FAA will continue running properly without any disruption until such a bill is enacted.

I urge my colleagues to join me in supporting H.R. 6473.

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

I just want to take a minute to acknowledge and express my admiration for the service of the chairman of our committee, the gentleman from Minnesota (Mr. OBERSTAR). The Public Works and Transportation Committee has a long and honorable record here in our Congress. I think the gentleman from Minnesota has been a contributing member of that committee both as a leading staff member, working his way up, and then as a member of the committee representing the Iron Range in northern Minnesota and working his way up to the chairmanship, for a significant percentage of the life of the committee. We are a 200-year-old-or-more-plus country and I think you've been on the committee for at least a quarter of that time.

It has really been a joy for me to be able to learn about the background and history and contexts of a lot of the different decisions that the committee has faced over the years from the gentleman from Minnesota, who in some cases read about them, in other cases experienced firsthand the history that we were discussing and the background of the decisions that we were making. Like any other two Members of a body like this, we've never agreed on everything, but I think we've always tried to be agreeable. I certainly have appreciated that. And I think that there is no question that the people of the Iron Range in northern Minnesota are going to lose a great and dedicated champion with deep roots in the history of that mining region of our country.

I would just like to yield for a brief moment to my chairman on the Education and Labor Committee, GEORGE MILLER.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding and I appreciate taking a moment to recognize JIM OBERSTAR's service to our country and to the Congress.

As one who came to the Congress with Congressman OBERSTAR, he had such a wealth of knowledge before he was elected as a Member of Congress because of his service in the Congress, on the committee, but just to see him every year become such a remarkable spokesperson for infrastructure and public works and the needs of this country in almost every conceivable form, in maintaining this country and its economy, and to see him become such an authority both in the Congress and across the Nation and around the world on the demands of our economy on the infrastructure and the inter-relatedness of those two things. You can't really have one without the other. If you're not growing the infrastructure, you can't grow the economy.

You can't grow the economy if you're not growing the infrastructure. It's a lesson I think that we have maybe painfully learned over the last few months.

He was a spokesperson for doing much more on behalf of the infrastructure but also in behalf of the men and women who are employed in that effort and the people who would be employed in the future with modern airports, modern ports, modern rail systems, smart highway systems and an integrated transportation system. I have been very proud to serve with you all of this time, all of our time together in the Congress. Thank you for your knowledge and for your service.

Mr. PETRI. Before I wrap up, just one last point, and that is that I think one thing I've learned watching JIM OBERSTAR is the way he has expressed appreciation for and treated the people he works with on the staff of the committee and in the House. I think the fact that he spent many years as a staffer himself, sometimes you get angry about things but he always recognized the contribution and the importance of the work that was being done by people who devoted their lives often not in the public spotlight but even in more important endeavors as they actually worked out the details of legislation that were working with us, such as David Heymsfeld that he just referred to.

For these and many other reasons, you, sir, shall be missed.

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

Mr. COSTELLO. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland, a member of the committee and also a subcommittee chairman, Mr. CUMMINGS.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman for yielding, and I certainly support the legislation, but I wanted to take a moment to express my thankfulness to the gentleman from Minnesota, Chairman OBERSTAR. You know, so often we look at our lives and we question how they will intersect with other people's lives. And we hope that when those intersections come about that we are made a better person because of them. And I can say that when my life eclipsed with that of JIM OBERSTAR's, my life became a better life.

As the chairman of the Coast Guard subcommittee, the gentleman from Minnesota was consistently there guiding, showing me the ropes and giving me an opportunity to be all that I could be. It's not every chairman that does that, that says, I'm going to allow you to be all that you can be and then give you the guidance to get there, and then support you throughout.

I've learned a lot in all my years, and it's been about 15 years on that committee, from our chairman. But there is also the thing that a number of other people have already said. I've been just amazed with his leadership and his passion with regard to the

issues of aviation, the Coast Guard, water, rail, and all of our other subjects. Not only is he a walking encyclopedia, but he is also one who brings a strong history to those issues and has been truly a professor, a guide and a true leader. They say that leaders, people want to follow people who have integrity, who have commitment, who will go the extra mile.

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

Mr. COSTELLO. I yield the gentleman an additional minute.

Mr. CUMMINGS. True leaders. JIM OBERSTAR is one who we know that even in those moments, as the Greek theologian Swindoll said, when he was unseen, unnoticed, unappreciated and unapplauded that he still did the right thing. That's what leadership is all about. Generations will be better off because Chairman OBERSTAR touched our lives. I wish him well.

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

Let me also say to Chairman OBERSTAR, I want to thank him for his kind words about this legislation and the work that both myself and the gentleman from Wisconsin (Mr. PETRI) has done. But actually every team has to have a captain and a leader and he has been the leader. He is the person that drove every transportation bill in the last several years coming out of the Transportation Committee on the floor of this House.

I have said many times both here in Washington and back in Illinois that no one in the Congress of the United States or in my opinion in the entire country knows more about transportation issues than JIM OBERSTAR. He's given all of his adult life to serve his country. His entire time here both as a staff person and as a member and then as chairman of the Transportation Committee, he has left us with a legacy that we can be very proud of. And I am very certain that as we end this Congress and move on to the 112th, as we are taking up our business, we will all turn to him and continue to ask him for his advice and to help us guide our way into the future as to how we can improve the quality of life for the people of this country by improving our transportation system.

□ 1240

I thank him for not only his service, but personally for his guidance to me. He has been a mentor. Everything that I have learned about aviation I learned from JIM OBERSTAR. I wish him well and look forward to having him take my phone calls many times in the future as I turn to him for advice.

Mr. Speaker, I ask for strong support for this legislation.

Mr. MICA. Mr. Speaker, it is unfortunate that we find ourselves considering the 17th FAA Extension bill.

As of September 30th, it has been three years since the FAA was last authorized. This has been the longest period of time between FAA reauthorizations in decades, but still Con-

gress has been unable to reach agreement on a final FAA bill.

I know we are all disappointed that we have not been able to reach agreement on a full reauthorization package. Such a bill would:

Ensure stable funding for airport projects across the country, providing for long-term construction jobs;

Advance implementation of the Next Generation Air Traffic Control system; and

Improve aviation safety standards.

Both bodies have been negotiating to produce a final FAA bill that sets priorities and improves our airspace system.

Unfortunately, Congress just cannot seem to get the job done.

In the 112th Congress the FAA Reauthorization bill will be a top priority for the Committee. We will work closely with our colleagues across the aisle and in the other chamber to complete a bill as quickly as possible.

So, while I am sorry we were unable to reach agreement on a bill in this Congress, I support this extension to keep FAA up and running until we complete the bill next year. I urge my colleagues to adopt the legislation.

Mr. COSTELLO. 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. 6473.

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.

#### PLACING CONDITIONS ON CHILD AND ADULT CARE FOOD PROGRAM

Mr. GEORGE MILLER of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6469) to amend section 17 of the Richard B. Russell National School Lunch Act to include a condition of receipt of funds under the child and adult care food program.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6469

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

#### SECTION 1. CONDITION OF RECEIPT OF FUNDS UNDER THE CHILD AND ADULT CARE FOOD PROGRAM.

Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) is amended by adding at the end the following:

“(u) INELIGIBILITY OF INSTITUTIONS.—An institution shall be ineligible for funds under this section if such institution employs a child care staff member who—

“(1) refuses to consent to a criminal background check that includes—

“(A) a search of the State criminal registry or repository in the State where the child care staff member resides and each State where such staff member previously resided;

“(B) a search of State-based child abuse and neglect registries and databases in the State where the child care staff member resides and each State where such staff member previously resided;

“(C) a search of the National Crime Information Center;

“(D) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and

“(E) a search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.);

“(2) makes a false statement in connection with such criminal background check;

“(3) is registered or is required to be registered on a State sex offender registry or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or

“(4) has been convicted of a felony consisting of—

“(A) homicide;

“(B) child abuse or neglect;

“(C) a crime against children, including child pornography;

“(D) spousal abuse;

“(E) a crime involving rape or sexual assault;

“(F) kidnapping;

“(G) arson; or

“(H) physical assault, battery, or a drug-related offense, committed within the past 5 years.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Minnesota (Mr. KLINE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I request 5 legislative days in which Members may revise and extend and insert extraneous material on H.R. 6469 into the RECORD.

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

There was no objection.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Members of the House, today we take up a suspension that requires all participating child care feeding situations to run background checks on people participating in those settings. We do so in support of children across this country who are hungry and who don't have access to nutritious meals and who couldn't vote in November, and support of this legislation will allow us to pass a clean child nutrition bill. They are the ones who don't have a voice but need our help.

Yesterday we postponed final consideration of the child nutrition legislation so we could fully address the issues of protecting our children while also ensuring passage of the child nutrition legislation. Our children cannot afford any more delays. Time is running out in this Congress.

This bill before us today ensures, along with State and Federal laws, that all children will be protected in child care. I support this bill and hope that it will pass.

In an effort to prevent passage of the child nutrition bill, the Republicans decided yesterday to offer a motion to

kill the bill and unfortunately to play politics with two important issues—our children's safety and our children's health. Make no mistake about it: If we accept the motion to recommit, we will kill the child nutrition bill.

Today, this House can take action to both keep children safe and keep them healthy by voting for this suspension, against the killer motion to recommit, and for the child nutrition bill.

H.R. 6469 is identical to the background check provisions offered by the minority and will help ensure that our Nation's children are protected from individuals with a history of criminal or abusive behavior. This legislation helps parents by giving them assurance that any child care provider participating in the Child and Adult Care Food Program has undergone criminal background checks.

Today's Federal law requires all participants in day care centers and homes that participate in the Child and Adult Care Feeding Program to be licensed and approved to provide care by State or local agencies. There is more to be done to keep children safe and in child care, and I hope the Republicans will join me in working to make this happen when we take up the reauthorization of the Child Care and Development Block Grant.

In the area of background checks for child care programs, most States have acted already in some fashion. For example, all but two States require criminal background checks for child care center employees. Furthermore, all but seven States require screening for child abuse and neglect. This legislation goes a step further by ensuring comprehensive background checks have been done for the providers at all child care programs participating in the Child and Adult Care Feeding Program.

This legislation is an important opportunity to vote in favor of protecting our Nation's children from harm. I urge our colleagues to join me in supporting this legislation and later today to vote against the motion to recommit and for passage of the child nutrition bill, the Healthy, Hunger-Free Kids Act.

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

Mr. KLINE of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Members on the other side of the aisle talked a great deal yesterday—and even again today—about playing politics and gotchas here on the House floor, so I feel compelled to take a moment to set the record straight.

Yesterday, the House was supposed to debate and vote on a bill to reauthorize Federal child nutrition programs. Rather than allowing Members to offer amendments and fully engage in the legislative process, the majority decided the U.S. House of Representatives should have no say in these programs that affect childhood health and wellness. Members of the House would

have no involvement in writing initiatives to spend an additional \$4.5 billion in hard-earned taxpayer dollars on legislation that imposes significant operational and financial costs on our local school districts.

They brought this massive child nutrition bill—\$4.5 billion in new spending and 17 new or expanded Federal programs—to the floor under a closed rule. For the record, it was the 97th closed rule in the 4 years Democrats have controlled the people's House, 97th closed rule. Apparently it's easier to dictate the outcome when you prevent legislators from legislating. Talk about a gotcha. That's why I offered a motion to recommit, the one and only chance we had to remove some of the bill's most harmful provisions and insert stronger protections for our children.

My modest amendment included a pair of noncontroversial changes to the underlying bill that should have passed the House overwhelmingly, but that did not fit in the majority's plan. You see, as I said less than 24 hours ago, the clock is winding down on the 111th Congress, and there is a rush to push through as many bills at the last minute as this outgoing majority can manage.

As we witnessed yesterday, the sprint to the finish means the sacrifice of a deliberative process. I don't know about anyone else, but this seems all too familiar. Perhaps that's because it was just this year when the Democrats passed a massive government takeover of health care under a closed process. They denied Members an opportunity to offer their ideas or amendments. They promised the country a fiscally responsible plan while cutting backroom deals to hide the true cost of the legislation. All this was done in an effort to pass a partisan bill the American people have rejected.

Instead of letting lawmakers do our job and pass the best bill we can, the majority shut down the legislative process to defeat improvements to legislation while pretending to support them. Talk about playing politics.

Members will come to the floor shortly to support this bill, and why shouldn't they? This proposal, taken from my motion to recommit, the child nutrition legislation, protects children by requiring background checks for child care providers participating in Federal meal programs. It's a good proposal, which is why it belongs in the child nutrition legislation. Instead, we understand the majority party plans to execute a stunning same-day flip-flop, voting for these background checks now only to oppose them when they really count, as an improvement in the broader bill.

□ 1250

They will be for it before they are against it. This procedural gimmick may fix the political problem but leaves the policy broken. For anyone

still wondering why the American people hold their elected representatives in such low regard, I believe this is it.

Notably absent from this so-called cover vote is the other piece of our motion to recommit. The Republican plan would eliminate the middle class tax hidden in the child nutrition legislation. The Democrats' bill imposes an unprecedented Federal price mandate for paid school meals. As a result, many schools may have to increase the prices they charge children who pay for their meals.

The National Governors Association and leading school groups oppose this provision because it will drive up costs for families and punish schools that have worked hard to hold down costs while providing higher-quality meals. Our proposal would have blocked this harmful tax on working families.

We proposed, during the one and only opportunity we had to do so, a modest pair of corrections that would have made the bill better, our children safer, all while protecting working families. The majority party wants to defeat those corrections, but they cannot do so without political cover. So here we stand.

Mr. Speaker, at this time I am pleased to yield 5 minutes to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. I thank the gentleman from Minnesota for yielding the time.

I know full well from my experience in the State legislature, as well as working on the transition team here, that when one speaks of procedural issues, usually people's eyes glaze over. They are boring issues. However, good procedures do create good policy. Poor procedures create what we are doing here today.

As was said by the gentleman from Minnesota, had the motion to recommit, an amendment, been approved by this body, it would be attached in its entirety to the entire bill. This bill, if it goes to the President's desk, would have all of that language in it.

By changing the procedure, pulling the bill from the floor before the vote and now stripping out part of the motion to recommit and doing it as a suspension, it allows us once again to have political coverage that won't take place in reality of making changes in what happens to this bill or in the real world. For we all know the suspension that we pass here has a very high likelihood of dying in this session.

So we can come down here and say, yes, we want to protect our kids from predators and vote for the suspension knowing full well that that probably will never go into effect. It will die over in the Senate, if it gets that far, and then we'll vote for a bill that no longer has that concept that the House seemed, or at least appeared that it wanted, to add to this provision part of that.

And one of the rationales for doing that is because, well, most of the States already have those types of pro-

cedures. I hate to say this, but that argument can be used for almost all of this bill. See, one of the things that would not be included if indeed the suspension passes and then the motion to recommit fails is the deal with section 205, which, as was mentioned earlier, deals with the amount of money that people will pay—not for reduced lunches—but people will pay just because they don't qualify for reduced lunches.

I hate to use a personal example, but I've got to. As many of you know, I was a school teacher before I joined this august body. Now, this is not something great to note, but as a school teacher, I qualified under the standards for reduced lunches for my five kids. And as a school teacher who qualified for those reduced lunches, I refused to take advantage of that opportunity. I figured that no one had a gun to my head when I had the kids; it was my responsibility now to take care of my kids.

I don't think I'm unusual in that respect. I think there are hundreds of thousands of people who have the same attitude, that they want to take the responsibility for their progeny and the responsibility for what takes place. And, unfortunately, if this provision, section 205, is allowed to stay in the bill, it means the Federal Government—not local school districts, not boards where you actually have a chance to talk to people and they understand the demographics and the reasons—they will make the decision of what people who are paying the full price will pay for that price.

It can go up whenever someone wants it to go up, and has been mentioned, it becomes a disincentive for people to be responsible, to not ask the government to bail them out, to take responsibility and pay for at least school lunches for their own kids or school breakfasts or whatever the process has.

It becomes a counterintuitive argument that harms the process. And why? It's because the decision on what level that payment will be will no longer be made on the local school district level or at least at the State level. It will be made here where a one-size-fits-all program does indeed fail the process.

Now, this is simply—I don't want to call it political gamesmanship, but it is poor procedure that will result in two votes: one vote that is totally meaningless and another vote that misses the mark and does not improve what we're trying to do or what we should do in schools, and that is, allow people who really understand the process to have the final say at the local level where kids are, where the parents are, and where reality should hit. Not here.

Once again, this is not a school board. However often we have tried to act like one, we still are not.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the distinguished gentleman; and,

frankly, I think it's important for my colleagues to recognize that we have been there, done that. And I don't know how the minority consistently managed to trample on a need that America has had and that this Congress and this leadership and this President is trying to cure.

Robert F. Kennedy was one of the first elected officials to draw our attention to the extensive poverty in America. Going into the Appalachian Mountains, he showed the world how children woke up hungry and went to bed hungry.

It is well that the President's commitment and the first lady's charge have been to put our children on the front pages of America.

So I rise to support the underlying Healthy Hunger-Free Kids Act, recognizing we're discussing a suspension that involves all manner of confusion.

But I want America to understand what is really being addressed, which I hope my colleagues will overwhelmingly support. It is to complement the deficiencies of food stamps. It is to recognize that some children get their healthiest meals at breakfast and lunch and possibly, because of this program, through the weekend. It connects learning abilities with being well-nourished. And it speaks not to yesterday, but it speaks to tomorrow, the future of America.

Now, many of us were concerned of how this was paid for. But if you look closely at it, it's an outlay. And the question of food stamps has been addressed by discussions that we have had, and no cuts in food stamps will occur at this time.

But what will occur is that we will bring out of the drain of poverty those children that are our responsibility. I believe it is crucial that we support this legislation now and that we address all manner of information and representation that our friends have.

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

Mr. GEORGE MILLER of California. I yield the gentlewoman an additional 30 seconds.

Ms. JACKSON LEE of Texas. That we deal with the question of sexual predators which, as the chair of the Congressional Children's Caucus, I've worked on extensively. We deal with questions of potential fraud, which I don't know where our colleagues are documenting that.

But what we need to address is the 21 million meals provided through this provision that will offer more incentives for a more comprehensive school program and allow our children to learn and live. If America doesn't accept that as a challenge that it must connect with, then I don't know who we are as a people.

I'm gratified that we have finally recognized that poverty must finally be extinguished. I ask my colleagues to vote for the bill going forward for our children and our country.

I rise today to speak about S. 3307, the Healthy, Hunger-Free Kids Act of 2010.

S. 3307, the Healthy, Hunger-Free Kids Act, is the child nutrition reauthorization legislation that has already passed unanimously in the Senate. The legislation would dramatically improve the quality of meals children eat in school and in child care programs, increase the number of healthy meals available to needy children and provide the first real increase in the Federal reimbursement rate for school lunches in over 30 years. The legislation would also eliminate junk food from schools by requiring schools, for the first time, to apply nutritional standards to food served outside the cafeteria.

Mr. Speaker, while I wholeheartedly support what the Healthy, Hunger-Free Kids Act will do, it is unfortunate that we will have to take money away from the SNAP program in order to fund it.

I am concerned that the bill is paid for with a severe reduction in SNAP ARRA benefits and that it does not fully address the access improvements needed to connect children with those programs. In particular, I worry about the potential impact this could have on low-income children and families. I remain strong in my position to ensure that those participating in the food stamp program will not face negative consequences as a result of the child nutrition bill. While the funding of this bill concerns me, both the SNAP benefits and the Healthy, Hunger-Free Kids Act are necessary to reduce hunger and to improve our Nation's health. It would be a shame if either program were to fall by the wayside. Our President has indicated that he has all intention to ensure a positive commitment to the restoration of SNAP funds; and given that commitment, I stand here today in support of the Healthy, Hunger-Free Kids Act of 2010. Finally, I believe the commitment to cure any funding issue calls for strong support of this bill.

Mr. Speaker, we should remember that this Act is not an attempt to borrow money from one social welfare program to fund another. The intention is to assure that both programs, which will benefit the health and wellbeing of children, are adequately funded. Under this bill, children who are on food stamps will receive healthy meals while at school, and should receive healthy dinners and weekend meals as well.

I recognize that one in four children is at risk of hunger and that one in three is overweight or obese, our children cannot afford to wait for the improvements to child nutrition that are made in the Healthy, Hunger-Free Kids Act. Numerous organizations and advocacy groups that are working to reduce hunger and improve nutrition amongst children are in support of this legislation.

In turn, it is also important to recognize that the Healthy, Hunger-Free Kids Act will also provide more meals for children at risk. Included in this act is a provision that will reimburse the Child and Adult Care Food Programs (CACFP) in all fifty states for meals provided to children after-school. It is widely known, that children who are able to stay after school, and not unsupervised on the streets, are more apt to succeed academically. The 21 million meals provided through this provision will offer more incentives for more comprehensive after school programs that will subsequently improve our nation's overall academic performance.

The United States' obesity rates are higher than the majority of civilized countries in the

world. Nutrition and healthy living is a learned behavior, one that is best learned at young ages. Children will not have proper nutrition if their parents and guardians do not provide it for them. While parents undoubtedly have their children's best interest at heart, it is an unfortunate fact that many families simply cannot afford to provide their children with elements of a nutritious diet composed of healthier ingredients.

In a 2008 American School Health Association study, published in the Journal of School Health, the effects of a healthy diet on academic performance were examined and the findings were incredible. It was deduced that a diverse selection of food, to meet the recommended number of servings of each food group, along with a higher consumption of fruit and vegetables, are critical to strong academic performance. The Healthy, Hunger-Free Kids Act of 2010 provides access to healthier food services to our Nation's children. America's children deserve the opportunity to eat healthily, to live healthily, and to succeed academically.

Mr. Speaker, as I stand here to speak on behalf of my constituents in Houston, and on behalf of all Texans, I support this child nutrition initiative. According to the Texas Department of Agriculture, there are approximately 2.9 million participants in the school lunch programs statewide. The Healthy, Hunger-Free Kids Act will undoubtedly support those school lunch programs, and will also ensure that our youth receives a healthy, balanced meal while at school. Though these meals are offered only at school, they encourage healthier eating habits that will hopefully extend throughout the day and throughout their lives. It is absolutely imperative that our Nation's schools educate children at a young age about healthy active lifestyles and smart food choices.

I support the Healthy, Hunger-Free Kids Act of 2010 because of its nutrition initiatives aimed at our Nation's youth and because it portends billions of dollars in savings over the next ten years. Both nutrition and savings are important to our children's futures. This Act will save \$1 billion over the next ten years by requiring that 12% of Federal support for the National School Lunch Program will be provided in the form of commodity foods. Furthermore, approximately \$1.3 billion will be saved over the next ten years by restructuring the education component of the SNAP into a new grant program; it will eliminate the requirement for States to provide matching funds, and will distribute Federal funds instead.

The Healthy, Hunger-Free Kids Act is an important step towards a healthier future for our children. However, I maintain that it is absolutely necessary that SNAP funds are restored, and that that program is not foregone in our efforts. I urge my colleagues to mirror the Senate, and to support this bill, while calling for a commitment to restoring the SNAP funds.

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

We're told that in a few minutes we will resume the debate on child nutrition where we left off yesterday before we were abruptly interrupted by the majority's strategy to prevent legislators from legislating.

□ 1300

I urge my colleagues, if you support these sensible and important protec-

tions for children and working families, support our commonsense motion to recommit. Listen to the National School Boards Association, who in a letter today wrote, "The motion to recommit recognizes that Federal regulation of the paid meal price is not in the best interest of school districts implementing school meal programs." They are urging Congress to support the motion to recommit.

Listen to child care experts with the National Association of Child Care Resource & Referral Agencies, who today announced strong support for the motion to recommit to require a background check on all child care providers who participate in Federal child nutrition programs.

Mr. Speaker, I support the suspension. I ask my colleagues to support this suspension. But please, support the motion to recommit and provide the real protections our children and families need and deserve.

NATIONAL ASSOCIATION OF CHILD CARE RESOURCE & REFERRAL AGENCIES,  
Arlington, VA, December 2, 2010.

Hon. JOHN KLINE,  
Senior Republican Member, U.S. Committee on Education and Labor, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE KLINE: The National Association of Child Care Resource & Referral Agencies (NACCRRA) strongly supports your Motion to Recommit to S. 3307, Healthy, Hunger-Free Kids Act of 2010, to require a background check on all child care providers who participate in federal child nutrition programs.

NACCRRA works with more than 700 state and local Child Care Resource and Referral agencies (CCR&Rs) throughout the nation. These agencies help ensure that families in 99 percent of all populated zip codes in the United States have access to high-quality, affordable child care.

NACCRRA has released several reports that examine state laws and regulations with regard to child care centers and family child care homes. The most recent state requirements reveal that only half the states conduct effective background checks on child care workers—state and federal fingerprint record checks, a check of the sex offender and child abuse and neglect registries. A name check alone leaves children to chance.

Without a comprehensive check, parents have no way of knowing whether their child care provider has a criminal history. In fact, NACCRRA's 2010 nationwide poll of parents shows that 92 percent of parents support a background check for child care providers. Parents want their children to be safe. The reality is that background check requirements vary greatly by state and most fail to ensure that providers with a criminal history are not caring for children.

NACCRRA commends your leadership on this issue. Your efforts to ensure that all children are safe in child care and that no one with a violent criminal history is paid to provide child care with federal funds is a testament to your dedication to helping parents know their children are safe while they work.

Sincerely,

LINDA K. SMITH,  
Executive Director.

NATIONAL SCHOOL BOARDS  
ASSOCIATION,

Alexandria, VA, December 2, 2010.

Re Motion to Recommit on S. 3307.

Hon. GEORGE MILLER,  
Chairman, Committee on Education and Labor,  
House of Representatives, Washington, DC.  
Hon. JOHN P. KLINE,  
Ranking Member, Committee on Education and  
Labor, House of Representatives, Wash-  
ington, DC.

DEAR CHAIRMAN MILLER AND RANKING MEM-  
BER KLINE: The National School Boards As-  
sociation (NSBA), representing over 95,000  
local school board members across the Na-  
tion through our state school boards associa-  
tions, is deeply committed to fostering a  
healthy and positive learning environment  
for children to achieve their full potential.  
However, NSBA continues to have grave con-  
cerns about the financial and operational im-  
pact of the Healthy, Hunger-Free Kids Act  
(S. 3307) on school districts. The paid meal  
provision is one example. S. 3307 regulates  
how districts establish prices for unsub-  
sidized meals, creating an access issue and a  
local control issue. School districts may try  
to keep the price of paid meals low in order  
to assure that children from low-income  
families that don't qualify for subsidized  
meals can still afford a school lunch. Local  
school districts are in the best position to  
determine how to price their meals in order  
to balance what school districts can afford  
and what families can afford in these eco-  
nomically challenging times. The Motion to  
Recommit recognizes that federal regulation  
of the paid meal price is not in the best in-  
terest of school districts implementing  
school meal programs. We urge you to sup-  
port the Motion to Recommit as a means to  
enable the Congress to give more thorough  
review of the entire bill and to address sev-  
eral objections NSBA has to S. 3307 in its  
current form.

Questions regarding our concerns may be  
directed to Lucy Gettman, director of federal  
programs at 703-838-6763; or by e-mail at  
lgettman@nsba.org.

Sincerely,

MICHAEL A. RESNICK,  
Associate Executive Director.

I yield back the balance of my time.

Mr. GEORGE MILLER of California.  
Mr. Speaker, it was said that yesterday  
we rose so that we would be able to de-  
feat the motion to recommit on the  
child nutrition bill, that somehow this  
was a misuse or abuse of procedure. I  
think what we see today is that we  
were very wise to do that, because the  
intent of that motion to recommit on  
the child nutrition bill was to kill the  
bill.

Now, ordinarily we would have ac-  
cepted that motion to recommit on  
this bill. But we are all aware, we are  
beat over the head in this House with  
what's going on in the Senate. The  
Senate Republican leaders just sent a  
letter signed by all 42 Republicans that  
they would not consider any legislation  
until the tax cut legislation is dealt  
with. In *The New York Times*, it says  
it will cast a long shadow over all re-  
maining legislation before their body.  
In *The Wall Street Journal*, *The Wall*  
*Street Journal* says that it throws a  
roadblock up before an array of other  
issues that have been proposed in the  
Senate.

We knew yesterday that we were  
dealing with a bill that came from the

Senate that was the subject of many  
hearings in the Senate committee, that  
passed after debate and amendment  
unanimously, bipartisanly out of the  
committee. It was reported to the floor  
and, after debate, was passed unani-  
mously on a bipartisan basis in the  
Senate.

We also know that we are not going  
to be able to offer the House bill that  
Mr. KLINE, myself, our staffs, the mem-  
bers of our committee on both sides of  
the aisle worked on because we cannot  
get it considered in the Senate. We  
know that we must take, now, the Sen-  
ate bill if we are going to make the  
progress on many of the issues that we  
agree on across this aisle that are in  
this bill. But we also know that we will  
not be able to change this bill from the  
Senate that passed unanimously and  
send it back into that Senate in the  
current array, because now any Sen-  
ator will be able to object to what was  
previously done by unanimous consent  
because of other issues that are taking  
place in the Senate.

While we agree on the substance of  
the motion to recommit, we could not  
let that kill this bill. So today the  
Members can make their concerns  
known and vote for the suspension. I  
hope they will on both sides of the  
aisle. That can be sent to the Senate.  
And if the Senate feels the same ur-  
gency that we do about the protection  
of our children, both to make them  
safe and make them healthy, they can  
take up that suspension vote by UC  
sometime late before Christmas and  
pass it.

If not, I am sorry to say the gen-  
tleman will be chairman of the com-  
mittee in January, and this can come  
out on—I am not sorry that you will be  
the chair—I am kind of sorry that you  
will be the chairman—not that you will  
be the chairman, but the chairmanship  
will go to the other side of the aisle.  
But anyway, this can come up on sus-  
pension and be sent to the Senate.

But we cannot risk the value of the  
underlying child nutrition bill. We can-  
not risk the changes that it makes to  
make those school lunches and break-  
fasts and nutrition programs safer for  
our children with the changes in the  
recall law when something goes very  
wrong in our food supply in this coun-  
try and children's lives are threatened,  
their health is threatened, as are fami-  
lies of general recalls. The schools  
must be notified on a timely basis.

We cannot give up the opportunity  
that's in this bill to provide for  
healthier meals to combat this incred-  
ible increase in our Nation of obesity  
and diabetes and children presenting  
with adult diseases and illnesses be-  
cause of diet. This is one of the first  
lines of defense against obesity and di-  
abetes as designed by the American Pe-  
diatrics Association, the Nutrition As-  
sociation, people who are concerned  
with and understand and deal with, on  
an everyday basis, the health of Amer-  
ica's children. We are trying to incor-  
porate that in this legislation. So  
that's what's at risk here.

So we are trying to do it the best way  
for the Members of the House, where  
we don't have to put at risk the child  
nutrition bill, but we can clearly state  
that this is a priority of the House to  
protect our children in these settings  
by having background checks for the  
providers of those.

I would suggest that it may be better  
done in the next session, when we can  
look at what is the cost of that on  
small providers, on family day care  
providers. There is some story out  
today suggesting it may be hundreds of  
dollars per provider or hundreds of dol-  
lars per employee. So we can look at  
that. But the fact of the matter is the  
letter sent by Senator MCCONNELL to  
Senator REID basically says no other  
issues will come up before the tax cuts  
are dealt with.

Now, the tax cuts, what he is saying  
is, until they get the tax cuts for the  
wealthiest people in this country, the  
poor children in this country who need  
child nutrition, who need school  
lunches, who need school breakfasts  
will have to wait. This House has an al-  
ternative. We can vote to pass the child  
nutrition bill and we can send it to the  
President of the United States today,  
and then they will be assured that  
those school lunches that are  
healthier, that are safer will be there.  
And finally, let me say, they will also  
be assured, as will their parents and  
the taxpayers of this Nation, that the  
moneys that we appropriate for eligible  
children will be used on eligible chil-  
dren, that we are not going to cross-  
subsidize other activities in the school  
with Federal moneys designed for the  
lunches and the breakfasts and the  
snacks of poor children in this country.

And I know that the other side appar-  
ently doesn't like this provision of 205,  
but this is about accountability. We  
don't allow people in the food stamp  
program to go out and subsidize other  
people in the supermarket who think  
they don't want to pay whatever the  
price is for what they are buying in the  
supermarket. We don't say, Oh, here.  
Take a couple food stamps and do that.

We are not going to use Federal tax-  
payer dollars and child nutrition dol-  
lars to cross-subsidize other activities  
in schools and then risk the ability to  
pay for the lunches of the poorest chil-  
dren in this Nation.

So today you can vote for this sus-  
pension bill on background checks; you  
can vote against the motion to recom-  
mit, save the child nutrition bill, and  
send it to the President of the United  
States and make it the law of the land.  
And I hope my colleagues will do that  
and will do it with great pride that we  
are making dramatic improvements in  
the child nutrition programs of this  
Nation to be more efficient, more  
transparent, to be healthier, and to be  
safer for this Nation's poor children.

I yield back the balance of my time.

The SPEAKER pro tempore. The  
question is on the motion offered by  
the gentleman from California (Mr.

GEORGE MILLER) that the House suspend the rules and pass the bill, H.R. 6469.

The question was taken.

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

Mr. GEORGE MILLER of California. 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.

□ 1310

#### MIDDLE CLASS TAX RELIEF ACT OF 2010

Mr. LEVIN. Mr. Speaker, pursuant to House Resolution 1745, I call up the bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes, with a Senate amendment thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause, and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Airport and Airway Extension Act of 2010, Part III".

#### SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking "September 30, 2010" and inserting "December 31, 2010".

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking "September 30, 2010" and inserting "December 31, 2010".

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking "September 30, 2010" and inserting "December 31, 2010".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

#### SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking "October 1, 2010" and inserting "January 1, 2011"; and

(2) by inserting "or the Airport and Airway Extension Act of 2010, Part III" before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking "October 1, 2010" and inserting "January 1, 2011".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

#### SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103 of title 49, United States Code, is amended—

(A) by striking "and" at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting "; and"; and

(C) by inserting after paragraph (7) the following:

"(8) \$925,000,000 for the 3-month period beginning on October 1, 2010."

(2) OBLIGATION OF AMOUNTS.—Subject to limitations specified in advance in appropriation Acts, sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2011, and shall remain available until expended.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of title 49, United States Code, is amended by striking "September 30, 2010," and inserting "December 31, 2010,".

(c) APPORTIONMENT AMOUNTS.—The Secretary shall apportion in fiscal year 2011 to the sponsor of an airport that received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14 Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) an amount equal to the minimum apportionment specified in 49 U.S.C. 47114(c), if the Secretary determines that airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.

#### SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(l)(7) of title 49, United States Code, is amended by striking "October 1, 2010." and inserting "January 1, 2011."

(b) Section 41743(e)(2) of such title is amended by striking "2010" and inserting "2011".

(c) Section 44302(f)(1) of such title is amended—

(1) by striking "September 30, 2010," and inserting "December 31, 2010,"; and

(2) by striking "December 31, 2010," and inserting "March 31, 2011,".

(d) Section 44303(b) of such title is amended by striking "December 31, 2010," and inserting "March 31, 2011,".

(e) Section 47107(s)(3) of such title is amended by striking "October 1, 2010." and inserting "January 1, 2011."

(f) Section 47115(j) of such title is amended by inserting "and for the portion of fiscal year 2011 ending before January 1, 2011," after "2010,".

(g) Section 47141(f) of such title is amended by striking "September 30, 2010." and inserting "December 31, 2010."

(h) Section 49108 of such title is amended by striking "September 30, 2010" and inserting "December 31, 2010,".

(i) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by inserting ", or in the portion of fiscal year 2011 ending before January 1, 2011," after "fiscal year 2009 or 2010".

(j) Section 186(d) of such Act (117 Stat. 2518) is amended by inserting "and for the portion of fiscal year 2011 ending before January 1, 2011," after "October 1, 2010,".

(k) Section 409(d) of such Act (49 U.S.C. 41731 note) is amended by striking "September 30, 2010." and inserting "September 30, 2011."

(l) The amendments made by this section shall take effect on October 1, 2010.

#### SEC. 6. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k)(1) of title 49, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting "; and"; and

(3) by inserting after subparagraph (F) the following:

"(G) \$2,451,375,000 for the 3-month period beginning on October 1, 2010."

#### SEC. 7. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) of title 49, United States Code, is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

(3) by adding at the end the following:

"(7) \$746,250,000 for the 3-month period beginning on October 1, 2010."

#### SEC. 8. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a) of title 49, United States Code, is amended—

(1) by striking "and" at the end of paragraph (13);

(2) by striking the period at the end of paragraph (14) and inserting "; and"; and

(3) by adding at the end the following:

"(15) \$49,593,750 for the 3-month period beginning on October 1, 2010."

#### SEC. 9. TECHNICAL CORRECTIONS.

Effective as of August 1, 2010, and as if included therein as enacted, the Airline Safety and Federal Aviation Administration Extension Act of 2010 (Public Law 111-216) is amended as follows:

(1) In section 202(a) (124 Stat. 2351) by inserting "of title 49, United States Code," before "is amended".

(2) In section 202(b) (124 Stat. 2351) by inserting "of such title" before "is amended".

(3) In section 203(c)(1) (124 Stat. 2356) by inserting "of such title" before "(as redesignated)".

(4) In section 203(c)(2) (124 Stat. 2357) by inserting "of such title" before "(as redesignated)".

#### MOTION TO CONCUR

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

The text of the motion is as follows:

Mr. Levin moves that the House concur in the Senate amendment to H.R. 4853 with an amendment.

The text of the amendment is as follows:

In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill, insert the following:

#### SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Middle Class Tax Relief Act of 2010".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

Sec. 1. Short title; etc.

**TITLE I—MIDDLE CLASS TAX RELIEF  
MADE PERMANENT**

Sec. 101. Middle class tax relief made permanent.

Sec. 102. Certain provisions not applicable to high income individuals.

Sec. 103. Related amendments.

**TITLE II—EXPENSING BY SMALL BUSINESSES OF CERTAIN DEPRECIABLE ASSETS**

Sec. 201. Increased limitations on expensing by small businesses of certain depreciable assets.

**TITLE III—EXTENSION OF ALTERNATIVE  
MINIMUM TAX RELIEF**

Sec. 301. Extension of alternative minimum tax relief for nonrefundable personal credits.

Sec. 302. Extension of increased alternative minimum tax exemption amount.

**TITLE IV—BUDGETARY PROVISION**

Sec. 401. Paygo compliance.

**TITLE I—MIDDLE CLASS TAX RELIEF  
MADE PERMANENT**

**SEC. 101. MIDDLE CLASS TAX RELIEF MADE PERMANENT.**

(a) IN GENERAL.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to the following provisions of such Act (and to the amendments made by such provisions):

(1) Title I (relating to individual income tax rate reductions).

(2) Title II (relating to tax benefits related to children).

(3) Title III (relating to marriage penalty relief).

(4) Title IV (relating to affordable education provisions).

(b) REDUCED RATES ON CAPITAL GAINS AND DIVIDENDS.—The Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking section 303.

**SEC. 102. CERTAIN PROVISIONS NOT APPLICABLE TO HIGH INCOME INDIVIDUALS.**

(a) INDIVIDUAL INCOME TAX RATES.—Subsection (i) of section 1 is amended by striking paragraph (2), by redesignating paragraph (3) as paragraph (4), and by inserting after paragraph (1) the following new paragraphs:

“(2) 25- AND 28-PERCENT RATE BRACKETS.—The tables under subsections (a), (b), (c), (d), and (e) shall be applied—

“(A) by substituting ‘25%’ for ‘28%’ each place it appears (before the application of subparagraph (B)), and

“(B) by substituting ‘28%’ for ‘31%’ each place it appears.

“(3) 33-PERCENT RATE BRACKET.—

“(A) IN GENERAL.—In the case of taxable years beginning after December 31, 2010—

“(i) the rate of tax under subsections (a), (b), (c), and (d) on a taxpayer’s taxable income in the fourth rate bracket shall be 33 percent to the extent such income does not exceed an amount equal to the excess of—

“(I) the applicable amount, over

“(II) the dollar amount at which such bracket begins, and

“(ii) the 36 percent rate of tax under such subsections shall apply only to the taxpayer’s taxable income in such bracket in excess of the amount to which clause (i) applies.

“(B) APPLICABLE AMOUNT.—For purposes of this paragraph, the term ‘applicable amount’ means the excess of—

“(i) the applicable threshold, over

“(ii) the sum of the following amounts in effect for the taxable year:

“(I) the basic standard deduction (within the meaning of section 63(c)(2)), and

“(II) the exemption amount (within the meaning of section 151(d)(1)) (or, in the case of subsection (a), 2 such exemption amounts).

“(C) APPLICABLE THRESHOLD.—For purposes of this paragraph, the term ‘applicable threshold’ means—

“(i) \$250,000 in the case of subsection (a),

“(ii) \$200,000 in the case of subsections (b) and (c), and

“(iii) 1/2 the amount applicable under clause (i) (after adjustment, if any, under subparagraph (E)) in the case of subsection (d).

“(D) FOURTH RATE BRACKET.—For purposes of this paragraph, the term ‘fourth rate bracket’ means the bracket which would (determined without regard to this paragraph) be the 36-percent rate bracket.

“(E) INFLATION ADJUSTMENT.—For purposes of this paragraph, a rule similar to the rule of paragraph (1)(C) shall apply with respect to taxable years beginning in calendar years after 2010, applied by substituting ‘2008’ for ‘1992’ in subsection (f)(3)(B).”

(b) PHASEOUT OF PERSONAL EXEMPTIONS AND ITEMIZED DEDUCTIONS.—

(1) OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—Section 68 is amended—

(A) by striking “the applicable amount” the first place it appears in subsection (a) and inserting “the applicable threshold in effect under section 1(i)(3)”,

(B) by striking “the applicable amount” in subsection (a)(1) and inserting “such applicable threshold”,

(C) by striking subsection (b) and redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively, and

(D) by striking subsections (f) and (g).

(2) PHASEOUT OF DEDUCTIONS FOR PERSONAL EXEMPTIONS.—

(A) IN GENERAL.—Paragraph (3) of section 151(d) is amended—

(i) by striking “the threshold amount” in subparagraphs (A) and (B) and inserting “the applicable threshold in effect under section 1(i)(3)”,

(ii) by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C), and

(iii) by striking subparagraphs (E) and (F).

(B) CONFORMING AMENDMENT.—Paragraph (4) of section 151(d) is amended—

(i) by striking subparagraph (B),

(ii) by redesignating clauses (i) and (ii) of subparagraph (A) as subparagraphs (A) and (B), respectively, and by indenting such subparagraphs (as so redesignated) accordingly, and

(iii) by striking all that precedes “in a calendar year after 1989,” and inserting the following:

“(4) INFLATION ADJUSTMENT.—In the case of any taxable year beginning”.

(c) REDUCED RATE ON CAPITAL GAINS AND DIVIDENDS.—

(1) IN GENERAL.—Paragraph (1) of section 1(h) is amended by striking subparagraph (C), by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F) and by inserting after subparagraph (B) the following new subparagraphs:

“(C) 15 percent of the lesser of—

“(i) so much of the adjusted net capital gain (or, if less, taxable income) as exceeds the amount on which a tax is determined under subparagraph (B), or

“(ii) the excess (if any) of—

“(I) the amount of taxable income which would (without regard to this subsection) be taxed at a rate below 36 percent, over

“(II) the sum of the amounts on which tax is determined under subparagraphs (A) and (B),

“(D) 20 percent of the adjusted net capital gain (or, if less, taxable income) in excess of the sum of the amounts on which tax is determined under subparagraphs (B) and (C).”

(2) DIVIDENDS.—Subparagraph (A) of section 1(h)(11) is amended by striking “qualified dividend income” and inserting “so much of the qualified dividend income as does not exceed the excess (if any) of—

“(i) the amount of taxable income which would (without regard to this subsection) be taxed at a rate below 36 percent, over

“(ii) taxable income reduced by qualified dividend income”.

(3) MINIMUM TAX.—Section 55 is amended by adding at the end the following new subsection:

“(f) APPLICATION OF MAXIMUM RATE OF TAX ON NET CAPITAL GAIN OF NONCORPORATE TAXPAYERS.—In the case of taxable years beginning after December 31, 2010, the amount determined under subparagraph (C) of subsection (b)(3) shall be the sum of—

“(1) 15 percent of the lesser of—

“(A) so much of the adjusted net capital gain (or, if less, taxable excess) as exceeds the amount on which tax is determined under subparagraph (B) of subsection (b)(3), or

“(B) the excess described in section 1(h)(1)(C)(ii), plus

“(2) 20 percent of the adjusted net capital gain (or, if less, taxable excess) in excess of the sum of the amounts on which tax is determined under subsection (b)(3)(B) and paragraph (1).”

(4) CONFORMING AMENDMENTS.—

(A) The following provisions are amended by striking “15 percent” and inserting “20 percent”:

(i) Section 1445(e)(1).

(ii) The second sentence of section 7518(g)(6)(A).

(iii) Section 5351(f)(2) of title 46, United States Code.

(B) Sections 531 and 541 are each amended by striking “15 percent of” and inserting “the product of the highest rate of tax under section 1(c) and”.

(C) Section 1445(e)(6) is amended by striking “15 percent (20 percent in the case of taxable years beginning after December 31, 2010)” and inserting “20 percent”.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2010.

(2) WITHHOLDING.—The amendments made by subparagraphs (A)(i) and (C) of subsection (c)(4) shall apply to amounts paid on or after January 1, 2011.

**SEC. 103. RELATED AMENDMENTS.**

(a) APPLICATION OF INCREASE IN REFUNDABLE PORTION OF CHILD TAX CREDIT.—

(1) IN GENERAL.—Subsection (d) of section 24 is amended—

(A) by striking “\$10,000” in paragraph (1)(B)(i) and inserting “\$3,000”, and

(B) by striking paragraphs (3) and (4).

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2010.

(b) APPLICATION OF INCREASE IN EARNED INCOME TAX CREDIT.—

(1) IN GENERAL.—Subparagraph (B) of section 32(b)(2) is amended to read as follows:

“(B) JOINT RETURNS.—

“(i) IN GENERAL.—In the case of a joint return filed by an eligible individual and such individual’s spouse, the phaseout amount determined under subparagraph (A) shall be increased by \$5,000.

“(ii) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2010, the \$5,000 amount in clause (i) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost of living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins determined by substituting ‘calendar year 2008’ for ‘calendar year 1992’ in subparagraph (B) thereof.

Subparagraph (A) of subsection (j)(2) shall apply after taking into account any increase under the preceding sentence.”

(2) CONFORMING AMENDMENT.—Subsection (b) of section 32 is amended by striking paragraph (3).

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2010.

(c) APPLICATION TO ADOPTION CREDIT AND ADOPTION ASSISTANCE PROGRAMS.—Subsection (c) of section 10909 of the Patient Protection and Affordable Care Act is amended to read as follows:

“(c) The amendments made by this section shall not apply to taxable years beginning after December 31, 2011.”

**TITLE II—EXPENSING BY SMALL BUSINESSES OF CERTAIN DEPRECIABLE ASSETS**

**SEC. 201. INCREASED LIMITATIONS ON EXPENSING BY SMALL BUSINESSES OF CERTAIN DEPRECIABLE ASSETS.**

(a) DOLLAR LIMITATION.—Subparagraph (C) of section 179(b)(1) is amended by striking “\$25,000” and inserting “\$125,000”.

(b) THRESHOLD AT WHICH PHASEOUT BEGINS.—Subparagraph (C) of section 179(b)(2) is amended by striking “\$200,000” and inserting “\$500,000”.

(c) INFLATION ADJUSTMENT.—Subsection (b) of section 179 is amended by adding at the end the following new paragraph:

“(6) INFLATION ADJUSTMENTS.—

“(A) IN GENERAL.—In the case of any taxable beginning in a calendar year after 2011, the \$125,000 and \$500,000 amounts in paragraphs (1)(C) and (2)(C) shall each be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins determined by substituting ‘calendar year 2006’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(B) ROUNDING.—

“(i) DOLLAR LIMITATION.—If the amount in paragraph (1) as increased under subparagraph (A) is not a multiple of \$1,000, such amount shall be rounded to the nearest multiple of \$1,000.

“(ii) PHASEOUT AMOUNT.—If the amount in paragraph (2) as increased under subparagraph (A) is not a multiple of \$10,000, such amount shall be rounded to the nearest multiple of \$10,000.”

(d) AUTHORITY TO REVOKE ELECTION MADE PERMANENT.—Paragraph (2) of section 179(c) is amended by striking “and before 2012”.

(e) TREATMENT OF CERTAIN COMPUTER SOFTWARE AS SECTION 179 PROPERTY MADE PERMANENT.—Clause (ii) of section 179(d)(1)(A) is amended by striking “and before 2012”.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

**TITLE III—EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF**

**SEC. 301. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.**

(a) IN GENERAL.—Paragraph (2) of section 26(a) is amended—

(1) by striking “2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, or 2009” and inserting “the period beginning with calendar year 2000 and ending with calendar year 2011”, and

(2) by striking “2009” in the heading thereof and inserting “2011”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 302. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.**

(a) IN GENERAL.—Paragraph (1) of section 55(d) is amended—

(1) by striking “(\$70,950 in the case of taxable years beginning in 2009)” in subparagraph (A) and inserting “(\$72,450 in the case of taxable years beginning in 2010 or 2011)”, and

(2) by striking “(\$46,700 in the case of taxable years beginning in 2009)” in subparagraph (B) and inserting “(\$47,450 in the case of taxable years beginning in 2010 or 2011)”.

(b) NONAPPLICATION OF EGTRRA SUNSET.—Section 901 of the Economic Growth and Tax

Relief Reconciliation Act of 2001 shall not apply to the amendments made by section 701 of such Act.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

**TITLE IV—BUDGETARY PROVISION**

**SEC. 401. 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 House Resolution 1745, the motion shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The gentleman from Michigan (Mr. LEVIN) and the gentleman from Michigan (Mr. CAMP) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I yield myself such time as I shall consume.

Colleagues, the time has come. This is the moment to stand up and be counted on middle-income tax cuts. The Republicans want to continue to keep middle-income tax cuts hostage, hostage until it’s combined with upper-income tax cuts. It’s, in part, because they don’t want to have to vote separately on tax cuts for the very wealthy.

But, as I have said, the time has come. We must not let middle-income taxpayers remain hostage to a partisan agenda. Indeed, I was going back over comments that have been made these last months, and I refer to one from my colleague from Michigan, the ranking member. He is here.

He said, just a few months ago, in talking to AP, that it would be difficult to block extension of middle-income tax cuts, even if it doesn’t stop tax rates from increasing for high earners saying, “I will probably vote for it myself.”

Today is the test whether the hostage-taking ends. Every single provision here, every single one, is about tax cuts, tax cuts that are so important for this country.

And let me, if I might, refer to some of them. For families making less than \$250,000 a year, this bill permanently extends the following, the 2001–2003 tax cuts, including the current income tax rates. That means a lot for middle-income families throughout this country, the marriage penalty relief that means so much for tens of thousands, for millions of families, lower rates on capital gains and dividends and the \$1,000 child tax credit.

For 2 years, very importantly, this bill will protect more than 25 million taxpayers from the AMT, the alternative minimum tax, by extending it, as I said, for 2 years through 2011. And, importantly, it permanently extends the small business expensing. So added

all up, these tax cuts, we are talking tax cuts for middle-American families and small businesses of tax cuts over 10 years of \$1.5 trillion.

And I want say something and be very clear because often it’s raised about small businesses, America’s small businesses receive a tax cut under this bill. It’s only 3 percent of the very wealthy which will not receive a larger tax cut.

So, in a word, the time has come. The smoke screen is now being lifted by this bill. You have a chance to stand up or back down on tax cuts for the middle-income families of our country.

I hope that we can rise above partisan politics. I hope that we can keep in mind the millions of families who are counting on action by us and no longer holding them hostage.

I reserve the balance of my time.

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

The unemployment rate in October, the latest data available, was 9.6 percent. That marked 15 consecutive months we are at or above 9.5 percent unemployment in this country, the longest period since the Great Depression. All told, 48 out of 50 States have lost jobs since the so-called \$1 trillion stimulus bill and nearly 15 million Americans remain unemployed.

What’s a Democrat’s answer to the Great Recession? Increased taxes, but not just any taxes. Democrats in the bill before us today are targeting half of all small business income in the country. Democrats are targeting the very employers we need, hiring more workers, and buying more equipment, not paying more taxes.

Let’s face it, this bill is as misguided as it is futile. This is the wrong policy at the wrong time and the majority is wrong to bring it to the floor today.

In fact, many of their own Members agree with me. I have here in my hand a letter signed by over 30 Democrat Members of the House and let me read what they wrote:

“In recent weeks we have heard from a diverse spectrum of economists, small business owners and families who have voiced their concerns that raising any taxes right now could negatively impact economic growth. Given the continued fragility of our economy and slow pace of our recovery, we share their concerns.”

I want to repeat that: raising any taxes right now could negatively impact economic growth.

Set aside for a minute the economists and the political rhetoric, and let’s look at what small businesses say the impact of this tax-hiking legislation will be.

According to the National Federation of Independent Small Businesses, the businesses most likely to face a tax increase by raising the top two rates are businesses employing between 20 and 250 employees.

□ 1320

According to the U.S. Census data, businesses with between 20 and 299

workers employ more than 25 percent of the total workforce. Those who are most likely to be hit by these tax increases employ one out of every four workers in this Nation. This Democrat tax hike is putting a target on the back of every worker in every small business in America.

As for the futility of this exercise, it would be comical if it weren't so irresponsible. Democrats can barely muster the votes for this bill in the House. I'm told they had to whip the bill and hold a special caucus this morning just to move forward. Their position is so precarious, they won't even allow Republicans to offer amendments or any alternative. Why? Because Democrats know the Republican bill to extend the current rates for all taxpayers would pass with broad bipartisan support.

So, once again, House Democrats have closed down the amendment process in order to pass a bill that will never see the light of day in the Senate. Just yesterday, 42 Senators sent a letter to Majority Leader REID and stated in no uncertain terms that they "will not agree to invoke cloture on the motion to proceed to any legislative item until the Senate has acted to fund the government and we have prevented the tax increase that is currently awaiting all American taxpayers."

Clearly, this bill is going nowhere. Democrats are wasting time while Americans are looking for work. Democrats are playing games while Americans struggle to make ends meet. The American people did not send us here to posture. They sent us here to provide solutions. I had hoped that after the election, we would get down to working together to solve the serious problems Americans are facing. That's why I was encouraged the President agreed to have Republicans and Democrats, House and Senate Members, sit down with his administration to hammer out a deal on these expiring tax rates. I thought maybe we had turned a corner.

Instead of letting that process work itself out, instead of working with Republicans to prevent job-killing tax increases, House Democrats are back at it again, putting politics ahead of everything else. This is a time for serious negotiations and solutions, not political stunts. Far too much is at stake. Far too many families are out of work, and far too many families will soon see real and sizeable amounts of money taken out of their paychecks if the Democrats continue with these games.

I urge my colleagues to reject this Democratic tax hike, this job-killing tax hike.

U.S. SENATE,

Washington, DC, November 29, 2010.

HON. HARRY REID,  
Majority Leader, U.S. Senate,  
Washington, DC.

DEAR LEADER REID: The Nation's unemployment level, stuck near 10 percent, is unacceptable to Americans. Senate Republicans have been urging Congress to make private-sector job creation a priority all

year. President Obama in his first speech after the November election said "we owe" it to the American people to "focus on those issues that affect their jobs." He went on to say that Americans "want jobs to come back faster." Our constituents have repeatedly asked us to focus on creating an environment for private-sector job growth; it is time that our constituents' priorities become the Senate's priorities.

For that reason, we write to inform you that we will not agree to invoke cloture on the motion to proceed to any legislative item until the Senate has acted to fund the government and we have prevented the tax increase that is currently awaiting all American taxpayers. With little time left in this Congressional session, legislative scheduling should be focused on these critical priorities. While there are other items that might ultimately be worthy of the Senate's attention, we cannot agree to prioritize any matters above the critical issues of funding the government and preventing a job-killing tax hike.

Given our struggling economy, preventing the tax increase and providing economic certainty should be our top priority. Without Congressional action by December 31, all American taxpayers will be hit by an increase in their individual income tax rates and investment income through the capital gains and dividend rates. If Congress were to adopt the President's tax proposal to prevent the tax increase for only some Americans, small businesses would be targeted with a job-killing tax increase at the worst possible time. Specifically, more than 750,000 small businesses will see a tax increase, which will affect 50 percent of small business income and nearly 25 percent of the entire workforce. The death tax rate will also climb from zero percent to 55 percent, which makes it the top concern for America's small businesses. Republicans and Democrats agree that small businesses create most new jobs, so we ought to be able to agree that raising taxes on small businesses is the wrong remedy in this economy. Finally, Congress still needs to act on the "tax extenders" and the alternative minimum tax "patch," all of which expired on December 31, 2009.

We look forward to continuing to work with you in a constructive manner to keep the government operating and provide the nation's small businesses with economic certainty that the job-killing tax hike will be prevented.

Sincerely,

MITCH MCCONNELL,  
Republican Leader.

JON KYL,  
Republican Whip.

[40 additional signatures omitted]

I reserve the balance of my time.

Mr. LEVIN. I yield 15 seconds to myself.

This is the fact from the Tax Policy Center: Only 3 percent of small businesses would be affected, and of that, only a small amount get most of their income from small businesses. This isn't about politics, Mr. CAMP; this is about people.

I yield 3 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Thank you, Mr. Chairman.

I rise in strong support of this legislation as the best way to move our economy forward. The Middle Class Tax Relief Act extends significant tax relief to every American. Let me say that again: Every American. Under this legislation, no matter how much

you make, the first \$250,000 will continue to benefit from today's lower rates. And given the softness in our economy and the number of households that are still struggling, that's the right thing to do.

But what this legislation does not do is put an additional \$700 billion on our national credit card, as our Republican colleagues would like to do, by extending an extra bonus tax cut to the folks at the very, very top. Instead, for the top 2 percent, those reporting income over \$250,000, we have the Clinton-era tax rates on just that additional portion of that income.

And with our annual deficits now topping \$1 trillion, and our national debt approaching \$13 trillion, it's the right thing to do to make sure our economy is on a sustainable footing for the future. We have the bipartisan commission debating that question right now, and yet our colleagues want to put \$700 billion on our credit card.

Now our colleagues that we've just heard have said this is necessary to create jobs. Really? These are the tax rates that are in effect today, and during the Bush years and during the 8 years of the Bush administration, 600,000 private-sector workers lost their jobs with these rates compared to the Clinton administration, with 23 million jobs created in the Clinton administration with the old rates at that particular time. Moreover, the non-partisan Congressional Budget Office recently looked at 11 different options for strengthening the economy. This one came in dead last.

Now we also heard from our colleagues that they tried to use small businesses as a smokescreen for their plan to protect this bonus break for the folks at the top. First of all, as my colleague said, only 3 percent of small businesses are affected, 3 percent, 97 percent, not. But what's interesting is when you look at those 3 percent, what you find out is in the definition of the tax code, one that apparently has been used by our colleagues, people will be surprised to find a lot of mom and pop operations like PricewaterhouseCoopers, asset manager Fidelity Investments and the private equity firm KKR fall under the pass-through income definition. I don't know if people realized it, just the other day KKR, that small business, purchased Del Monte Foods for \$4 billion. Now those are all good businesses. But they're not small businesses, and they would benefit from the proposal that we and the President have made to provide 100 percent depreciation for their investments this year. That will help jobs and the economy.

Mr. Speaker, I urge support.

Mr. CAMP. At this time, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, why are we playing these political games? We have 15 million people out of work, we have families, small businesses, seniors and job creators facing

a nearly \$4 trillion tax bomb that will go off on January 1, and here we are playing political games.

This bill is dead on arrival in the Senate. Everyone knows it. We are wasting time today. And worse than that, it undercuts the President's own sincere efforts to work with DAVE CAMP, the ranking member of the Ways and Means Committee, Senate Republicans and Senate and House Democrats to actually come up with a real solution to solve this problem. Instead, this body is rushing forward with more political theater. And my question is, wasn't September the time to play political games? Right now with the clock ticking, shouldn't we be all about solutions?

Let's talk about two myths. Democrats say, let's pass this, it will help jump-start the economy. It will do just the opposite. One, the people they hit, these consumers, hold one of every \$3 in consumption today. So Democrats say, instead of going into that Main Street shop this Christmas season spending money, send your dollars to Washington, that will help the economy.

Secondly, it damages the small businesses that are the backbone of job creation. You will hear this claim that it only hits 3 percent of small businesses. You know how they figured that? They counted the tax ID numbers so people who have small businesses that have been vacant for years are still counted. But if you count the actual income from small businesses, that's what gets taxed, half of all small business income, half of all the income that creates jobs in America will be hammered by the Democrats' tax bill.

And don't take my word for it. The Joint Committee on Taxation, the Congressional Budget Office, and the President's own head of the Council of Economic Advisers say passing all tax relief for all people in America will boost the U.S. economy more than this bill.

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

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

Mr. BRADY of Texas. Final point: These dollars won't be used for deficit reduction. Democrats and the President have signed seven bills, \$625 billion of tax increases, in the last 2 years. Guess how much went to deficit reduction? Not a dime. It all went to expand the government and double that to a bigger government.

Let's stop playing games. Let's get real solutions. Let's have an up-or-down vote that extends tax relief for all Americans, that helps move us into the next 2 years, and let's stop that ticking tax bomb.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. NEAL), a member of our committee.

□ 1330

Mr. NEAL. Mr. Speaker, I want to disagree sharply with the point that

our colleague, Mr. BRADY, just made; America needs to have this conversation. We need to have a conversation as to how we got ourselves into the mess that we find ourselves in today, and part of that conversation is the discussion and debate over whether to extend tax cuts for the wealthiest among us. That is the difference of opinion that we are debating right now.

Now, our friends on the other side are going to tell us that this has a big impact on small business, despite what the IRS says. And I have even offered a proposal that would address the 3 percent issue, moving down the road. But let's listen to one small business owner, Beri Fox, the president of Marble King, the last remaining American manufacturer of marbles. She thinks we have lost our marbles. When asked whether the way to economic recovery was tax cuts for the wealthy, Ms. Fox simply replied, "Absolutely not."

America has paid the price for theology, the theology that tax cuts pay for themselves. They inherited a near perfect economy 10 years ago: record job growth; deficits eliminated; the debt being paid down, and Alan Greenspan warned us we were paying down the debt too quickly. This argument today is about fairness—fairness and what type of tax system we want to create.

The nonpartisan Tax Policy Center analyzed the Bush proposal at different income levels. They found that next year, for someone earning more than \$1 million, he or she can look forward to an average tax cut of \$128,832 if we extend these tax cuts for the wealthy. They found next year someone making \$7 million can look forward to a \$400,000 tax cut if we leave the Bush proposals in place.

This is a question of how we treat the working families of America. This is a question of not cementing into law a tax system with skewed benefits. I urge support for this middle class tax cut.

The SPEAKER pro tempore. Without objection, the gentleman from Texas will control the time.

There was no objection.

Mr. BRADY of Texas. I yield 2½ minutes to the distinguished gentleman from Kentucky (Mr. DAVIS), a member of the Ways and Means Committee.

Mr. DAVIS of Kentucky. Mr. Speaker, what would the job creators do? During this time of great economic uncertainty, this is the number one question that we must ask ourselves when bills are brought to the House floor. There is always lots of talk about fairness. Well, their idea of fairness towards job creators means a lot of people will not have jobs.

I would like to remind my colleagues that under the current tax policy, before the subprime mortgage meltdown that resulted largely with not dealing with Fannie Mae and Freddie Mac, we had 54 months of consecutive economic growth. What would the job creators do if this were enacted? I wonder if perhaps my colleagues shouldn't get a

bracelet with the initials WWJCD, "What would the job creators do?" before plunging off the cliff with some of these policies.

It is not a question that we have to ponder about for long. The answer is simple for anyone who has owned a business and is faced with increasing costs imposed upon them by an intrusive Federal Government.

As a former small business owner, let me walk you through the tough decisions this bill would force on millions of job creators with ObamaCare and all of the other burdens on top of this current tax increase. They would have to cut back or eliminate on benefits. They would be switching employees to part-time; at the end of the year, raises and bonuses would be replaced, in all likelihood, by pay cuts; layoffs or moving more companies to places that have friendlier tax and regulatory burdens.

These are serious and real decisions that will face our job creators on January 1 as a direct result of this bill raising taxes on millions of job creators. If there was one resounding message in the election, it was that the American people were putting a restraining order on the increasing burdens this Congress and this administration have placed on the American people. At a time when our economy is trying to recover, why would we raise taxes on anyone? Why would even partially want to impede our Nation's path to economic recovery?

Under the current tax policy, we had growth. If we move into this direction, we will see a repeat of the failures of the Roosevelt administration in 1937 causing a gross double-dip in our economy, and it will hurt every American.

This past Tuesday, President Obama hosted a summit at the White House where appointed Members of Congress were asked to work in a bipartisan fashion to devise a solution to the pending tax hikes. And what does the majority do here? Simply try to once again force something down our throats without real discourse. House Democrats chose to ignore the call for bipartisanship, just as they have ignored the will of the American people on issue after issue after issue and are forcing a vote that will produce significant job-killing results for small business owners faced with the uncertainty over looming tax hikes.

Uncertainty over an ominous \$3.8 trillion tax increase is one of the most severe plagues we could put on economic recovery. As a result, private sector money that would be invested will continue to sit on the sidelines.

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

Mr. BRADY of Texas. I yield an additional 30 seconds to the gentleman from Kentucky.

Mr. DAVIS of Kentucky. Mr. Speaker, small businesses are playing defense against an overreaching Federal Government. It is impeding the economic recovery and not fostering the predictability needed to create jobs. This vote

today comes down to job creation versus worsening our troubles. Before you cast your vote today on H.R. 4853, ask yourself, all of my colleagues, WWJCD: What would the job creators do?

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BECERRA), a member of our committee.

Mr. BECERRA. Mr. Speaker, working Americans believe that the Tax Code favors the rich and the influential. And guess what? They're right. Last year, the average millionaire in America got about \$100,000 back from the Bush tax cuts, while the average middle class family in this country received one-half of 1 percent of that. Not half of that, one-half of 1 percent of that. It is time that this country began to tax fairly and invest wisely.

Republicans are holding these tax cuts for the middle class hostage, demanding an extra tax cut of \$700 billion worth of bailout for millionaires and billionaires, all of which Republicans would not pay for, which means that once again we would have to go to China and a lot of other countries to borrow since right now the country is running a deficit. These are the same tax cuts that my colleagues on the other side of the aisle say will create jobs, and we need to rev up the economy for that reason and keep these wealthy tax cuts.

Well, guess what? These are the same tax cuts we have had in place for the last 10 years. And what have these tax cuts of \$100,000 a year given to wealthy folks? What have they given us? Fifteen million Americans are unemployed. The worst recession—it's not a depression—that we have faced since the 1930s.

So we have seen what the results are of these tax cuts for the wealthy for the last 10 years, and now they say we need to do it again to improve the economy.

It is time that this country acted sanely. It is time we focused our attention on the middle class. Give folks who have worked very hard, those who every week, every month come home with a paycheck. They see the FICA deduction. They know they have paid some taxes. We need to make sure we are telling them we are doing everything to invest in them so that, guess what, maybe one of these days when we turn over that product we buy at the store and look at where it was made, it will once again say "Made in America" because an American got a job.

These tax cuts that are geared toward the wealthy would not do that. And that 3 percent of small businesses that might be impacted—because 97 percent of small businesses in America would get the tax cut, those 3 percent are populated by very wealthy folks.

Vote for this legislation. Vote for middle America.

Mr. BRADY of Texas. I yield myself 15 seconds to point out the Chamber of Commerce says 2,600 businesses, small

businesses, and business associations have signed a letter pushing and making the case for extending all tax relief for all small businesses and all taxpayers, including a number from California, the Orange County Business Council, the North Hollywood Chamber of Commerce, and a number of other small businesses.

I yield 3 minutes to the distinguished gentleman from Texas (Mr. HENSARLING) who has fought against higher taxes and for more small business job creation.

Mr. HENSARLING. I thank the gentleman for yielding me this time.

Mr. Speaker, the bipartisan negotiations are fleeting and ephemeral around here. The White House photographers hadn't even left, the ink wasn't even dry on appointing the negotiators, and all of a sudden House Democrats bring to the floor their tax increase bill on small businesses and American families.

You know what? I have heard the rhetoric of my friends on the other side of the aisle, and as I have studied this bill, I am still trying to find: Where is the tax cut they are talking about? I don't see any tax cut. All I see are tax increases.

Half of small business income is going to be taxed under their bill. Fifteen million of our fellow citizens are unemployed. How many more have to become unemployed? How much more human misery? How much more rejection at the ballot box before my friends on the other side of the aisle come to their senses?

They have tried to spend their way into economic prosperity; it has failed. They have tried to borrow their way into national economic prosperity; it has failed. They have tried to bailout their way into national economic prosperity; it has failed.

□ 1340

Here today, again, another opportunity to tax our way into economic prosperity. It does not work. The American people have rejected this tired, old class warfare rhetoric. You cannot help the job seeker by punishing the job creator. The American people know this, and their voices were heard on election day.

You know, what I find interesting is how many Democrats have come to the floor to quote the economist Dr. Mark Zandi. He is probably the most quoted economist by the Democrats. Yet he, himself, has rejected the idea of raising taxes in this economy. Now that he is out of the administration, Dr. Peter Orszag, one of the architects of Obamanomics, has written in an editorial that we should not be raising taxes.

I mean, this is a group that can't even get Keynesian economics right. Keynesian economics says you do not raise taxes in a time of recession. Look at the period of almost perpetual near-10 percent unemployment that we have had.

Again, how many more people have to suffer? How many more jobs have to be lost?

It is simple, Mr. Speaker. No tax increases on nobody. It may be poor grammar, but it is great economics, and it will relieve the human misery in this American economy. We should reject this bill and reject this cynical ploy.

Mr. LEVIN. Mr. Speaker, I yield myself 10 seconds.

I suggest the gentleman reread the bill: \$1.5 trillion in tax cuts over 10 years; 97 percent of small businesses receive a tax cut.

Those are the facts, period.

I now yield 1½ minutes to the gentleman from Washington (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Speaker, Benjamin Franklin once said: "Nothing in this world is certain but death and taxes." Ha, Mr. Franklin had never met the modern Republican Party.

The only thing certain about taxes these days is that the Republicans are going to use them to take from the poor and give to the rich again and again; and now the Senate Republicans have brought all legislation to a halt—a halt—in this building until the super-rich get their tax cuts.

They are determined to take care of the rich. This political maneuvering by the Republicans brings uncertainty to the middle class at a time when they really need certainty so that they know what they are going to have in the next year.

Food banks are panicking all over this country because the Republicans in the Senate say the tax cuts for the rich go before any money for those unemployed people who are looking for their unemployment insurance. The food banks know what is going to happen: hungry people are going to be coming in, but it doesn't make any difference to the Republicans.

In fact, it's time to hang your Christmas stocking. Can you imagine the rich in this country hanging their Christmas stockings and putting in the gold of the tax cuts? Can you imagine the unemployed hanging their Christmas stockings?

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

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

Mr. MCDERMOTT. To pay for food or to pay the mortgage, they're going to look in their Christmas stockings and see what? Coal.

We know how this movie is going to turn out. This bill will pass over to the Senate. It will come back with the big tax cuts for the rich. Some of us are going to vote "no." We will vote "yes" today, but "no" when it comes back because it isn't fair to the unemployed people of this country that the rich get their money for sure when we dole it out to the unemployed one bite at a time.

Mr. BRADY of Texas. At this time, I yield 3 minutes to the gentleman who is a leader in cutting taxes and in restraining the level of government spending, the leader of the House Republicans, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman from Texas.

Mr. Speaker, on Tuesday, Republicans had a productive meeting at the White House that we hoped promised a fresh start after a historic election. There was recognition on both sides that it was time to put aside the political gamesmanship and the partisan rhetoric and begin working for the public to produce results.

Clearly, Mr. Speaker, that message has not been sent to some in the majority today. Today, we have a bill on the floor that would raise taxes on many small business people and working families.

We know the facts. Although some could say otherwise, 50 percent of the people who are impacted by this tax hike get at least 25 percent of their income from pass-through entities. These are the small businesses that we are relying on to create jobs in this economy. But sadly, it appears that the outgoing majority is more interested in staging meaningless votes that amount to political chicanery than it is in pursuing policies that get the economy back on track and Americans back to work.

Simply put, Mr. Speaker, this bill is a job killer that runs completely contrary to the discussions that we had with President Obama at the White House a few days ago. A bipartisan majority in the House supports a clean bill to ensure that no American faces a tax increase in this difficult economic environment.

Mr. Speaker, we call on Speaker PELOSI to stop the gimmicks and allow all Members of the House—Republicans and Democrats—to vote on legislation that would prevent tax increases for all.

Mr. LEVIN. It is now my pleasure to yield 2 minutes to a member of the committee, a hardworking member, the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I have heard in the last few moments about trickle-down economics—you know, here we go again—and I heard the quote of what works and what doesn't work.

Let me tell you what doesn't work. If you look back just a few years ago, in 2000, we had a 4.2 percent unemployment rate. By the end of 2008, we had doubled it. Not one word about that. Those 8 years have disappeared from your memory. By the beginning of 2009, the concentration of wealth amongst the top 1 percent was only matched by the period immediately before the Great Depression. So let's get it straight.

In this piece of legislation, everyone gets a tax cut, even Sammy Sosa—I

don't know if he's playing anymore—and even Derrick Jeter. They all get a tax cut up to \$200,000. Of course, if they're couples, it's \$250,000. Even billionaires will get a tax cut up to \$250,000. You have never communicated it because you have never told the total truth.

This legislation is very specific about how we are going to help the middle class. I believe a 5-year extension would be better. I don't believe we should extend any tax cut indefinitely, but I am going to vote for this bill because I refuse to allow the middle class to be the victims of partisan gridlock.

America's middle class is the one for which I have come to the floor multiple times over the last 6 months to declare the necessity of taking a vote on these taxes. I went to my own district. There are 334,000 households in the district, and less than 1 percent—1,092—are making \$1 million or more.

Their argument is dead in the water with heavy sand that buries it deeper and deeper because they don't want to talk about the middle class.

The SPEAKER pro tempore. Without objection, the gentleman from Michigan (Mr. CAMP) will control the remaining time on the minority side.

There was no objection.

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

Mr. Speaker, I would just say and comment on my friend's remarks that this is not about giving anybody a tax cut. This is about preventing a tax increase in a time of great unemployment that has gone on, as I said in my remarks, for more than 15 months at 9½ percent.

I now yield 3 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Illinois (Mr. ROSKAM).

□ 1350

Mr. ROSKAM. I thank the gentleman for yielding.

A couple of months ago I'm walking through a manufacturing facility in the western suburbs of Chicago with the entrepreneur that started it. This is a guy who about 45 years ago is living on the northwest side of Chicago with his wife. He's a tinkerer, the type of person that goes in the garage and comes up with some idea, kind of a blue-collar guy, a tool and die guy. He comes up with an idea. Over a period of time he borrows a couple of thousand bucks from his mother-in-law and he builds up a little business.

This is a very typical story. This isn't unique to Chicago or Detroit or New York. This happens all the time. He then builds that business up, and I'm sitting down with him and his son who's now running it. The old man is now 70 years old. I'm walking the plant floor with him and I ask him: How's business? And he tells me about the travails since September of '08, which we're all familiar with, but it's now a lean operation.

He further says, "Congressman, the smart move for me is to put three-

quarters of a million bucks into this production line." And he points to a production line on the floor.

I ask him, "Are you going to do the smart thing?"

And he says, "No, I'm not."

And of course I ask him why not.

He says, "Because Washington, D.C. tells me I'm rich. See, I'm a sub S and I file as an individual and Washington D.C. tells me I'm rich. So that means I've got to hold on to capital because I don't know what's going on. I think my taxes might be going up at the first of the year." And then further he mentioned health care, he mentioned cap and trade, he mentioned ambiguity in the capital market.

But for the life of me I don't understand why we as a body have not figured out that we need people like him—my constituent, the entrepreneur—to go out and hire folks. And he's not going to do it if his taxes are going to go up.

And this is not a uniquely Republican revelation, Mr. Speaker. Peter Orszag recently said that now is no time to raise taxes on anybody. Dr. Christina Roemer also argued, now is not the time to raise taxes on anybody. And for a majority with all due respect, Mr. Speaker, that has had the calendar now well in place and been able to control this process for years and now we find ourselves 30 days out from the largest tax increase in American history and we're having this junior varsity argument about whether we should nickel and dime the very people that we're trying to create an incentive for, I just think that we can do better. I think the American public, Mr. Speaker, has an expectation that we're going to do better. I think frankly the White House has an expectation that we can do better. So I urge us to defeat this today and to really get about this very serious idea of how it is that we create not just certainty and predictability but an environment where the entrepreneurs that I described and I represent—and we all represent—say to themselves, yes, I want to invest and I want to hire more.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members to direct their comments to the Chair.

Mr. LEVIN. I yield myself 10 seconds.

Ninety-seven percent of small businesses will not pay any more taxes. They'll get a tax cut.

I now yield 1½ minutes to the gentleman from New York (Mr. CROWLEY), a distinguished member of the Ways and Means Committee.

Mr. CROWLEY. I thank the gentleman for yielding the time.

Republicans are united in blocking all America's business until they get their tax cut for the wealthiest 1 percent of Americans. That's trouble for America. The Republican plan will not keep our troops at war safe. The Republican plan will not extend benefits to people who have lost their jobs because their company relocated overseas. The Republican plan will not pay

down the Federal debt. And the Republican plan will not create one new job.

Aren't these the very same priorities Americans want us to be focusing on? Yes. But that is not who the Republican plan will benefit.

This Democratic bill will cut taxes for every American who earns up to \$250,000. This bill will eliminate the marriage penalty permanently, for the first time in Congress' history. This bill will cut the cost of college for young people in America. This bill will cut taxes for small businesses.

Instead, the Republican plan will increase taxes on every American family who makes less than \$250,000 a year because unless we do it their way, there will be no bill.

So exactly who will the Republicans try to help in this legislation? This little dog—Trouble, that's who. Trouble is Leona Helmsley's dog who inherited \$12 million. Under the Republican plan, if Trouble doesn't get a tax break, nobody else should. And that's very troubling.

Under the Republican plan, America will go to the dogs.

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

Mr. LEVIN. I yield the gentleman an additional half minute. You must go on.

Mr. CROWLEY. Under the Republican plan, America will go to the dogs.

This dog received \$12 million. How many Americans who work in New York or Michigan or California or Florida or Georgia earn \$12 million in a lifetime? They'll protect this little dog, but they won't protect the middle class of this country, and that, I think, is wrong.

Mr. CAMP. I yield 1½ minutes to a distinguished member of the Ways and Means committee, the gentleman from California (Mr. HERGER).

Mr. HERGER. Thank you very much.

Mr. Speaker, we are now in some of the worst economic times since the Great Depression. We have 9½ percent unemployment nationally. I have areas in my district that have double that amount. This is certainly the wrong time to be raising taxes. We need to stop this tax increase for all Americans—for the hardworking families who are struggling to make ends meet, and also for the small businesses that we are relying upon to create jobs and grow our economy. The bill before us today would result in a massive tax increase on small business owners, entrepreneurs, and job creators at the very time our country most desperately needs them to succeed and to hire more employees.

Mr. Speaker, this is no time for half measures. I urge the House to reject this flawed bill, and instead pass legislation to ensure that no American sees a tax increase on January 1.

Mr. LEVIN. Mr. Speaker, I yield myself 10 seconds.

Once again, 97 percent of small businesses will get tax cuts, not tax increases. Those are the facts. Period.

I now yield 1½ minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support of H.R. 4853, the Middle Class Tax Relief Act of 2010. During these times of economic difficulty, middle class and working families need all of the help that they can get. Extension of the alternative minimum tax for 2 years and extending the 2001–2003 tax cuts for marginal individual income will protect more than 25 million families from the alternative minimum tax.

This legislation will make permanent the temporarily reduced taxes on capital gains and dividend income for taxpayers with adjusted gross incomes of \$200,000 for single filers and \$250,000 for married couples. The bill will maintain the current 15 percent rate for middle class taxpayers. Paying for higher education is becoming increasingly difficult. This bill makes permanent certain modifications to the suite of education tax incentives included in the Economic Growth and Tax Relief Reconciliation Act. Student loans are in serious need of retention. This bill will provide the opportunity for individuals to deduct. There has been never a time greater when the middle class needed a tax break. That time is now. Let's do it today.

Mr. CAMP. Mr. Speaker, I yield 2½ minutes to a distinguished member of the Ways and Means Committee, the gentleman from Nevada (Mr. HELLER).

Mr. HELLER. I thank the gentleman for yielding.

Mr. Speaker, I rise today in opposition to H.R. 4853. Of course I strongly support tax relief for the middle class and others, but today's bill is misguided. Nevada is struggling. It has one of the highest unemployment rates in the Nation; more than 14 percent. Some counties in my congressional district are as high as 16, 17 percent unemployment. Real unemployment is probably closer north of 20 percent. At home in Nevada I constantly talk to families, small business owners and workers struggling to make ends meet. That's why I have supported extending unemployment insurance. But Nevadans, like most Americans, want jobs.

□ 1400

So today, "Washington knows what's best, class warfare, pick-and-choose method of so-called tax relief" is a dangerous way to go.

The outgoing majority party does not understand that tax hikes do not create jobs. The outgoing majority party doesn't understand that bigger government doesn't create jobs. The outgoing majority party still doesn't understand that more regulation doesn't create jobs. And doubling down on failed stimulus spending—which this bill does also—is, too, the wrong way to go.

It bears repeating simply because the current outgoing majority so often fails to listen: The income levels in the bill today exclude many small busi-

nesses, and it's those small business owners who are the job creators in the economy. Three-quarters of all new jobs are created by small businesses, which employ half of all private-sector employees. These are the entrepreneurs, the patent filers, the exporters, the startups and the innovators. They, not Washington politicians, are the ones who will lead our Nation out of its economic struggles, yet today we are asked to support a tax increase on them.

I have a letter here signed by a number of national and local organizations who strongly support extending the current tax relief. In the letter they say, "strongly urge Congress to end the tax uncertainty plaguing the business community by extending the expiring 2001/2003 tax rates."

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

Mr. CAMP. I yield the gentleman from Nevada an additional 30 seconds.

Mr. HELLER. Nowhere in this letter—signed by 28 pages of organizations and businesses nationwide—do they waffle or endorse these income limitations. Several chambers of commerce and local businesses from around the State of Nevada who understand the importance of certainty in our tax policy have signed onto this letter. Businesses like Silver State Barricade and Sign, Starsound Audio, Hartmann and Associates, and Air Systems, Inc. are all in this letter. Today's exercise in political theater is simply bad policy.

Mr. LEVIN. Mr. Speaker, it is now my real pleasure to yield 2 minutes to the distinguished gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. I thank the gentleman for yielding.

You know, this is kind of a comical debate in a way. We hear time after time after time, why would we want to pass job-killing tax hikes? Well, I would ask my colleagues from the other side of the aisle why did they write them into the law? Because these are Republican tax hikes that we are dealing with, trying to decide what makes sense from a fiscal standpoint and from a fairness standpoint.

I love the fact that people talk about job-killing tax hikes as if every small business is going to make a decision based on what their personal tax rate is. I come from a family of small business people. My father was a small businessperson who built a very large company. I have two brothers who are small businessmen. I have a sister who is a small businessperson. I ran a small business. Not one of us ever made a decision about what we would do in our business based on whether a few more percentage points would come out of our net income, particularly when we're dealing with people who are mostly making millions of dollars a year.

I have one brother who is in the barbecue restaurant business. I talked to him about what impact taxes have on his decisions in business. He said, you

know, if nobody can afford barbecue, it doesn't matter what my tax rate is. That's where we are as a country. We have a major portion of our population whose standard of living has stagnated over the last 10 or 20 years, and we have a very small percentage who have done very, very well thanks in part to the tax breaks that they were given back in 2001 and 2003.

We can afford to give everybody tax cuts if we want to raise the national debt another \$700 billion. No, I think we have to draw a line somewhere. We have to say to the people who have done extremely well over the last 10 years thanks to the Bush tax cuts need to pay a little more. This won't kill jobs. We won't be crying crocodile tears for them. It's more important that we make sure that the vast majority of Americans have the income they need to drive this economy. That's where the business people, small and large, will prosper.

Mr. CAMP. I yield 1 minute to the distinguished gentleman from Georgia (Mr. GRAVES).

Mr. GRAVES of Georgia. Mr. Speaker, I hear all these grand arguments today about the majority party's tax cut bill when in fact not one American taxpayer's taxes will be reduced as a result of passage of this bill.

Let's be clear on what's at stake today: A vote for this bill is a vote to raise taxes on millions of American families and small business owners. The Democrat leaders argue that we have to raise taxes to reduce the deficit, but this is absolutely false. The burden to reduce the deficit should be on Congress and not on the backs of hardworking Americans. It is our job to make the tough spending cuts and restore fiscal discipline, not to make millions of businesses and families a scapegoat for our debt.

Keep this in mind: No tax increase has ever created one job. If America's private sector is going to create the jobs that we desperately need, Congress must stop the threat of new taxes, get out of the way, and let employers have some certainty for once.

So Mr. Speaker, I urge my colleagues to respect the message of the American people from Election Day and let's reject this tax hike scheme.

Mr. LEVIN. Mr. Speaker, it is now my pleasure to yield 2 minutes to the gentlewoman from Nevada, a member of the committee, Ms. BERKLEY.

Ms. BERKLEY. I thank you, Mr. Chairman.

I rise in support of this legislation. Today's vote is an affirmation of this Congress' commitment to middle class Americans and a crucial step in getting our economy back on track.

This tax cut extension does not exclude anyone. What it does is permanently extend middle-income tax relief, which will provide much-needed certainty to our small businesses and our entrepreneurs and create conditions for long-term growth while still dealing responsibly with the Federal deficit—

and let us not forget that it is a burgeoning deficit.

This legislation ensures that on January 1 every American will be paying lower taxes than under current law. It will extend relief from the alternative minimum tax for 2 years and provide permanent relief from the marriage penalty. It also permanently extends tax credits like the improved child tax credit, simplified earned income tax credit, and numerous benefits for education. For our small business owners, we are also permanently increasing the amount they can expense so they can quickly realize the benefits of their capital investments. These provisions are critical to Nevada's economic recovery. It is good for my congressional district, the city I represent of Las Vegas that is really hurting, and the people of the great State of Nevada.

We owe it to our fellow citizens to pass this bill and ensure that we are creating conditions for renewed economic growth. The certainty of this legislation creates and will bolster consumer confidence, provide businesses with tax certainty, and foster long-term investment. Nobody can argue or quibble with its benefits.

These economic conditions are essential to the health of consumer-led economies like Las Vegas. We still have a whole lot more work to do, both in terms of promoting jobs and removing uncertainties in the Tax Code.

The SPEAKER pro tempore (Mr. SERRANO). The time of the gentlewoman has expired.

Mr. LEVIN. I yield the gentlewoman an additional 30 seconds.

Ms. BERKLEY. Thank you very much.

We also have to work on our estate tax to pre-2001 levels. I look forward to that discussion with the bill I introduced with Congressman BRADY as a basis for the debate.

Let's get moving. This is the easy stuff. This we should pass without any uncertainty or concern that we're not doing the right thing for the American people.

Mr. CAMP. At this time I reserve.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Let me thank the gentleman from Michigan for yielding me this time.

There is an economic theory, and then there are facts. There were a set of Democratic tax rates in which we saw 22 million new jobs created, and we saw the balancing of the budget, and hundreds of billions of dollars of national debt paid off.

□ 1410

And then there's the Republican tax rates that are called the Bush tax cuts in which we saw a net loss of 600,000 jobs, and we saw trillions of dollars added to the national debt. These are facts. You compare the 8 years of Clinton to the 8 years of Bush, you compare the two rates, and you look at the jobs

and the effect on the debt and the deficit, and we know what the reality is.

So our friends on the other side say, Well, we don't want to hurt the economy. The best way not to hurt this economy is to do away with the set of policies that created the situation we're in now with 15 million people without jobs, our national debt doubled.

Now, as an economic theory, I think we should get rid of the income tax and move to a consumption tax. But theory is something you can debate and you can wonder about. Facts are facts, and we can't hide from them. And the fact here is that under the Bush rates, this country is seeing unemployment spike by millions, our debt rise by trillions.

So we come today to say that maybe the Republicans were right when they put an expiration date on this because they didn't really know what would be the result. We see the economic calamity that has resulted from doing these types of uneven tax breaks weighted to the top 2 percent.

So we come today saying for 98 percent of the people of our country, people at \$250,000 and under, they should continue to have and make permanent a break on their taxes. And for the wealthiest, for their first \$250,000, they should get an identical break. We should return to the Clinton rates or the Democratic rates thereafter.

Mr. CAMP. At this time, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. First of all, I wanted to associate myself with the previous speaker, my friend from Pennsylvania. I, too, support a consumption tax, a fair tax, tax simplification in whatever form. And I hope we can come together and work on tax reform and tax simplification in the year ahead.

Now today, though, we're doing a show in politics. We're voting on a bill which the Speaker knows there aren't the votes to pass. She furthermore knows that if it did pass, the Senate is not going to pass it. Today is all about political show. It's about more class warfare. It's interesting that the Speaker would choose this route because on November 2 I believe that brand of politics was squarely rejected by the voters all across America.

We also know that the economic policies of the Speaker and the President have failed. When the stimulus bill was passed, unemployment was about 7.6 percent. We were told this would keep it from going to 8 percent. But here we are now with unemployment at nearly 10 percent—15 million people out of work—and we're hearing again from the Democrats that this is what we need to do to turn the economy around.

I believe the American people spoke on that squarely. And I think the statistics show, with a 10 percent unemployment rate, it's not going to work.

About 75 percent of small businesses—and I think there's something like 27 million in the country—75 percent of them file their taxes as individuals; 750,000 of them actually would

come under this category of getting a tax increase. And these are people who are the first to turn around and hire folks when the economy improves. These are Sheetrock contractors. These are restaurant owners. These are other tradesmen who have two, three, four, five, fifteen employees, and they're going to be the first ones to turn around and hire folks. So right now, we do not want to hit them with a high tax increase.

We need to reject this and continue to work with the White House and come up with a compromise.

Mr. LEVIN. It's now my privilege to yield 1 minute to our very distinguished majority leader, Mr. HOYER of Maryland.

Mr. HOYER. I thank the gentleman for yielding, and I rise in support of this legislation.

First, let me say that there were two messages that came from this election, in my opinion—maybe others as well, but certainly these two. One, we need to grow jobs. We need to have more jobs for our people. We need to grow our economy. The second was we're very concerned about the deficit.

I agree with both of those conclusions in this election, and I think we need to do both of those. To some degree, they're contradictory because, in the short term, in order to grow the economy we've got to invest in the economy and we need not take money out of the pockets of consumers.

Now, as a result of the tax bills that were adopted in 2001 and 2003, because we wanted not to have the scoring for a longer period of time and the deficit displayed exploding, they were made to sunset. That is to say, the tax cuts were put in place and then they were sunsetted. It so happens they sunset at the end of this month. That would mean, normally, if we allowed that Republican policy—which I did not vote for—to go into effect, that the taxes would increase on everybody.

What this bill does is it says no, we want to cap, and we want to make sure that no American has any tax increase on the first \$250,000 of their income. No American. One hundred percent of American taxpayers would be exempt under this bill from any increase in their taxes on January 1 of this year.

One of the other messages that the American public said to us: When you can reach common ground, when you can reach agreement, why don't you guys take it? Why don't you move forward where you can agree and then spend time on that which you cannot agree upon? But at least do that on which you can reach common ground.

Now, I haven't heard all of the debate—I have been in other meetings—but my suspicion is that almost everybody, if not everybody, on the floor wants to make sure that the first \$250,000 of income of any American is not subjected to a tax increase on January 1. That's my conclusion. Now, maybe somebody will come up and say, "No, you're wrong on that," but if so,

I stand to be corrected. But we have reached common ground, I believe, on that proposition. That's what this bill carries forward.

Now, we have disagreements.

As I said, the second message was they're very concerned about the deficit. I'm very concerned about the deficit which I think, as I was quoted in the paper yesterday or the day before as saying, it is the most critical challenge that confronts this country, that impacts on every other challenge we have in this country, including our ability to bring taxes down and create tax reform.

Now, we don't have agreement on other elements of the Republican tax program of 2001 and 2003 which will sunset pursuant to that policy on December 31. And the issue, therefore, before this House right now is whether we're going to hold hostage the first \$250,000 of income of every American or we're going to say no, we have agreement, we'll resolve that, and we will then contend on the other issues. Whether we argue about the necessity to cut taxes on those over \$250,000, on impacting small business, on growth of the economy, all of that is legitimate argument.

But I really do not believe we have disagreement on what this bill intends to do. It's just that some people think it doesn't do enough. I understand that.

But very frankly, my friends, in the House and in the other body, we have been holding hostage American policy to agreement on 100 percent—or in the case of the Senate, on 60 percent. The American public are frustrated by that. I'm frustrated by that. I think that's not the way a legislative body works. A legislative body works by when you can create consensus, move forward.

Now, maybe somebody will get up and say no, we should increase the first \$250,000 of income and let that sunset. I doubt that anybody said that. I doubt that anybody believes it.

□ 1420

But if you don't believe it, any Member of this House, then vote for this bill. Not only does it say income, but it takes earned income tax credits, it takes capital gains, it takes child care tax credits and says that the first \$250,000 of income will not be subjected to an increase. I can't believe we don't agree on that. And I am hopeful that every Member will vote for this.

Now, I frankly want to say I don't think this is the final package. We know that the Senate has disagreement. We know that the White House has its own view. But this vehicle is going to be critically important if we are going to move this issue forward. And some people on the other side say let's act and let's act now. Fine. Then let's give them a vehicle on which to act.

Revenue issues, as we know, have to initiate in the House. Now, this vehicle is a vehicle that I think will be used and can be used by the other body to

effect consensus policy. But let us not hold hostage that on which we agree to that on which we do not agree.

So I would urge my colleagues, vote for this legislation. Let's move this forward. Let's give the confidence to American working people that we are united in the conviction that in this tough economy at this time they ought not to see an increase in their taxes on January 1. That's what this vote is about. And I urge my colleagues to support it.

I thank the gentleman from Michigan, the chairman of the committee, and, yes, Mr. CAMP, the ranking member, who will soon be chairman of this committee, for their efforts on this bill, notwithstanding their disagreement on its substance. And I thank the gentleman from Michigan (Mr. LEVIN) for yielding.

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

And I would just say I listened very carefully to the majority leader's well-reasoned arguments. And if, in fact, this bill were going somewhere, they would have made a great deal of sense. But we know now that the Senate will not take up this bill. Forty-two Senators have signed a letter that they will not take up any legislation unless it is dealing with the potential tax increases on all Americans.

I also have a letter that was sent to the House of Representatives dated today from the National Association of Manufacturers. And there has probably been no State hit harder than Michigan, no sector hit harder in Michigan than manufacturing. And I want to quote from this letter that says, "Manufacturers strongly support extending the 2001 and 2003 tax relief for all taxpayers. Over 70 percent of American manufacturers file as S corporations or some other pass-through entity and will be significantly impacted by these higher rates. According to the non-partisan Congressional Budget Office, fully extending the 2001 and 2003 tax cuts would add between 600,000 and 1.4 million jobs between now and 2011 and between 900,000 and 2.7 million jobs in 2012."

NATIONAL ASSOCIATION OF  
MANUFACTURERS,  
December 2, 2010.

HOUSE OF REPRESENTATIVES,  
Washington, DC.

DEAR REPRESENTATIVES: The National Association of Manufacturers (NAM), the largest manufacturing association in the United States, urges you to oppose H.R. 4853, the Middle Class Tax Relief Act of 2010.

Tax relief enacted in 2001 and 2003, which repealed the estate tax and lowered both individual tax rates and tax rates on investment income, helped spur economic growth. Now, however, absent immediate congressional action, these lower rates will expire, resulting in a top income tax rate of nearly 40 percent, a 164 percent increase in the dividend tax and the return of a 55 percent estate tax on family-held companies.

Manufacturers strongly support extending the 2001 and 2003 tax relief for all taxpayers. Over 70 percent of American manufacturers file as S-corporations or some other pass-

thru entity and will be significantly impacted by these higher rates. According to the non-partisan Congressional Budget Office, fully extending the 2001 and 2003 tax cuts would add between 600,000 and 1.4 million jobs in 2011 and between 900,000 and 2.7 million jobs in 2012.

We urge Congress to reject this legislation and move toward extending all of the current tax rates.

The NAM's Key Vote Advisory Committee has indicated that votes on H.R. 4853, including potential procedural motions, merit consideration for designation as Key Manufacturing Votes in the 111th Congress.

Thank you for your consideration.

Sincerely,

JAY TIMMONS,  
*Executive Vice President.*

Mr. HOYER. Will the gentleman yield?

Mr. CAMP. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman very much for yielding.

Let me say to my friend, if he heard what I had said—I know he was listening, and I thank him for that—he and I both know revenue bills must initiate in this House. So if the Senate is to effect what those 42 Members suggested they wanted to see, then it must have a vehicle from this House on which to act. What I suggested and what I believe is that when you say this bill is dead, I think I am not sure I agree with you, because in my view it will be this bill on which they will ultimately reach whatever compromise is available in the United States Senate.

So, in fact, I think this is an important vehicle to reach perhaps the compromise that we all know is ultimately going to be necessary, while at the same time expressing the views of I think the overwhelming numbers of us that certainly the first 250—we may not agree on further, or another level or something, but certainly would the gentleman disagree with me that we all agree on the first 250 ought not to receive an increase?

Mr. CAMP. I thank the majority leader. And reclaiming my time, I think we would have a much better chance if the vehicle that was sent over to the Senate was actually one that dealt with the potential tax increases on all Americans.

But I know my time is very short, and I just wanted to say I also have a petition, a coalition letter sent to us by over 1,300 businesses, trades, and local Chambers of Commerce urging that we extend the current tax policy for all Americans and prevent a tax increase from going into effect.

Let me just say I think much of what has happened today is a charade, and I am glad it's coming to a close. I urge my colleagues to vote against this bill.

DECEMBER 1, 2010.

TO THE MEMBERS OF THE UNITED STATES CONGRESS: We, the undersigned companies, chambers, and trade associations strongly urge Congress to end the tax uncertainty plaguing the business community by extending the expiring 2001 and 2003 marginal tax rates, as well as dividend and capital gains tax rates, and the business tax provisions that expired at the end of 2009.

A permanent extension of all current tax rates would, in one bold stroke, boost investor, business, and consumer confidence by taking the uncertainty of tax policy off the table. It would leave hard-earned income in the hands of the individuals and businesses that earned it and allow them to spur investment, boost consumption, promote economic growth, and create jobs. Further, without expeditious Congressional action to extend current marginal tax rates, millions of Americans will face greater withholding for taxes from their hard-earned paychecks in six weeks.

Another major obstacle to recovery lurks. Thousands of U.S. businesses and individual taxpayers currently face major tax increases because tax provisions—such as the R&D credit, active financing exception, and CFC look-thru rule—have expired. An extension of these vital provisions would bring more certainty in U.S. tax law, foster more effective business decisions, and encourage investment. Moreover, the Administration asked Congress to extend the tax provisions as part of the President's 2010 budget request.

While we support the extension of all these provisions, we believe that the extensions of current tax policy should not be offset with permanent tax increases. No one should have their taxes raised during a time of economic weakness—not individuals, not small businesses, not large businesses. Job creators are especially sensitive to tax rates and any tax increase right now would only hinder the already too weak recovery.

We urge Congress to act expeditiously to remove uncertainty and address these looming tax increases with a long term extension of all the expired and expiring tax provisions by year end, and look forward to working with Congress to keep the economy on the road to recovery.

Sincerely,

[1318 ORGANIZATIONS OMITTED]

I yield back the balance of my time.

GENERAL LEAVE

Mr. LEVIN. Mr. Speaker, first, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include any extraneous material in the CONGRESSIONAL RECORD.

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

There was no objection.

Mr. LEVIN. Secondly, before I yield the balance of the time to the Speaker, our very distinguished Speaker, I want to take just a minute or less to make a couple of key points.

Number one, everybody would receive a tax cut under this bill. Everybody. Secondly, only 3 percent—these are the facts—of small business owners would get the additional tax for income over \$250,000. Only 3 percent. And the third and last point is this. For those with income a million and over, under the Republican plan they would get a tax cut of over \$100,000, while average Americans would get a fraction of that.

It's now my pleasure to yield the balance of my time to our distinguished Speaker of the House, the gentlelady from California, NANCY PELOSI.

Ms. PELOSI. I thank the gentleman from Michigan for yielding. I commend him for his great leadership in terms of working and being a champion for America's working families, for Amer-

ica's middle-income families who need so much help at this time of this down economy.

Mr. Speaker, this has been a very interesting week. Yesterday in the Capitol, hundreds of people looking for work came to the Capitol of the United States. They came because they knew that the day before unemployment insurance benefits had expired for people looking for work. They knew that by the end of December, unless this Congress acts, 2 million Americans will lose their unemployment insurance, 2 million Americans. This is the first time in American history when unemployment benefits would have been allowed to expire at this rate of unemployment.

They came looking for jobs. They came in the spirit of fairness to say until we can find jobs, we need to continue unemployment insurance. And what they heard was that the Republicans in the Senate had said, if you want unemployment insurance, it has to be paid for. Well, they have paid into unemployment insurance. But we want to give tax cuts to the wealthiest people in America to the tune of \$700 billion, and that doesn't have to be paid for.

Now, I think we should use as a measure for everything that we do: What does it do to create jobs? What does it do to reduce the deficit?

Unemployment insurance, the economists tell us, returns \$2 for every dollar that is put out there for unemployment insurance. People need the money. They spend it immediately for necessities. It injects demand into the economy. It creates jobs to help reduce the deficit.

Giving \$700 billion to the wealthiest people in America does add \$700 billion to the deficit, and the record and history shows it does not create jobs. It does not create jobs. I mention this because this is the context in which we bring up this tax cut for middle-income families in America today. And while some on the other side say this is not going to make a difference, it indeed makes a difference.

□ 1430

Let me say, unequivocally, there will be no tax bill for any situation unless there is a tax cut for middle-income people in our country. That is what this vote is about today. That is our declaration. That is what we send to the table for the discussion that the President has so rightfully called for.

Now what our Republican colleagues are saying is we know they must support tax relief for the middle class, right? And this is tax relief for every income filer in our country; everyone gets a tax break. But what they are saying is unless you give an additional tax break to the wealthiest people in our country, adding to the deficit and not creating jobs, we are not going to vote for middle-income tax cuts.

As Mr. HOYER said, holding the middle-income families of America hostage

to a tax cut for the wealthiest, and who are they? Well, some of them create wealth, create jobs. We want to reward success in America, and they do get a tax cut in this bill.

Some of them are getting bonuses on Wall Street. Did you see the announcement? Almost \$90 billion in bonuses on Wall Street after all that they have put us through, not all of them, but some of them, \$90 billion, billion with a "B," dollars in tax bonuses, and under what the Republicans want to do, they are not going to pay. They want a tax break for that, a bonus and a tax break on top of it. But, no, we can't give middle-income tax cuts unless you do that; and, no, if we do unemployment insurance, it has to be paid for but not a tax break for these billionaires with these bonuses on Wall Street.

This is so grossly unfair. It is so grossly unfair. I can't imagine that my colleagues on the Republican side don't want to give a tax cut to the middle class. Why don't they just vote for that? They can try to add whatever else they want and have that debate. But to say that this is not the right thing to do, I think, is not the right thing to say.

So we have a situation where we come out of an election: jobs, jobs, jobs, jobs. That's what those hundreds of people looking for work came to Capitol Hill looking for. They were looking for jobs. They were looking for security for their families.

One young man, 35 years old stood up and said, I am 35, I am married, I have a 4-year-old child. I have been out of work for 2 years. I am a college graduate; I am a trained professional. Don't tell me to dip into my savings. My savings are all gone.

Don't tell me to go ask help from my family. I have already done that. They have done what they can, but they are strapped as well.

Don't tell me to cut back on what we do as a family. That was something we did a long time ago.

So we have tried to live as we look for work on unemployment insurance, and you are now telling us that Congress cannot pass that unless it is paid for while it is giving, I am saying, a tax cut to the wealthiest people in America, \$700 billion unpaid for, \$700 billion added to the deficit. Something is very wrong with this picture.

But we come to this floor, we Democrats today, with great clarity. The tax cut for middle-income families will create jobs because people will spend that money again, inject demand into the economy, and create jobs. That is something that will help. That growth will help to reduce the deficit while the record shows, and history, recent history, acknowledges that the tax cuts at the high end did not create jobs.

Those tax cuts were in place during the Bush years and more private sector jobs have been created this year than the entire 8 years of the Bush administration. They simply did not create jobs.

If you want to create jobs, if you want to reduce the deficit, if you want to stabilize the economy, if you want to support the value of what the middle class, middle-income families mean to our country, these workers who came were veterans, they were the backbone of our country. They came from the heartland of America. They came from a place where we in this Congress and with this President saved the auto industry, saved the auto industry.

Without the measures taken by the Obama administration and this Congress, we would have unemployment that's even higher. But that's not good enough. We want unemployment that is lower. This tax cut takes us to that place. This tax cut, not what the Republicans are proposing, will help create jobs, instead of what they want to do, which is not create jobs and increase the deficit.

The choice is clear. It's not about who signed 44 signatures, that I am not going to do this unless you do that. We are very clear. There will be no tax bill unless there is a tax legislation that gives middle-income families in America the fairness they deserve, the respect that they have earned and the economic opportunity for creation of jobs, reducing the deficit, and stabilizing our economy. I think this choice is clear.

I urge our colleagues, and I hope we could have some bipartisan support for middle-income families in America, to vote "aye" on this important legislation.

I again salute Mr. LEVIN for his leadership.

Mr. HOLT. Mr. Speaker, I rise in support of the Middle Class Tax Relief Act of 2010 to ensure that working and middle class families receive tax relief as we emerge from the worst recession in three-quarters of a century.

Some history about this issue is needed as some on the other side of this debate seem to have a short memory. In 2001 and 2003, President Bush and the Republican-controlled Congress enacted sweeping tax cuts that largely benefited the wealthiest in America without corresponding cuts in federal spending. I opposed these tax cuts. These tax rates were passed on the erroneous argument that they would stimulate the economy and that they would generate more revenue than they cost. The evidence is clear that cutting tax rates resulted in a net loss of revenue to the government, and there is scant evidence that they provided much economic stimulus.

I support extending tax policies that help working families in New Jersey and across the nation. Two years ago, I was proud to support President Obama's Making Work Pay tax cuts, which cut taxes by \$400 for individuals making \$75,000 or less and \$800 for households making less than \$150,000. As we debate whether or not to continue Bush-era tax rates that shift the tax burden from wealthier Americans to the middle class, I should remind my colleagues that extending the Obama tax cut for working Americans would cost less and stimulate the economy more.

With the current income tax rates expiring at the end of this month, I am pleased to support the Middle Class Tax Relief Act of 2010. This

measure would extend permanently current tax rates for all Americans on taxable income under \$200,000 for individuals and \$250,000 for joint-filers. For households that earn more, the marginal tax rate on that additional income would return to its level during the 1990s.

According to the nonpartisan Tax Policy Center, maintaining the Bush-era tax cuts for income over \$200,000 for individuals and \$250,000 for joint-filers would provide the top one percent of wage earners with an average tax break of \$53,674. Furthermore, according to the Congressional Budget Office, extending the Bush-era tax cuts for the top wage earners would add nearly \$700 billion to the national debt over the next ten years.

While much of the debate has focused on marginal income tax rates, this measure extends other forms of tax relief that are of critical importance to my constituents in central New Jersey.

This legislation contains a two-year patch for the Alternative Minimum Tax. Because this tax, which was intended for a few hundred of the wealthiest Americans, has never been adjusted to account for inflation it threatens middle-class families. The 12th congressional district of New Jersey in particular is hard hit by the AMT. This bill would prevent an additional 88,000 of my constituents from being subject to this unfair part of the tax code.

The bill before us today would make permanent the maximum Child Tax Credit of \$1,000 while expanding eligibility for the credit and making it refundable. This bill would provide permanent relief for the so called marriage penalty that unfairly penalizes couples who jointly file their taxes. The legislation also would continue Earned Income Tax Credit rules that simplify and expand its eligibility requirements.

Additionally, today's bill would extend a host of family friendly tax breaks that allow taxpayers to deduct student loan interest, save for their children's college education, and defray the costs of adoption.

With the country facing growing long-term deficits and with the expiration of current tax rates looming, my constituents and all Americans are demanding that policymakers act quickly and prudently. The tax policies in the bill before us today are the ones my constituents and the American people support. These cuts balance the needs of working families with the nation's need to get its fiscal house in order. I am pleased to support this bill today, and I urge my colleagues to join me today in voting for the Middle Class Tax Relief Act.

Mr. BLUMENAUER. Mr. Speaker, it is unfortunate that the major decision we face on taxation this Congress boils down to this vote.

This situation represents a failure of imagination, a failure of political will, and, sadly, a failure to invest in our future.

It represents the inability of Congress to seize an opportunity for real reform.

If the message of the election was that we should not add to our nation's debt, then we should not extend tax cuts that will add trillions of dollars to that debt.

If voters this election were concerned about jobs, then we can have a much greater effect on employment by using a small portion of the money in question to fund a substantial transportation bill and addressing our nation's infrastructure deficit.

If the election was about tax fairness, then we can do more for fairness by permanently

eliminating the Alternative Minimum Tax, which no billionaire pays but which now threatens 29 million middle-income families. While we are at it, we could permanently fix the physician payment issue.

These are perennial challenges. Addressing them now will require far less debt, save money in the long run, and will avoid needless heartburn for millions of people right now.

Instead, the political process is failing the American people as we face a choice between a sub-optimal bill and a bad bill.

We can and should do better.

Mr. PAUL. Mr. Speaker, today I voted for H.R. 4853, legislation which ensures file continuation of many of the Bush tax cuts. If no action had been taken by this Congress, all Americans would have had to pay higher income, dividend, and capital gains taxes beginning on January 1, 2011. While I would have preferred that the current lower tax rates remain in place for all Americans, the fact is that a tax cut for most people is better than a tax increase on everyone. I will always vote to lower taxes at all levels, and I will never vote for tax increases. The passage of this bill will result in the overwhelming majority of Americans paying lower taxes next year than they otherwise would have.

It is unfortunate that this bill was so highly politicized and that so much debate focused on whether or not those making over \$250,000 per year would receive tax cuts. Arguments that tax cuts for the rich are unfair, or that those making more money should pay higher taxes, are based largely on envy. Whether one group or another thinks it is "fair" or not does not change the fact that the money should stay with the person who earned it. This is true for people at all levels of income.

But rather than getting bogged down in the minutiae of what the ideal tax rate should be, I believe we should abolish the income tax and eliminate the IRS altogether. Congress funded the government using excise taxes for more than 120 years without an income tax, and the federal government not surprisingly adhered much more closely to the constitutionally-defined limits of its powers during that time. Real tax reform can only happen when we insist on reducing the size of the federal government and reducing the pork in its bloated budget.

Mr. CONYERS. Mr. Speaker, I rise in support of H.R. 4853, the Middle Class Tax Relief Act of 2010. The middle class in America is struggling to make ends meet as they face a weak economy and bleak job market. Unless Congress acts sometime during the next month, Americans will see their income tax rates return to Clinton-era levels next year. Today's legislation would ensure that 98 percent of Americans will not see a tax increase next year.

President Obama and Democrats have advocated to extend tax cuts on income below \$250,000 (which will benefit Americans of all income levels) while allowing the tax cuts on income above \$250,000 to expire. Specifically, the Middle Class Tax Relief Act will permanently extend relief for the 10 percent, 25 percent and 28 percent rate brackets. Ninety-eight percent of Americans will benefit from this proposal while allowing the richest 2 percent, the millionaires and billionaires, to pay their fair share in taxes.

The Middle Class Tax Relief Act of 2010 also provides working families with permanent

extensions of popular tax cuts. The bill will extend the \$1,000 child tax which is set to expire on December 31st. It will also help families by providing permanent extension of the adoption tax credit, the employee tax credit for employee child care, and the increased dependent care tax credit. Lastly, the Act will permanently extend the capital gains and dividend tax at a 15 percent rate for middle-class taxpayers.

Furthermore, the Middle Class Tax Relief Act of 2010 will provide Alternative Minimum Tax, AMT, relief for the middle class. The Congress created the AMT in 1969 to ensure that the wealthy did not abuse loopholes in the tax code and thus avoid paying any taxes at all. However, because the AMT was not adjusted for inflation, it now will affect a large percentage of the middle class. Today's bill will provide a two year extension of AMT relief for joint filers who make up to \$72,450 and for individuals who make up to \$47,450 in 2010 and 2011.

Today's debate is larger than the future of tax policy. This moment offers this body a critical opportunity to draw a line in the sand and make a definitive and powerful statement about their commitment to working class and middle class families. It is an opportunity to show average Americans who are fed up with their government that we hear them, believe in them, and will fight for them. It is an opportunity to show that government has the ability to improve people's lives in a tangible way and that the rich and well connected don't always win. It is time for Congress to stand up for the middle class and extend tax relief. I encourage my colleagues to support this bill.

Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 4853, the "Middle Class Tax Relief Act of 2010." Put very simply, our vote on this bill today is a statement of values. Do we stand with middle-class American families, whose lives and livelihoods have been devastated by the recession, or do we stand with the wealthy scions of finance and industry who drove this country off an economic precipice of gargantuan proportions? There can be no justification for holding tax relief for middle-class families hostage by supporting those who did nearly irreparable harm to our great Nation, and those members of the House who vote against this bill should forever be ashamed of putting the interests of Wall Street fat-cats before those of the vast majority of American families.

My Republican colleagues seem to be blind to this reality and will no doubt work this very day to make a public statement of their unflinching support for the wealthy at the cost of providing tax relief to the middle-class Americans who need it most. This, sadly, should come as no surprise, given Republican opposition to extending unemployment insurance. As if denying 800,000 Americans—and over 180,000 people in my home state of Michigan—extended unemployment benefits at the time they need it most is not enough, Republicans now seek to bar tax relief to middle-class Americans in a cynically transparent attempt to allow the wealthy to continue lining their pockets.

In closing, I would remind my friend, the erstwhile Minority Leader, that he stated some months ago on "Meet the Press" that he would support a middle-class tax cuts-only bill if it were his only choice. Well, Mr. Speaker, the Minority Leader now has the opportunity to

make good on that statement. If he does, his conscience will thank him.

Mr. CAMP. Mr. Speaker, I appreciate the opportunity to discuss this important bill, which includes a wide mix of policies recently sent to us by the Senate.

Portions of this bill make sense, including extending welfare programs and reducing erroneous unemployment insurance (UI) overpayments. Enacting policies to better prevent and recover unemployment benefit overpayments is good government, and save about \$3 billion over 10 years. However, instead of using this money to strengthen UI programs or even paying for an extension of unemployment benefits, the majority instead uses this funding to offset unrelated spending.

Similarly, I am disappointed that the bill uses \$2 billion of the funds in the Customs user fee account (about half of available funds) to offset some of the spending provisions in the bill. As a result, such funding would no longer be available for key job-creating trade initiatives, such as the pending free trade agreements or extending existing preference programs. I strongly believe that this offset should be reserved for trade priorities and should not be raided for non-trade provisions.

And that's really at the heart of the debate: instead of using the savings in this bill to reduce our Nation's staggering deficit or pay for extending UI benefits or promoting job-creating trade, the authors of this bill would use those savings for new, unrelated spending. This spending does nothing to help the unemployed, promote job creation, and only makes balancing the budget next year even harder.

The bottom line is that, while this legislation includes some good provisions, it also includes new spending we simply can't afford. To divert savings from UI and trade programs, especially while too many Americans are unemployed and more trade-related jobs are needed, is not the right answer.

I urge my colleagues to vote "no" on this legislation.

Mr. BISHOP of Georgia. Mr. Speaker, I agree that the extension of middle class tax cuts is vital to the economic health of our nation, and I proudly support providing this much needed relief. Over 75 percent of American workers are living paycheck-to-paycheck, and they simply cannot afford the burden of new taxes. Furthermore, many of our nation's seniors are on fixed incomes consisting of Social Security payments, supplemented by dividend and capital gains income. This measure will help ensure that seniors can make ends meet in this challenging economic environment.

Unfortunately, this measure does not go far enough. Given the current state of our fragile economic recovery, now is not the time to raise taxes on any American. Businesses large and small are still having difficulty creating new jobs, training their workers, and growing for the future. I remain deeply concerned that raising taxes on those businesses would further impede job creation and punish success at a time when we should be encouraging the entrepreneurial spirit.

Furthermore, I am troubled that this measure does not address estate tax relief. The most oppressive estate tax we have seen in a decade is scheduled to go into effect at the beginning of the New Year. Our farmers and small business owners face dire consequences from inaction on this issue.

Higher estate tax rates would have an especially severe impact on farmers and small business owners in Georgia's Second Congressional District. According to a June 2009 report by the U.S. Department of Agriculture, if Congress does not take action on estate tax relief before the end of this year, the resulting higher estate tax could affect 10 percent of American farms, 98 percent of which are family-owned and operated. Many Georgians could lose farms that have been passed down from generation to generation, or be forced to sell much-needed land, buildings, and equipment. In addition, small business owners could lose the companies they worked so hard to build and hoped to hand down to their children.

We cannot ignore these issues, and it is my hope that a bipartisan agreement can be reached before the New Year. We must extend the 2001 and 2003 tax cuts, at least temporarily, for all Americans, as well as provide substantial estate tax relief for the benefit of our family-owned farms and businesses.

Now is not the time for political games and maneuvering. The nation needs us to come together and address this issue in a bipartisan manner. We truly cannot afford to wait any longer.

Mr. LEVIN. Mr. Speaker, the nonpartisan Joint Committee on Taxation has prepared a technical explanation of the House amendment to the Senate amendment to H.R. 4853. This document expresses the Committee's understanding and intent of the provisions included in this legislation. This document can be found on the Joint Committee on Taxation website, [www.jct.gov](http://www.jct.gov), under document number JCX-52-10.

Mr. STARK, Mr. Speaker, I rise today in support of H.R. 4853 the Middle Class Tax Relief Act of 2010. This bill puts the interests of working families and our nation's fiscal health ahead of millionaires. The legislation allows the Bush tax cuts for the wealthy to expire, and protects struggling middle class families from a tax increase they cannot afford during these difficult economic times.

A vote against this bill is a vote against middle class families in order to protect millionaires and billionaires. Our colleagues across the aisle want to hold middle class tax relief hostage so that they can give yet another massive tax break to the wealthy. The Congressional Budget Office reported what we already know: tax cuts for the rich provide virtually no economic stimulus. Extending the rates for the highest income tax brackets is not a break needed by our small businesses. Individuals with small business income make up fewer than three percent of taxpayers in the top two tax brackets. There is no reason for us to use \$700 billion that could be used to create jobs or reduce the deficit so that millionaires can get a tax cut.

Earlier this week Congress allowed unemployment insurance to expire for millions of Americans. Two million people will lose their unemployment benefits in December alone, including over 400,000 in my state of California. Last week, nearly every Republican voted against a three month extension of unemployment benefits to help families keep a roof over their heads and food on their dinner table over the holidays. This week, they will gladly justify using \$700 billion in borrowed money to make a few thousand millionaires happy. The priorities of the Republicans are dangerous and out of touch with what our economy needs.

I support the Middle Class Tax Relief Act because it will protect middle and lower income families. In addition to making the tax cuts permanent for the first \$250,000 of income for all married couples, the legislation will extend the \$1,000 child tax credit; provide permanent dividend income tax relief; allow more workers to benefit from the EITC; permanently eliminate the "marriage penalty"; and patch the AMT through 2011. I urge my colleagues to not turn their backs on middle class families and to support this legislation.

Mr. LEWIS of Georgia. Mr. Speaker, long before a man finds a political party, he finds his principles. This debate about the "Bush Tax Cuts" is an opportunity to show the American people our principles—to show them that we stand for and believe in a strong middle class; to show them we believe in fiscal responsibility.

Forty-seven years ago, on the steps of The Lincoln Memorial, I criticized both the Republican and the Democratic party for doing too little for the working man and the disenfranchised. And now, as I stand here on the floor of the House of Representatives, I hope this is criticism I will not have to repeat today.

To my colleagues who fret or seek the cover of Republican votes I say, "be not afraid." Be not afraid as history will judge us right. Be not afraid as the numbers are on our side. Be not afraid as an elected official is judged not by the number of years he has served, but by the cause he has served.

Stand up and show America the cause you serve. Stand up and show America your principles. If you value and believe in the strength of America's working families, then vote "yes." If you truly believe in fiscal responsibility, then vote "yes." But if partisanship and political games come first, then vote no and allow America to see you for who you are.

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

Pursuant to clause 1(c) of rule XIX, further consideration of this motion is postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on the following motion to suspend the rules previously postponed: H.R. 6469, by the yeas and nays.

#### PLACING CONDITIONS ON CHILD AND ADULT CARE FOOD PROGRAM

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6469) to amend section 17 of the Richard B. Russell National School Lunch Act to include a condition of receipt of funds under the child and adult care food program, 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 California (Mr. GEORGE MILLER) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 416, nays 3, not voting 15, as follows:

[Roll No. 601]

YEAS—416

Ackerman	DeLauro	Kaptur
Aderholt	Dent	Kennedy
Adler (NJ)	Deutch	Kildee
Akin	Diaz-Balart, L.	Kilpatrick (MD)
Alexander	Diaz-Balart, M.	Kilroy
Altmire	Dicks	Kind
Andrews	Dingell	King (NY)
Arcuri	Djou	Kingston
Austria	Doggett	Kirkpatrick (AZ)
Baca	Donnelly (IN)	Kissell
Bachus	Doyle	Klein (FL)
Baird	Dreier	Kline (MN)
Baldwin	Driehaus	Kosmas
Barrow	Duncan	Kratovil
Bartlett	Edwards (MD)	Kucinich
Barton (TX)	Edwards (TX)	Lamborn
Bean	Ehlers	Lance
Becerra	Ellison	Langevin
Berkley	Ellsworth	Larsen (WA)
Berman	Emerson	Larson (CT)
Biggert	Engel	Latham
Bilbray	Eshoo	LaTourette
Bilirakis	Etheridge	Latta
Bishop (GA)	Farr	Lee (CA)
Bishop (NY)	Fattah	Lee (NY)
Bishop (UT)	Filner	Levin
Blackburn	Flake	Lewis (CA)
Blumenauer	Fleming	Lewis (GA)
Blunt	Forbes	Linder
Bocchieri	Fortenberry	Lipinski
Boehner	Foster	LoBiondo
Bonner	Fox	Loeb
Bono Mack	Frank (MA)	Lofgren, Zoe
Boozman	Franks (AZ)	Lowe
Boren	Frelinghuysen	Lucas
Boswell	Fudge	Luetkemeyer
Boucher	Gallely	Lujan
Boustany	Garamendi	Lummis
Boyd	Garrett (NJ)	Lungren, Daniel
Brady (PA)	Gerlach	E.
Brady (TX)	Giffords	Lynch
Braley (IA)	Gingrey (GA)	Mack
Bright	Gohmert	Maffei
Brown (SC)	Gonzalez	Maloney
Brown, Corrine	Goodlatte	Manzullo
Buchanan	Gordon (TN)	Markey (CO)
Burgess	Graves (GA)	Markey (MA)
Burton (IN)	Graves (MO)	Marshall
Butterfield	Grayson	Matheson
Calvert	Green, Al	Matsui
Camp	Green, Gene	McCarthy (CA)
Campbell	Griffith	McCarthy (NY)
Cantor	Grijalva	McCaul
Cao	Guthrie	McClintock
Capito	Gutierrez	McCollum
Capps	Hall (NY)	McCotter
Capuano	Hall (TX)	McDermott
Cardoza	Halvorson	McGovern
Carnahan	Hare	McHenry
Carney	Harman	McIntyre
Carson (IN)	Harper	McKeon
Cassidy	Hastings (WA)	McMahon
Castle	Heinrich	McNerney
Castor (FL)	Heller	Meek (FL)
Chaffetz	Hensarling	Meeks (NY)
Chandler	Hergert	Melancon
Childers	Herseth Sandlin	Mica
Chu	Higgins	Michaud
Clarke	Hill	Miller (FL)
Clay	Himes	Miller (MI)
Cleaver	Hinche	Miller (NC)
Clyburn	Hinojosa	Miller, Gary
Coble	Hirono	Miller, George
Coffman (CO)	Hodes	Minnick
Cohen	Hoekstra	Mitchell
Cole	Holden	Mollohan
Conaway	Holt	Moore (KS)
Connolly (VA)	Honda	Moore (WI)
Conyers	Hoyer	Moran (KS)
Cooper	Hunter	Moran (VA)
Costa	Inglis	Murphy (CT)
Costello	Inslee	Murphy (NY)
Courtney	Israel	Murphy, Patrick
Crenshaw	Issa	Murphy, Tim
Critz	Jackson (IL)	Myrick
Crowley	Jackson Lee	Nadler (NY)
Cuellar	(TX)	Napolitano
Culberson	Jenkins	Neal (MA)
Cummings	Johnson (GA)	Neugebauer
Dahlkemper	Johnson (IL)	Nunes
Davis (AL)	Johnson, E. B.	Nye
Davis (CA)	Johnson, Sam	Oberstar
Davis (IL)	Jones	Obey
Davis (KY)	Jordan (OH)	Olson
Davis (TN)	Kagen	Olver
DeGette	Kanjorski	Ortiz

Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Paulsen  
Payne  
Pelosi  
Pence  
Perriello  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Quigley  
Radanovich  
Rahall  
Rangel  
Reed  
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

## NAYS—3

Broun (GA)  
Bachmann  
Barrett (SC)  
Berry  
Brown-Waite,  
Ginny  
Buyer

## NOT VOTING—15

Carter  
DeFazio  
Delahunt  
Fallin  
Granger  
Hastings (FL)  
Marchant  
McMorris  
Rodgers  
Perlmutter  
Putnam

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1508

Messrs. STUTZMAN and CHANDLER changed their vote from “nay” to “yea.”

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.

HEALTHY, HUNGER-FREE KIDS  
ACT OF 2010

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, proceedings will now resume on the bill (S. 3307) to reauthorize child nutrition programs, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion to recommit. The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. KLINE of Minnesota. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 200, nays 221, not voting 12, as follows:

[Roll No. 602]  
YEAS—200

Aderholt  
Akin  
Alexander  
Altmire  
Austria  
Bachus  
Bartlett  
Barton (TX)  
Biggett  
Bilbray  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Bocchieri  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boren  
Boustany  
Brady (TX)  
Bright  
Broun (GA)  
Brown (SC)  
Buchanan  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Carter  
Cassidy  
Castle  
Chaffetz  
Chandler  
Childers  
Coble  
Coffman (CO)  
Cole  
Conaway  
Crenshaw  
Culberson  
Davis (KY)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Djou  
Donnelly (IN)  
Dreier  
Duncan  
Ehlers  
Emerson  
Flake  
Fleming  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Giffords

## NAYS—221

Ackerman  
Adler (NJ)  
Andrews  
Arcuri  
Baca  
Baird  
Baldwin  
Barrow  
Bean  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Braley (IA)  
Brown, Corrine  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chu  
Clarke  
Clay  
Cleave  
Clyburn  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Graves (GA)  
Graves (MO)  
Griffith  
Guthrie  
Hall (TX)  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Hoekstra  
Holden  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jones  
Jordan (OH)  
King (IA)  
King (NY)  
Kingston  
Kirkpatrick (AZ)  
Kissell  
Kline (MN)  
Kratovil  
Lamborn  
Lance  
Latham  
LaTourette  
Latta  
Lee (NY)  
Lewis (CA)  
Linder  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marshall  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McIntyre  
McKeon  
McMahon  
McNerney  
Melancon  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mitchell  
Mollohan  
Moran (KS)  
Murphy, Patrick  
Murphy, Tim  
Myrick  
Neugebauer  
Nunes  
Nye  
Olson  
Paulsen  
Pence  
Perriello  
Peters  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Radanovich  
Reed  
Rehberg  
Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Royce  
Ryan (WI)  
Scalise  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Space  
Stearns  
Stutzman  
Sullivan  
Taylor  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Titus  
Turner  
Upton  
Walden  
Wamp  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Young (AK)  
Young (FL)

DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Doyle  
Driehaus  
Edwards (MD)  
Edwards (TX)  
Ellison  
Ellsworth  
Engel  
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  
Heinrich  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchev  
Hinojosa  
Hirono  
Hodes  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
Klein (FL)  
Kosmas  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loebsock  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
Meek (FL)  
Meeks (NY)  
Michaud  
Miller (NC)  
Miller, George  
Minnick  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Nadler (NY)  
Napolitano  
Neal (MA)  
Oberstar  
Obey  
Oliver  
Ortiz  
Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Paul  
Payne  
Perlmutter  
Peterson  
Polis (CO)  
Pomeroy  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes

## NOT VOTING—12

Bachmann  
Barrett (SC)  
Berry  
Brown-Waite,  
Ginny  
Buyer  
DeFazio  
Delahunt  
Fallin  
Hastings (FL)  
Marchant  
McMorris  
Rodgers  
Putnam

□ 1525

Mr. FARR and Ms. CASTOR of Florida changed their vote from “yea” to “nay.”

Mr. GRAVES of Georgia changed his vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

## RECORDED VOTE

Mr. ROE of Tennessee. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 264, noes 157, not voting 13, as follows:

Richardson  
Rodriguez  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schradler  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Sires  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Speier  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Teague  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velazquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wilson (OH)  
Woolsey  
Wu  
Yarmuth

[Roll No. 603]

AYES—264

Ackerman	Gonzalez	Murphy, Tim
Adler (NJ)	Gordon (TN)	Nadler (NY)
Altmire	Grayson	Napolitano
Andrews	Green, Al	Neal (MA)
Arcuri	Green, Gene	Nye
Baca	Grijalva	Oberstar
Bachus	Gutierrez	Obey
Baird	Hall (NY)	Olver
Baldwin	Halvorson	Ortiz
Barrow	Hare	Owens
Bean	Harman	Pallone
Becerra	Heinrich	Pascarell
Berkley	Herseht Sandlin	Pastor (AZ)
Berman	Higgins	Payne
Bishop (GA)	Hill	Pelosi
Bishop (NY)	Himes	Perlmutter
Blumenauer	Hinchev	Perriello
Bocchieri	Hinojosa	Peters
Boren	Hirono	Peterson
Boswell	Hodes	Pingree (ME)
Boucher	Holden	Platts
Brady (PA)	Holt	Polis (CO)
Braley (IA)	Honda	Pomeroy
Bright	Hoyer	Price (NC)
Brown, Corrine	Insee	Quigley
Butterfield	Israel	Rahall
Cao	Jackson (IL)	Rangel
Capito	Jackson Lee	Reichert
Capps	(TX)	Reyes
Capuano	Johnson (GA)	Richardson
Cardoza	Johnson, E. B.	Rodriguez
Carnahan	Jones	Ross
Carney	Kagen	Rothman (NJ)
Carson (IN)	Kanjorski	Royal-Allard
Castle	Kaptur	Ruppersberger
Castor (FL)	Kennedy	Rush
Chandler	Kildee	Ryan (OH)
Childers	Kilpatrick (MI)	Salazar
Chu	Kilroy	Sánchez, Linda
Clarke	Kind	T.
Clay	Kirkpatrick (AZ)	Sanchez, Loretta
Cleaver	Kissell	Sarbanes
Clyburn	Klein (FL)	Schakowsky
Cohen	Kosmas	Schauer
Connolly (VA)	Kratovil	Schiff
Conyers	Kucinich	Schrader
Cooper	Langevin	Schwartz
Costa	Larsen (WA)	Scott (GA)
Costello	Larson (CT)	Scott (VA)
Courtney	Latham	Serrano
Critz	LaTourette	Sestak
Crowley	Lee (CA)	Shea-Porter
Cuellar	Levin	Sherman
Cummings	Lewis (GA)	Shuler
Dahlkemper	Lipinski	Sires
Davis (AL)	Loeb sack	Skelton
Davis (CA)	Lofgren, Zoe	Slaughter
Davis (IL)	Lowe y	Smith (WA)
Davis (TN)	Lujan	Snyder
DeGette	Lynch	Space
DeLauro	Maffei	Speier
Dent	Maloney	Spratt
Deutch	Markey (CO)	Stark
Dicks	Markey (MA)	Sutton
Dingell	Marshall	Taylor
Djou	Matheson	Teague
Doggett	Matsui	Thompson (CA)
Donnelly (IN)	McCarthy (NY)	Thompson (MS)
Doyle	McCollum	Tierney
Driehaus	McDermott	Titus
Edwards (MD)	McGovern	Tonko
Edwards (TX)	McIntyre	Towns
Ehlers	McMahon	Tsongas
Ellison	McNerney	Van Hollen
Ellsworth	Meek (FL)	Velázquez
Emerson	Meeks (NY)	Visclosky
Engel	Melancon	Walz
Eshoo	Michaud	Wasserman
Etheridge	Miller (NC)	Schultz
Farr	Miller, George	Waters
Fattah	Minnick	Watson
Filner	Mitchell	Watt
Fortenberry	Mollohan	Waxman
Foster	Moore (KS)	Weiner
Frank (MA)	Moore (WI)	Wilson (OH)
Fudge	Moran (VA)	Woolsey
Garamendi	Murphy (CT)	Wu
Gerlach	Murphy (NY)	Yarmuth
Giffords	Murphy, Patrick	Young (AK)

NOES—157

Aderholt	Barton (TX)	Blackburn
Akin	Biggart	Blunt
Alexander	Bilbray	Boehner
Austria	Bilirakis	Bonner
Bartlett	Bishop (UT)	Bono Mack

Boozman	Hoekstra	Price (GA)
Boustany	Hunter	Radanovich
Boyd	Inglis	Reed
Brady (TX)	Issa	Rehberg
Broun (GA)	Jenkins	Roe (TN)
Brown (SC)	Johnson (IL)	Rogers (AL)
Buchanan	Johnson, Sam	Rogers (KY)
Burgess	Jordan (OH)	Rogers (MI)
Burton (IN)	King (IA)	Rohrabacher
Calvert	King (NY)	Rooney
Camp	Kingston	Ros-Lehtinen
Campbell	Kline (MN)	Roskam
Cantor	Lamborn	Royce
Carter	Lance	Ryan (WI)
Cassidy	Latta	Scalise
Chaffetz	Lee (NY)	Schmidt
Coble	Lewis (CA)	Schock
Coffman (CO)	Linder	Sensenbrenner
Cole	LoBiondo	Sessions
Conaway	Lucas	Shadegg
Crenshaw	Luetkemeyer	Shimkus
Culberson	Lummis	Shuster
Davis (KY)	Lungren, Daniel	Simpson
Diaz-Balart, M.	E.	Smith (NE)
Dreier	Mack	Smith (NJ)
Duncan	Manzullo	Smith (TX)
Flake	McCarthy (CA)	Stearns
Fleming	McCaul	Stupak
Forbes	McClintock	Stutzman
Fox	McCotter	Sullivan
Franks (AZ)	McHenry	Tanner
Frelinghuysen	McKeon	Terry
Gallegly	Mica	Thompson (PA)
Garrett (NJ)	Miller (FL)	Thornberry
Gingrey (GA)	Miller (MI)	Tiahrt
Gohmert	Miller, Gary	Tiberi
Goodlatte	Moran (KS)	Turner
Granger	Myrick	Upton
Graves (GA)	Neugebauer	Walden
Graves (MO)	Nunes	Wamp
Griffith	Olson	Welch
Guthrie	Paul	Westmoreland
Hall (TX)	Paulsen	Whitfield
Harper	Pence	Wilson (SC)
Hastings (WA)	Petri	Wittman
Heller	Pitts	Wolf
Hensarling	Poe (TX)	Young (FL)
Herger	Posey	

NOT VOTING—13

Bachmann	Buyer	Hastings (FL)
Barrett (SC)	DeFazio	Marchant
Berry	Delahunt	McMorris
Brown-Waite,	Diaz-Balart, L.	Rodgers
Ginny	Fallin	Putnam

□ 1536

So the bill was passed.  
The result of the vote was announced as above recorded.  
A motion to reconsider was laid on the table.

MIDDLE CLASS TAX RELIEF ACT OF 2010

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, proceedings will now resume on the motion to concur in the Senate amendment to the bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

The Clerk read the title of the bill.  
The SPEAKER pro tempore. Pursuant to House Resolution 1745, the previous question is ordered.

The question is on the motion offered by the gentleman from California (Mr. LEVIN).

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

Mr. LEVIN. 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 the motion will be followed by a 5-minute vote on suspending the rules with regard to House Resolution 1313, if ordered.

The vote was taken by electronic device, and there were—yeas 234, nays 188, not voting 12, as follows:

[Roll No. 604]

YEAS—234

Ackerman	Green, Al	Oberstar
Adler (NJ)	Green, Gene	Obey
Altmire	Grijalva	Olver
Andrews	Gutierrez	Ortiz
Arcuri	Hall (NY)	Owens
Baca	Halvorson	Pallone
Baldwin	Hare	Pascarell
Barrow	Harman	Pastor (AZ)
Bean	Heinrich	Paul
Becerra	Higgins	Payne
Berkley	Hill	Pelosi
Berman	Himes	Perlmutter
Bishop (GA)	Hinchev	Perriello
Bishop (NY)	Hinojosa	Peters
Blumenauer	Hirono	Pingree (ME)
Bocchieri	Hodes	Polis (CO)
Boswell	Holden	Price (NC)
Boucher	Holt	Quigley
Boyd	Honda	Rahall
Brady (PA)	Hoyer	Rangel
Braley (IA)	Insee	Reyes
Bright	Israel	Richardson
Brown, Corrine	Jackson (IL)	Rodriguez
Butterfield	Jackson Lee	Ross
Capps	(TX)	Rothman (NJ)
Capuano	Johnson (GA)	Royal-Allard
Cardoza	Johnson, E. B.	Ruppersberger
Carnahan	Jones	Rush
Carney	Kagen	Ryan (OH)
Carson (IN)	Kanjorski	Salazar
Castle	Kaptur	Sánchez, Linda
Castor (FL)	Kennedy	T.
Chandler	Kildee	Sanchez, Loretta
Childers	Kilpatrick (MI)	Sarbanes
Chu	Kilroy	Schakowsky
Clarke	Kind	Schauer
Clay	Kirkpatrick (AZ)	Schiff
Cleaver	Kissell	Schrader
Clyburn	Kosmas	Schwartz
Cohen	Kratovil	Scott (GA)
Connolly (VA)	Kucinich	Serrano
Conyers	Langevin	Sestak
Cooper	Larsen (WA)	Shea-Porter
Costa	Larson (CT)	Sherman
Costello	Lee (CA)	Shuler
Courtney	Levin	Sires
Critz	Lewis (GA)	Skelton
Cuellar	Lipinski	Slaughter
Cummings	Loeb sack	Smith (WA)
Davis (CA)	Lofgren, Zoe	Snyder
Davis (IL)	Lowe y	Space
Davis (TN)	Lujan	Speier
DeGette	Lynch	Spratt
DeLauro	Maffei	Stark
Deutch	Maloney	Stupak
Dicks	Markey (CO)	Sutton
Dingell	Markey (MA)	Tanner
Donnelly (IN)	Marshall	Teague
Doyle	Matsui	Thompson (MS)
Driehaus	McCarthy (NY)	Tierney
Duncan	McCollum	Titus
Edwards (MD)	McDermott	Tonko
Edwards (TX)	McGovern	Towns
Ellison	Meek (FL)	Tsongas
Ellsworth	Meeks (NY)	Van Hollen
Engel	Melancon	Velázquez
Eshoo	Michaud	Walz
Etheridge	Miller (NC)	Wasserman
Farr	Miller, George	Schultz
Fattah	Mitchell	Waters
Filner	Mollohan	Watson
Fortenberry	Moore (KS)	Watt
Foster	Moore (WI)	Waxman
Frank (MA)	Moran (VA)	Weiner
Fudge	Murphy (CT)	Welch
Garamendi	Murphy (NY)	Wilson (OH)
Gerlach	Giffords	Woolsey
Giffords	Gonzalez	Wu
	Gordon (TN)	Yarmuth
	Grayson	

NAYS—188

Aderholt	Alexander	Bachus
Akin	Austria	Baird

Bartlett  
Barton (TX)  
Biggert  
Billray  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boren  
Boustany  
Brady (TX)  
Broun (GA)  
Brown (SC)  
Buchanan  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Carter  
Cassidy  
Castle  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Crenshaw  
Culberson  
Dahlkemper  
Davis (AL)  
Davis (KY)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Djou  
Doggett  
Dreier  
Ehlers  
Emerson  
Flake  
Fleming  
Forbes  
Fortenberry  
Foxo  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger

## NOT VOTING—12

Bachmann  
Barrett (SC)  
Berry  
Brown-Waite,  
Ginny

□ 1555

Mr. EHLERS changed his vote from “yea” to “nay.”

Ms. SPEIER changed her vote from “nay” to “yea.”

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## SUPPORTING CHILD ADVOCACY CENTER MONTH

The SPEAKER. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1313) expressing support for designation of May as “Child Advocacy Center Month” and commending the National Child Advocacy Center in Huntsville, Alabama, on their 25th anniversary in 2010.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. SALAZAR). The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution.

The question was taken.

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

## RECORDED VOTE

Ms. SUTTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 413, noes 0, not voting 20, as follows:

[Roll No. 605]

## AYES—413

Ackerman  
Aderholt  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachus  
Baird  
Baldwin  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Becerra  
Berkley  
Berman  
Biggert  
Billray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Bocchieri  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boren  
Bowell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright  
Broun (GA)  
Brown (SC)  
Brown, Corrine  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Chu  
Clarke

Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Luján  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Marshall  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCauley  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMahon  
McNerney  
Meek (FL)  
Meeke (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy (NY)  
Murphy, Patrick  
Murphy, Tim  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar

## NOT VOTING—20

Bachmann  
Barrett (SC)  
Berry  
Brown-Waite,  
Ginny  
Buyer  
Cleaver  
DeFazio

□ 1605

Mr. CONYERS changed his vote from “present” to “aye.”

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Clay  
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)  
DeGette  
Hirono  
Hodes  
Hoekstra  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
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  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette

Obey  
Olson  
Olver  
Ortiz  
Owens  
Pallone  
Pascrell  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Peterson  
Petri  
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Young (AK)  
Young (FL)

IN THE MATTER OF REPRESENTATIVE CHARLES B. RANGEL OF NEW YORK

Ms. ZOE LOFGREN of California. Mr. Speaker, I call up privileged resolution, H. Res. 1737, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1737

*Resolved*, That (1) Representative Charles B. Rangel of New York be censured; (2) Representative Charles B. Rangel forthwith present himself in the well of the House for the pronouncement of censure; (3) Representative Charles B. Rangel be censured with the public reading of this resolution by the Speaker; and (4) Representative Rangel pay restitution to the appropriate taxing authorities or the U.S. Treasury for any unpaid estimated taxes outlined in Exhibit 066 on income received from his property in the Dominican Republic and provide proof of payment to the Committee.

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

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield 30 minutes to the gentleman from New York (Mr. RANGEL) for purposes of debate only, and I ask unanimous consent that he be permitted to control those 30 minutes.

Of my remaining 30 minutes, I yield 15 minutes to the gentleman from Alabama, the ranking member on the Committee on Standards of Official Conduct, Mr. BONNER, for purposes of debate only, and I ask unanimous consent that he be permitted to control those 15 minutes.

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

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield myself such time as I may consume.

As the chair of the Committee on Standards of Official Conduct and as chair of the adjudicatory subcommittee in the matter of Mr. RANGEL, I rise in support of the resolution which calls for censure of Representative CHARLES B. RANGEL.

Article I, section 5 of the Constitution provides that "each House may punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member."

In the House, the Committee on Standards of Official Conduct is charged with recommending and enforcing ethical standards that ensure that Members and staff act in a manner befitting that public trust.

It is the role of the committee to review allegations that a Member has violated those standards. In this case, after a lengthy and thorough investigation that spanned more than 2 years and resulted in a 5,000-page report, the committee concluded that this Member violated those standards. We were charged with recommending an appropriate sanction to the House.

The entire report has been available to Members of the House and the public on the committee's Web site. Many

portions of the report have previously been publicly released, some since July.

Here is a brief summary of the findings of that report and why the committee recommended censure.

In this matter, we found that Representative RANGEL engaged in misconduct in four areas.

Mr. RANGEL improperly solicited individuals and entities with businesses and interest before the House to fund the Charles B. Rangel Center for Public Service at City College of New York. He misused official resources to make these solicitations for millions of dollars. He improperly solicited funds from lobbyists.

He failed to file full and complete financial disclosure statements for 10 years.

He accepted a favor or benefit related to his use of a residential, rent-stabilized apartment as a campaign office under circumstances that created an appearance of impropriety.

He failed to report and pay taxes for years on income he received from a property he owns in the Dominican Republic.

We found that Representative RANGEL's conduct in each of those four areas violated laws and regulations, as well as the rules of the House and standards of conduct, namely that he:

Violated the Gift and Solicitation Ban, a statute enacted by Congress in 1989;

Violated clauses 2 and 5 of the Code of Ethics for Government Service;

Violated postal service laws and regulations issued by the Franking Commission;

Violated the rules of this House, including the Code of Conduct;

Violated the Purpose Law, a statute which derives directly from the Constitution;

Violated the Ethics in Government Act; and

Violated the Internal Revenue Code.

A bipartisan majority of his colleagues concluded that 11 of the 13 counts in the Statement of Alleged Violation regarding these areas of his misconduct were proved by clear and convincing evidence.

We found his actions and accumulation of actions "reflected poorly on the institution of the House and, thereby, brought discredit to the House."

□ 1610

Nothing we say or do here today will in any way diminish his service to our country or our gratitude for his service, both in this House and as a hero of the Korean War.

But that service does not excuse the fact that Representative RANGEL violated laws. He violated regulations. He violated the rules of this House. And he violated the standards of conduct.

Because of that misconduct, the nonpartisan committee staff recommended that he be censured, and a bipartisan majority of the committee voted to recommend censure.

The committee also voted to require that he pay restitution to taxing authorities.

Censure is a very serious sanction and one rarely imposed by the House. The decision to recommend that sanction was not reached lightly.

In making its recommendation, the committee considered the aggregation of Representative RANGEL's misconduct. The committee concluded that his violations occurred on a "continuous and prolonged basis" and were "more serious in character, meriting a strong Congressional response rebuking his behavior."

For the violations related to the payment of taxes, the committee considered not only the amount of taxes he failed to pay over many years, but the fact that he served at various times in highly visible and influential positions as both chairman and ranking member of the Ways and Means Committee.

It brought discredit to the House when this Member, with great responsibility for tax policy, did not fully pay his taxes for many years.

Some have questioned whether a recommendation of censure is consistent with the committee's past precedent. It is true that in the committee's roughly 40 years of existence, the House has censured just four Members. But it is also true that for precedent to be followed, a precedent must be set.

We follow precedent, but we also set it. For example, nearly 30 years ago, the committee recommended that two Members be reprimanded for engaging in sexual relations with pages. The House rejected the recommendation and instead censured those two Members. It is possible that if that situation were to occur again today, this House might not feel censure is a severe enough action.

Many of us in this body pledged 4 years ago to create the most honest, most open, and most ethical Congress in history. Censure for this misbehavior is consistent with that pledge.

At the hearing, the nonpartisan committee counsel said clearly that Representative RANGEL's pattern of misconduct appeared to reflect "overzealousness" and "sloppiness." But he also said that did not excuse his misconduct.

In light of those considerations, a bipartisan majority of the committee concluded that it was appropriate to recommend to the House that Representative RANGEL be censured.

Throughout this matter, key decisions were made with bipartisan votes. Not all votes were unanimous, but each was made on the basis of a bipartisan, majority vote.

The purpose of the ethics process is not punishment, but accountability and credibility: accountability for the respondent and credibility for the House itself.

Where a Member has been found by his colleagues to have violated our ethical standards, that Member must be held accountable for his conduct.

Representative RANGEL has violated the public trust. While it is difficult—actually painful—to sit in judgment of our colleague, it is our duty under the Constitution to do so. And, accordingly, I bring this resolution to the floor today.

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

The SPEAKER pro tempore. The gentleman from Alabama is recognized for 15 minutes.

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

This is a solemn moment for this House in a time where, in a little under an hour, all of our Members will have an opportunity to make a statement with their vote. As such, and because the rules allow Mr. RANGEL 30 minutes to defend himself against the recommendation of the committee, and the committee's time is being evenly divided between the chair and the ranking member, I want to inform the body that there will only be three Members on this side of the aisle who will speak. I say this because there have obviously been a number of Members who have approached me, even some on this committee, asking for time. But out of respect for all, and especially in light of the rare nature of this debate, I intend to recognize our time only to myself, Mr. HASTINGS, the former chair of the Ethics Committee and our colleague who served for almost 2 years on the investigative subcommittee, as well as our colleague, Mr. MCCAUL, who served as the ranking member of the adjudicatory subcommittee during that phase of this matter.

Naturally, if other Members care to have their views inserted into the RECORD, we would have no objection.

With that, I yield 3 minutes to the gentleman from Texas (Mr. MCCAUL).

Mr. MCCAUL. Mr. Speaker, first let me thank the gentleman from Alabama for his leadership on this solemn occasion. This is an important day for Mr. RANGEL, for the Congress, but most importantly, for the American people. As the ranking member during the Rangel adjudicatory proceedings and as a former Federal prosecutor in the Public Integrity Section of the Department of Justice, I take this responsibility very seriously.

And let me be clear, no Member asked for this assignment. But we accept our responsibility here today for no other reason than to protect the honor, integrity, and credibility of this great institution.

The America's people confidence in us is at historic lows. They want their elected representatives held accountable for their actions, just as they are held accountable as private citizens. And today, we have an opportunity to begin a new era restoring the trust of the American people.

The committee agreed on 12 of the 13 counts, finding that he violated multiple rules of the House and Federal statutes, including the most funda-

mental code of conduct, which states "a Member . . . of the House shall conduct himself at all times in a manner that shall reflect credibility on the House." And credibility is exactly what is at stake here; the very credibility of the House of Representatives itself before the American people.

Most egregiously, the committee found that Mr. RANGEL failed to pay his income taxes for 17 years. And this, while serving as chairman of the committee that writes the tax laws for the Nation. What kind of message does this send to the average working man or woman who plays by the rules and struggles every day to pay their own taxes?

Mr. RANGEL also solicited contributions from corporations, foundations, and lobbyists who had business before his committee to build a school bearing his name. I have consistently opposed Members of Congress naming monuments after themselves.

The committee recommended the most severe punishment available based upon the facts and the precedents. This sanction is both rare and historic.

Founding Father John Adams said that "moral authority and character increases as the importance of the position increases." In his letter to the Speaker, Mr. RANGEL stated that as chairman of the Ways and Means Committee, he is to be held to a higher standard of propriety. I agree. Mr. RANGEL failed to hold himself to this higher standard. And the American people deserve better.

And I sincerely feel for Mr. RANGEL as a human being.

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

Mr. BONNER. Mr. Speaker, I yield the gentleman another 15 seconds.

Mr. MCCAUL. And while I sincerely feel for Mr. RANGEL as a human being, I feel more strongly that a public office is a public trust. And Mr. RANGEL violated that trust.

The Speaker challenged us to enter into a new era of transparency and accountability. Let us begin today. Let justice be served. Let us begin to enter into a new era of ethics to restore the credibility and integrity of this House, the people's House.

Mr. BONNER. Mr. Speaker, at this time I now yield 3½ minutes to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my friend from Alabama for yielding me this time.

Mr. Speaker, for over 2 years I served on the investigative committee that reviewed allegations and evidence involving Mr. RANGEL, and we found substantial reason to believe, which is what our threshold was, that violations occurred. Because the facts of this matter are not disputed, I will not comment on the evidence. But I will, however, comment on the length of the investigation and particularly a state-

ment made by Mr. RANGEL regarding the confidential work of the investigative committee.

First, on the length of the investigation. Chairman GREEN and I, when I was the ranking member of the subcommittee, had every intention of completing the investigation before the conclusion of the 110th Congress, but events intervened.

□ 1620

In September 2008, Mr. RANGEL publicly pledged that he would release in a timely manner a forensic analysis of 20 years of his tax returns and financial disclosures. However, we did not receive the report until May of 2009, 8 months later.

Then, in December 2008, serious new allegations involving Nabors Industries resulted in the committee's unanimous decision to expand its jurisdiction.

In August of 2009, amendments filed by Mr. RANGEL to his financial disclosures raised serious new questions, resulting in the committee unanimously expanding an investigation once again.

Finally, after receiving the information long requested from him, the subcommittee completed its work, and sent the Statement of Alleged Violations to him on May 27, 2010. Remember that date.

Now, on Mr. RANGEL's statement—and here I am going to be very critical, Mr. Speaker. Let me read a statement he made in an article dated June 6, 2010, in Politico—and I'm quoting Mr. RANGEL now.

"I would normally believe, being a former Federal prosecutor, that if the allegations involve my conduct as a Member of the House and there is a committee with Republicans and Democrats there, then that you refer to the committee. And if they're so confused after 18 months that they can't find anything, then that is a story."

Mr. RANGEL, in my view, had misrepresented the work of the subcommittee. Why do I say that? Because the comments he made were comments over a week after the subcommittee had transmitted a detailed confidential Statement of Allegations, accompanied with thousands of pages of documents, to him. He knew the contents of the report.

Confused?

There is no confusion. Everything was in his possession. He knew what the subcommittee produced, and he deliberately misrepresented its contents. In fact, he was aware of the subcommittee's work as early as December 15, 2009, when he testified before the committee. In addition, after he received the SAV, he subsequently met in executive session, at his request, two more times with his counsel.

I mention this because there is discussion of process in this matter. It is completely disingenuous to suggest that the subcommittee had treated him unfairly.

So, Mr. Speaker, the investigative subcommittee completed its responsibilities to the House and the American people in a timely, professional, and responsible manner. The facts supporting the 11 violations are not disputed.

I will vote for the resolution.

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

Ms. ZOE LOFGREN of California. I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from New York is recognized for 30 minutes.

Mr. RANGEL. First, let me apologize to this august body for putting you in this very awkward position today.

To the Ethics Committee, I do recognize that it is not a job that many of us would want to have.

Last week, as we were reading about the North Koreans attacking the South Koreans, I was haunted by the fact that, on November 30, 60 years ago, I was in Korea as a young, 20-year-old volunteer in the 2nd Infantry Division. On that occasion, in subzero weather—20 degrees below zero—the Chinese surrounded us and attacked, and there were hundreds of casualties wounded and killed and captured. Bugles blared and screams were heard.

I was wounded and had no thoughts that I would be able to survive. But God gave me the strength, not only to survive, although wounded, but to find my way out of the entrapment, and for 3 days, I had the strength to lead 40 of my comrades out of that situation. We all were haunted by the fact that so many of my comrades did not survive it.

I tell you that story, not for sympathy, but to let you know that, at that time, in every sense, I made up my mind that I could never complain to God for any events that occurred in my life and that I would dedicate my life to trying, in some meaningful way, to improve the quality of life for all Americans as well as do as much as I could for humankind.

It is for that reason that I stand to say that I have made serious mistakes. I do believe rules are made to be enforced. I do believe that we in the Congress have a higher responsibility than most people. I do believe that senior Members should act, in a way, as a model for new and less experienced Members. I do believe that there should be enforcement of these laws. There should be sanctions.

But if you're breaking new ground, I ask for fairness. In none of the precedents of the history of this great country has anyone ever suffered the humiliation of a censure when the record is abundantly clear and never challenged, and when, in those 2 years of investigations which I called for, counsel on the committee found no evidence at all of corruption, found no evidence of self-enrichment, found no evidence that there was an intention on my part to evade my responsibility, whether in taxes or whether in financial disclosures.

There is absolutely no excuse for my omissions for my responsibility to obey those rules. I take full credit for the responsibility of that. I brought it on myself, but I still believe that this body has to be guided by fairness. So that's all I'm saying. I'm not here to complain. I have too much to be thankful for, being from where I am and who I am today.

Once again, it has been awkward, especially for my friends and supporters, but I want to respect the dignity of the community that elected me to serve them. I want to continue to serve this Congress and this country and do what I can to make life better for other people, and I think we all agree that, in 40 years, I've tried my darndest to do that.

So, at this point, by unanimous consent, I would like to turn the remainder of the time that the Chair has given to me to my fellow colleague, BOBBY SCOTT.

The SPEAKER pro tempore. Without objection, the gentleman from Virginia will control the time.

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, I served on the special subcommittee appointed to investigate this matter, and dissented from the subcommittee report. I rise to oppose the pending motion to adopt the resolution.

I believe that, under precedents of the House, imposing censure on one of our Members for violating procedural rules of the House under these circumstances would be singularly harsh, unfair, and without precedent. Now, Mr. RANGEL has acknowledged his mistakes, and he has asked to be punished fairly, which means punished just like everybody else similarly situated. Accordingly, I believe the punishment is appropriate, but I believe that censure is inappropriate.

Congressman CHARLES B. RANGEL is a dedicated public servant and a decorated soldier who has made outstanding contributions to the people of his congressional district, to the United States, and to this institution.

□ 1630

Yet he has made mistakes which have resulted in violations of the rules of official conduct for Members of the House and he will be punished for those violations. The question is what is the appropriate punishment?

We need not answer this question in a vacuum. Congressman RANGEL is not the first Member to violate rules of official conduct, so we have ample precedents from which to glean the appropriate punishment. It is clear from the precedents of the House that censure is not a fair and just punishment for these violations. When censure or even reprimand has been imposed for violations in past cases, they have involved direct financial gain or criminal or corrupt conduct. The committee counsel during the hearings acknowledged that

those elements are not found in this case. Furthermore, the committee report in this matter acknowledges that the recommendation of censure in this case is in violation of prior case precedents. The point is made in the report on page 7, and I quote:

“Although prior committee precedent for recommendation of censure involved many cases of direct financial gain, this committee's recommendation for censure is based on the cumulative nature of the violations and not direct personal gain.” But using “cumulative nature of the violations” to support the committee's recommendation of censure is without precedent. In the case of former Congressman George Hansen, the committee stated that, and I quote, “It has been the character of the offenses which established the level of punishment imposed, not the cumulative nature of the offenses.” And so a review of prior precedents establish that neither the character nor the cumulative nature of the violations warrant censure.

Eight of the 11 counts that the committee found that Congressman RANGEL has violated are for raising money for a center at a public university in his congressional district. The program is to train young people to go into public service, using his life experience as an inspiration. Assisting a constituent institution with such a project is not a violation in and of itself, but there are proper procedures to be followed if you're going to raise money for a local college. He openly assisted the institution, clearly with no intent to do anything improper, but he did unfortunately violate the rules by not following proper procedures. Once the determination was made that he used official resources to help the local college, that one mistake has been converted into almost eight different counts:

One, he used the letterhead; two, he used the staff; three, he used office equipment; he used franked mail; all from the fact that he cannot use official resources. That was a mistake for which he should be punished. The question is what should the punishment be for messing up and raising money improperly?

Well, we have the case of former Speaker Newt Gingrich who was found to have violated House rules by misusing tax-exempt entities to fund a partisan college course aimed at recruiting new members to the Republican Party after he had been warned not to. Moreover, he was found to have filed four false reports to the committee about the matter in 13 instances, causing substantial delays and expense to the committee. Yet he was reprimanded, not censured, and did not lose his job as Speaker. Congressman RANGEL did not lie about his activities, he gained no partisan advantage, he believed that he was doing right although he made mistakes, and he received no prior warning, as did Speaker Gingrich. Yet Congressman RANGEL lost his

chairmanship on Ways and Means and now faces the possibility of a censure, not a reprimand, as Speaker Gingrich received.

Another example of raising money in violation of House rules involved former House majority leader Tom DeLay. He was admonished by the committee for participating in and facilitating an energy company fund-raiser which the committee found created an appearance of "impermissible special treatment or access." Mr. DeLay was also cited for his "intervention in a partisan conflict in the Texas House of Representatives using the resources of a Federal agency, the FAA." An ethics investigation involved accusations of solicitation and receipt of campaign contributions in return for legislative assistance, use of corporate political contributions in violation of State law, and improper use of official resources for political purposes. I think everybody here is aware of recent news reports that Mr. DeLay has been convicted of charges of money laundering in connection with circumventing a State law against corporate contributions to political campaigns. For being found guilty of money laundering and conspiracy, the media reports that he faces possible prison sentences of between 5 and 99 years in prison. Yet the House did not censure Mr. DeLay, nor did they even impose a reprimand. They only issued a committee letter. Mr. RANGEL has made mistakes and he should be punished, just like everyone else in the past, consistent with precedents.

On the issue of Mr. RANGEL's rent-stabilized apartment for use as a campaign office, let the record reflect that Mr. RANGEL's landlord knew of his use of the apartment for a campaign office and did not see it as illegal. And the committee records reflect that an attorney for the New York housing authority testified that the use decision was up to the landlord. If somebody rented the apartment that was not technically protected by the rent stabilization law, the tenant is not protected; however, the lease is permitted. That's what the attorney for the housing authority said. And I don't know whether that's right or wrong, but that's what CHARLIE RANGEL believed, that's what his landlord believed, and that's what the housing authority lawyer believed.

Now let's talk about this apartment. It had been vacant for months. CHARLIE paid sticker price for the rent. He passed nobody on the waiting list. This is not a corrupt scheme. To the extent that there is a violation, let's punish him consistent with others who have had problems. Earl Hilliard, for example, was found by the committee to have been paying more than market rent for his campaign headquarters; the rent paid to family members who owned the building. He was not censured. He wasn't even reprimanded. He received a committee letter.

Other cases involving campaign violations and use of official resources

have not resulted in censure. One example is the case of Bud Shuster for violations of House rules related to campaign and other violations. He was found to have knowingly allowed a former employee-turned-lobbyist to communicate with him within 12 months following her resignation, to influence his schedule and give him advice pertaining to his office. He was also found to have violated the House gift rule, to have misused official congressional resources, misused official congressional staff for campaign purposes, and to have made certain expenditures from his campaign accounts for expenses that were not for bona fide campaign or political purposes. Yet he received a letter, not a censure, not even a reprimand. Although both of those cases involved personal financial gain and intentional violations of the rules, the sanction for both was a letter of reproof. Mr. RANGEL neither personally benefited nor intended to violate the rules.

There is an issue now of his failure to report income on rental property, on property he owned in the Dominican Republic, and report those appropriately on his disclosure statement. I say "properly," because ownership and some rental payments were in fact reported on his disclosure, so there's nothing to cover up. And while he did not file all his reports properly, these are not matters that warrant censure. Mistakes made on disclosure are usually corrected with nothing more said. The only cases where there is a violation, a sanction, for failing to disclose are cases where there is some corrupt cover-up. For example, failing to file campaign contributions from Tonsong Park during Korea-Gate or failing to have loans or assets with those who would reveal a conflict of interest. The committee found no evidence that failure to report was for financial gain or cover-up.

The tax issues. Comment was made that he hadn't paid taxes for 17 years. Let's say a word about those taxes. Tax matters involved a deal where he and many others had pooled their rents and paid expenses and anything left over was profit. Well, it wasn't as profitable as they hoped. He got a couple of small checks over all those years and that was it. However, one of the bills paid was his mortgage. And diminution of principal is technically income on which you have to pay taxes. Whatever sanction there should be for that transgression should be consistent with precedents. The only example of anybody sanctioned for tax matters in this House in the history of the United States have been those who did not pay taxes on bribes they received. That's it. All we ask is that he be sanctioned like everyone else.

Since there is no indication that CHARLIE RANGEL's reporting violations were intended for financial gain, concealment or other corruption, censure is clearly not the just sanction. Moreover, he hired a forensic accountant to

assure that all of the matters have been cleared up. He knows he messed up. He knows he'll be punished. We just ask that he be punished like everybody else. Unfortunately, CHARLIE RANGEL will be punished for his transgressions but neither the nature of the offenses nor their cumulative impact has been a sufficient basis for censure of any other Member in the past. Nor has the level of one's position been a basis for sanction as we said in the case of Newt Gingrich or Tom DeLay. Both had multiple serious violations that were intentional with aggravations such as concealment, lying and failure to heed warnings, none of which are in this case.

□ 1640

All the instances of censure, reprimand, reproof, admonishment and other cases of sanctioning make it clear that censure is not an appropriate sanction in this case. Now, CHARLIE is not asking to be excused for his conduct. He accepts responsibility. All we ask is that we cite what has been done in the past for conduct similar to his and apply a sanction similar to those sanctions. And based on the precedent, there is no precedence for a censure in this case.

Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. KING).

Mr. KING of New York. I thank the gentleman for yielding.

Mr. Speaker, at the outset, let me express my profound respect for Chairperson LOFGREN, Ranking Member BONNER, my friends Mr. HASTINGS and Mr. MCCAUL, and all the members of the Ethics Committee for their dedicated efforts in this very, very painful matter. Having said that, I will vote against this censure resolution because I do not believe the findings warrant the severe penalty of censure. I reached this conclusion after reading and studying hundreds of pages of committee documents, including the subcommittee findings, the minority views of Congressman SCOTT, the report of the full committee, and myriad exhibits and correspondence.

Mr. Speaker, censure is an extremely severe penalty. In the more than 200-year history of this body, only 22 Members have been subjected to censure. None in more than a quarter century.

If expulsion is the equivalent of the death penalty, then censure is life imprisonment.

Mr. Speaker, I have found no cases where charges similar to or analogous to those against Congressman RANGEL resulted in censure. Thus far, this penalty has been reserved for such violations as supporting armed insurrection against the United States and sexual abuse of minors. In Congressman RANGEL's case, as Mr. SCOTT pointed out, the committee chief council said he found no evidence of corruption, and the committee report itself said there was no "direct personal gain" to Congressman RANGEL.

Mr. Speaker, my religious faith is based on Scripture and tradition. My

training as a lawyer has taught me to respect precedent. Why, today, are we being asked to reverse more than 200 years of tradition and precedent?

There is no doubt that Congressman RANGEL has violated rules of this House, but these violations are *malum prohibitum*, not *malum in se*. There is no evidence or finding of criminal intent, no *mens rea*. As Congressman SCOTT pointed out, it was public record that CHARLIE RANGEL was living in a rent-stabilized apartment. That was hidden from nobody. It was public record that his campaign headquarters was in a rent-stabilized building. It was hidden from nobody. It was also public record that CHARLIE RANGEL had a home in the Dominican Republic. It was public record that CHARLIE RANGEL was trying to obtain funding for a public university in his district. Nothing was hidden. So where is the criminal intent? That is why I strongly believe the appropriate penalty is a reprimand.

Why are we departing so significantly from tradition and precedent in the case of CHARLIE RANGEL? Certainly it can't be because of who he is or what he has achieved in his life—a kid from the inner city who emerged from very troubled surroundings to be a combat soldier and an authentic war hero who left his blood in Korea, who worked his way through law school, who became a distinguished prosecutor in the United States Attorney's Office, who was elected to the New York State Legislature and to the United States Congress, where he has served with distinction 40 years.

Now, lest my Republican friends get nervous, let me make it clear; while CHARLIE RANGEL is a friend and colleague, we disagree on virtually every issue. I can't begin to tell you how many times CHARLIE and I have gone at it and debated over the years on local news shows back in New York—maybe not as bad as my debates with ANTHONY WEINER, but they were very significant debates. During that entire time, I have never heard anyone question CHARLIE RANGEL's integrity nor have I ever seen CHARLIE RANGEL treat anyone with disrespect—which is very unusual for somebody in his high position, as many of us know—whether it be flight attendants, cab drivers, staff members, or the guy on the street corner on 125th Street.

My colleagues, I know we can get caught up in the zeitgeist of media attacks and political storms, but I am imploring you today to pause for a moment and step back, to reflect upon not just the lifetime of CHARLIE RANGEL, but more importantly the 220-year history of tradition and precedent of this body. Let us apply the same standard of justice to CHARLIE RANGEL that has been applied to everyone else and which all of us would want applied to ourselves.

Mr. Speaker, I respectfully urge a vote against censure.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1½ minutes to the gentlelady from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise today in defense of the gentleman from New York (Mr. RANGEL), and I appeal to my colleagues and your sense of fairness as you deliberate on this matter.

Censure is a very serious sanction, one step short of expulsion. Only 22 times in the history of this body has the House censured a colleague, and not once in the last 27 years.

In the past, this punishment has been reserved for serious acts of corruption—taking bribes, lying under oath, gross sexual misconduct, profiting from one's office. Carelessness and minor rules violations have never been grounds for censure. Far more serious ethical lapses than Mr. RANGEL's have not met with censure; for example, Newt Gingrich and Tom Delay. But they were not censured. In fact, Newt Gingrich continued to serve as Speaker of the House.

Mr. RANGEL has cooperated fully with the Ethics investigation, acting with transparency and expressing regret and apologies for his actions. Quite simply, Mr. RANGEL's transgressions and lapses in judgment do not rise to the level of censure. Fairness, my colleagues, demands that we vote "no."

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Thank you, Mr. SCOTT. I too have, as Mr. KING said, enormous respect for the Ethics Committee. It's a job that none of us ask for and none of us want, but it has to be done to protect the House of Representatives.

As a lawyer, I also believe in precedent. And I have searched this record and find no activity involving moral turpitude or any activity that could be classified as one with criminal intent. Therefore, I think an appropriate action that would protect the House as well as punish Congressman RANGEL would be a reprimand. I think that is the appropriate punishment commensurate with what has occurred here, unfortunately.

Mr. SCOTT of Virginia. I yield 1 minute to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Mr. Speaker, I would concur with what was just last said. I have great respect for the committee. Nobody wants your job.

I came here 14 years ago, and looking back on years that have gone by, I met CHARLIE RANGEL as a colleague here, and then I learned sometime after that we were fellow veterans and fellow soldiers. I realized that he had served with honor and distinction. One year ago last December, I led a *codel* and we flew to Korea. And reflecting back on my time as a student, a teacher in the Command and General Staff College, and read a lot of that history, the conflict that I served in, as many of you, I thought of CHARLIE. And he was valiant and did his job.

□ 1650

CHARLIE's erred. We know that. I'm not going to repeat those things. He's erred.

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

Mr. SCOTT of Virginia. I yield the gentleman 10 more seconds.

Mr. BOSWELL. But I think censure is too much. A reprimand is appropriate, and he would accept that. And I would ask this House to recognize that, his history, and do the right thing. I would support the reprimand.

Mr. SCOTT of Virginia. I yield 2 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. I, too, rise along with my colleague from Texas to protect the integrity of this House. I just simply want to do it in a different manner than the wording that is reflected in this resolution, which is not there. And it is not just. And I think we have an opportunity to still protect the integrity and reputation of this House, but to do it in a fair and reasonable manner.

You have heard about all of the allegations, but I want to quote from what transpired during that committee hearing.

Mr. BUTTERFIELD states: "In all of your investigation of this matter, do you see any evidence of personal financial benefit or corruption?"

And the prosecuting attorney, the one that may have recommended the censure, replies, "I see no evidence of corruption. Do I—do I believe, based on this record, that Congressman RANGEL took steps to enrich himself based on his position in Congress? I do not."

This is a chance for this House to rise to the occasion and to do the right thing. And that's what furthers the reputation and the good name of this House, by doing the fair and just thing. We are held to a higher standard, and that's why Mr. RANGEL has admitted to his misdeeds. But since when do we forfeit the right to fair and just treatment? Since when? When we take the oath of Members of Congress? I think not.

We are a jury today. And if you were a jury, you'd be admonished, do not let prejudice, bias, or sympathy play any part in your deliberations. But the truth is we are a very different kind of jury. We worry that we are going to be scrutinized and whatever decision we reach today in our vote may result in political criticism. That's the greatest fear.

But we will overcome that and do the fair and just thing.

Mr. SCOTT of Virginia. Could the Speaker advise me how much time is remaining.

The SPEAKER pro tempore. The gentleman from Virginia has 2¼ minutes left, the gentleman from Alabama has 6½ minutes, and the gentlewoman from California has 9 minutes.

Mr. SCOTT of Virginia. I yield the balance of my time to the gentleman from New York (Mr. NADLER).

Mr. NADLER of New York. Mr. Speaker, like many Members of the House, I have long considered CHARLIE RANGEL a friend and a great public servant, but that is not before us now.

We must now consider a report from the Ethics Committee finding that Mr. RANGEL violated the rules of the House and recommending that he be censured for that. I do not disagree that he violated the rules of the House in serious ways; but under our standards and precedents, his conduct merits a reprimand, not a censure.

In his actions, Mr. RANGEL showed carelessness, poor judgment, and a severe disregard for the rules of the House. Some sanction is necessary and appropriate, but our precedents command a reprimand, not a censure.

Censure has been reserved for corruption, personal corruption, improper personal financial gain and intent to gain money, or sexual misconduct. None of that is present here. You heard the discussion of people who were censured for personal financial gain, for bribery, for lying to the committee, such as Messrs. Wilson and Diggs and people like Mr. Gingrich and Mr. Hansen who committed severe infractions but were reprimanded.

In this case, the staff director and chief counsel of the Ethics Committee said he saw “no evidence of corruption.” Further, he admitted he did not believe Mr. RANGEL was trying to enrich himself.

What happened according to the chief counsel and the finding of the committee was that Mr. RANGEL was overzealous in his advocacy for City College and sloppy in his financial dealings. Neither overzealousness nor sloppiness merits censure.

While not as severe as censure, reprimand is a very serious punishment. If passed in this case, it would reflect the collective judgment of the entire House that the conduct of Mr. RANGEL was wrong and deserves a serious sanction.

The decision by the Ethics Committee to recommend censure was based, it said, on the “cumulative nature of the violations” and “because the 11 violations committed by Representative RANGEL on a continuous and prolonged basis were more serious in character, meriting a strong congressional response rebuking his behavior.”

What this ignores, however, is that eight of the 11 separate counts all stemmed from just one factor: Mr. RANGEL’s belief that certain advocacy for City College, an institution in his district, amounted to constituent service and therefore constituted official action.

Second, Mr. RANGEL did not, as Mr. BONNER said, fail to pay taxes for 17 years. Of course he paid taxes, and filed every one of those years. He did fail to report some income from a villa he owned.

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

The time of the gentleman from Virginia has expired.

Ms. ZOE LOFGREN of California. I would yield 30 seconds to the gentleman.

Mr. NADLER. He did fail to report some income because he mistakenly believed that the income which was plowed back into the mortgages from which he never saw a check was not reportable. This was wrong. But it was one ongoing error, not cumulative and not a continuing error.

I ask my colleagues to consider all of this. A reprimand is a serious punishment that reflects our precedents and standards. That will reflect credibly on the House. A censure, a punishment never previously imposed for this level of violation of House rules with no adequate explanation for the sudden change in standards offends one’s sense of fair play and therefore does not reflect credibly on the House.

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

This is a sad day, but a necessary day, to complete final action on a matter that honestly should have been concluded with a public trial. Mr. RANGEL chose to walk out of that hearing and failed to present his case. Instead, we are left with a vote, an important vote, I would suggest, not only for Mr. RANGEL, but equally a significant vote for this House as an institution and for how we are seen by our employers, the American people.

Watching at home, some are probably looking on with a curiosity of sorts as we dispense with this unpleasant yet constitutionally mandated responsibility to punish our own when necessary.

In fairness, today’s action may also confirm what many of us already know—that Washington, D.C. truly is disconnected from the real challenges and worries that much of the rest of America is facing every day: the angst of a father whose son is standing guard in some dangerous remote location in Afghanistan, or the uncertainty of that single mom who was just told this week that she had been fired. Not only does she have to worry about whether she can afford Christmas for her children, but whether she can pay the car note or the rent without a job.

All across America, these are the real life crises that our constituents are facing. And yet here on the House floor, one of our colleagues is dealing with something that to him, and I believe to all of us, should be considered a serious matter and one that deserves our utmost attention.

As I noted back on July 29 when the investigative subcommittee reported this case, there is no debate but that Congressman CHARLES RANGEL has led a compelling life story, one that all of us, including myself, can respect. He was a private, as his autobiography said, left to die on that battlefield in North Korea. He earned the Purple Heart and the Bronze Star for bravery. And he was a fatherless high school dropout who went from pushing that handcart in the streets of New York

City to becoming one of the most powerful figures on Capitol Hill. We all know the story.

But my friends, Mr. RANGEL’s life story is not why we are here. After all, every American has their own unique story to tell. Regretfully, this is a day that did not have to be if only Mr. RANGEL had settled for the lesser sanctions that today he hopes this body will somehow consider.

During the course of the investigation, he was given multiple opportunities to settle. Instead, he chose to fight on, declaring his innocence in saying the committee did not have a case.

If only Mr. RANGEL had paid his taxes, as we are all required to do. As chairman of the Ways and Means Committee, he certainly knew something about requiring Americans to pay their taxes.

□ 1700

But the Ethics Committee found by clear and convincing evidence that Mr. RANGEL himself had failed to pay his taxes for 17 years, violating U.S. as well as State and local tax laws on income derived from his beach villa in the Dominican Republic.

My friends, when you go back home this weekend try explaining to your constituents that it’s okay for a powerful Member of Congress, the chairman of the tax-writing committee, to not pay his taxes. Just don’t ask your constituents to do the same.

If Mr. RANGEL had just used the Ethics Committee as it is intended to be used, to give advice and counsel on how we can use our names to benefit worthy causes, such as creating a school for underprivileged minority students to encourage them to consider public service. There’s nothing wrong with that idea. Actually, it is rooted in the most noble of American missions: education. But rather than finding out how he could do it the right way and legally, Mr. RANGEL instead chose to use both his personal and committee staff, as well as other official resources of his office, to help solicit donations of up to \$30 million each for a school and library to ensure his legacy. Donations from some of the 100 biggest and wealthiest corporations in America, many of whom had direct interests before this very committee that he chaired. The Ethics Committee found by clear and convincing evidence that Mr. RANGEL solicited those donations from the very lobbyists of those companies who were coming before his committee.

As Members of Congress, we are all required to file financial disclosure statements. It’s not easy to do, and sometimes it’s easy to make a mistake. But again, this committee found on clear and convincing evidence that Mr. RANGEL for 10 years failed to file his reports promptly, and they had numerous omissions, including the failure to disclose over a half a million dollars.

Ladies and gentlemen, my colleagues, there is a lot to be said today,

and a lot has been said. Keep this in mind as you consider the report of the only truly bipartisan committee that stands in this Congress, the only one that's evenly divided, and sent this recommendation of censure to you for your consideration.

Mr. RANGEL is a man who has spent more years on the Hill than all but five of our colleagues, and he has served his district for longer than 26 of our Members have been alive. Even so, this recommendation of censure was not made lightly, and it was not made without respect for the totality of his life or the seriousness and number of charges for which he has been found guilty.

It is a sad day for sure, Mr. Speaker. But now the entire House has a responsibility to join the Ethics Committee in rendering your judgment. I have no doubt that the people that we work for will be watching with interest.

I yield back the balance of my time. Ms. ZOE LOFGREN of California. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. BUTTERFIELD), a member of the committee.

Mr. BUTTERFIELD. Let me thank the gentledady for the time.

As a member of the committee, I rise today to oppose the pending motion. There is no question that Mr. RANGEL violated House rules. For more than a year he has admitted his misconduct and has apologized for it. But it must be clear, Mr. Speaker, there is nothing in this record to suggest that Congressman RANGEL engaged in dishonest or corrupt conduct. Nor is there evidence suggesting that he sought to enrich himself while violating his oath.

The record shows that Mr. RANGEL was approached by City College of New York to seek assistance in obtaining funds to establish an inner city school for disadvantaged youth, and he did so. My colleagues, you must know that it is not unethical or improper for Members to raise funds for a charitable purpose. Many of you do this every year, and it's a good thing. Our rules simply require any Member desiring to raise funds for a 501(c)3 charitable purpose to refrain from using official resources.

In this case, Congressman RANGEL improperly used official resources to make the solicitation. Yes, that was a mistake. But it was not corruption. Had he written his solicitation letters on other than official stationery and mailed them with 44-cent stamps, that would not be a problem.

The other observation I make, Mr. Speaker, concerns the appropriate sanction for a Member who has been found to have violated House rules not involving dishonesty or corruption. The punishment in this case, in my humble opinion, should be reprimand or less. Censure has always been reserved for extreme and outrageous conduct, touching upon corruption and intent to gain a financial benefit.

As many of you perhaps know, I spent much of my former life as a superior court judge. For nearly 15 years, I

made difficult sentencing decisions every day. In making difficult decisions, the judge must first decide a baseline punishment and then adjust that punishment by weighing aggravating and mitigating circumstances. As applied to this case, the baseline punishment was offered by our committee counsel. He stated that the proper punishment, in his opinion, was between reprimand and censure.

If that be so, Mr. Speaker, it seems to me that aggravating and mitigating circumstances become important. There are mitigating circumstances, my colleagues, that you should consider that substantially outweigh any aggravating factors that you may find. In deciding whether to round up to censure or round down to reprimand, I ask you to consider a dozen factors: his age, 80 years of age; combat military service of 3 years as a volunteer; Bronze Star; Purple Heart; left on the battlefield for dead; length of legislative service here is 40 years; he requested our committee to investigate these matters; he acknowledged mistakes at an early stage, and was willing, he was willing to settle this matter without a trial; he did not participate in the evidentiary hearing. Some of you may see that as a negative. But failing to participate in the hearing essentially admitted the essential facts of this case, precluding a long trial. He could not afford counsel after spending \$2 million, and we refused to waive the rule to allow for pro bono counsel. Over the years, he has mentored Democratic and Republican members on this floor. And he has been a person of good moral character.

These, my colleagues, are mitigating factors that support reprimand. I urge my colleagues to vote to reprimand our dear colleague. Let him know that he must be sanctioned for his carelessness, but let him know that this House understands fairness and justice and legal precedent. A censure is not justified in this case.

I thank you, Madam Chair, for the time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I want to just make a couple of brief comments before turning back to Mr. BUTTERFIELD.

First, although the issue of two Members in 1983 being censured for sexual misconduct has been mentioned, historically censure has been used a variety of times, including the very first time, for insulting the Speaker of the House; insulting the House, Mr. John Chandler, by introduction of a resolution containing unparliamentary language; Mr. Hunter, using unparliamentary language; Mr. Holbrook, using unparliamentary language. So I think it is important to at least have that history.

I want to say one other thing. And we do not discuss the executive session deliberations of the committee, but I feel obliged to note, since I think a misimpression could be had, that in fact Mr. RANGEL did sign a settlement

effort, and the committee was unable to reach a settlement agreement with Mr. RANGEL earlier this year.

Now, it may well be that the committee and the House could do a different sanction. Mr. SCOTT identified several Members and former Members and staffers who are either still serving sentences in prison or still in court being tried in ongoing proceedings of misconduct. I think it's precisely because of that failure to put Members of this body and the American public first, to demand a higher standard, that the committee on a 9-1 vote recommended this sanction.

We need a higher standard. Mr. RANGEL himself has acknowledged that we must meet a higher standard. Process is about protecting the integrity of the House as much as it is about sanctioning an individual who has violated the rules. The nonpartisan committee counsel recommended this. On a 9-1 vote the bipartisan committee recommended this.

This is a wrenching decision for us all. It is not with any pleasure at all that I stand here today presenting the committee's report. And finally, it is for each and every one of us to sort through our own conscience, mindful of the obligation we have first and foremost to the American people, to protect the integrity of the House as we decide what to do.

□ 1710

Each of us must cast the vote that we think is right, and I will respect each Member who does that.

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

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

AMENDMENT OFFERED BY MR. BUTTERFIELD

Mr. BUTTERFIELD. Mr. Speaker, I have an amendment at the desk.

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

The Clerk read as follows:

Strike "be censured;" and insert "be reprimanded and", strike paragraphs (2) and (3), and redesignate paragraph (4) as paragraph (2).

Mr. BUTTERFIELD. Mr. Speaker, I move the previous question on the amendment and on the resolution.

The SPEAKER pro tempore. The previous question was ordered.

The question is on the amendment.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 146, noes 267, not voting 20, as follows:

[Roll No. 606]

AYES—146

Ackerman	Baldwin	Boswell
Andrews	Barrow	Boucher
Arcuri	Becerra	Boyd
Baca	Berkley	Brady (PA)
Baird	Bishop (GA)	Brown, Corrine



Clarke	Jackson (IL)	Rangel
Clay	Jackson Lee	Reyes
Cleaver	(TX)	Richardson
Clyburn	Johnson (GA)	Roybal-Allard
Conyers	Johnson, E. B.	Rush
Crowley	Kanjorski	Salazar
Cummings	Kennedy	Scott (GA)
Davis (IL)	Kilpatrick (MI)	Scott (VA)
Edwards (MD)	King (NY)	Serrano
Ellison	Lee (CA)	Slaughter
Engel	Levin	Smith (WA)
Fattah	Lewis (GA)	Stark
Filner	Lowe	Stupak
Frank (MA)	Maloney	Tanner
Fudge	McDermott	Thompson (MS)
Gonzalez	Meeks (NY)	Towns
Grayson	Melancon	Velázquez
Green, Al	Moore (KS)	Waters
Grijalva	Moore (WI)	Watson
Gutierrez	Nadler (NY)	Watt
Hinche	Napolitano	Ortiz
Hinojosa	Ortiz	Weiner
Hirono	Pastor (AZ)	Woolsey
Honda	Payne	Young (AK)

## NOT VOTING—21

Bachmann	Buyer	Marchant
Barrett (SC)	DeFazio	McMorris
Berry	Delahunt	Rodgers
Boyd	Fallin	Meek (FL)
Brown (SC)	Granger	Miller, Gary
Brown-Waite,	Hastings (FL)	Putnam
Ginny	Inglis	Shuler
Buchanan	Issa	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1753

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.

The SPEAKER. Will the gentleman from New York (Mr. RANGEL) kindly appear in the well.

By its adoption of House Resolution 1737, the House has resolved—that Representative CHARLES B. RANGEL of New York be censured; that Representative CHARLES B. RANGEL forthwith present himself in the well of the House for the pronouncement of censure; that Representative CHARLES B. RANGEL be censured with the public reading of this resolution by the Speaker; and that Representative RANGEL pay restitution to the appropriate taxing authorities or the U.S. Treasury for any unpaid estimated taxes outlined in Exhibit 066 on income received from his property in the Dominican Republic and provide proof of payment to the Committee.

IN RESPONSE TO ADOPTION OF  
HOUSE RESOLUTION 1737

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

Mr. RANGEL. I fully recognize that constitutionally this body has the full jurisdiction to determine the conduct of one of its Members. My predecessor suffered because they didn't allow him to be a Member before they decided that he should be expelled. But notwithstanding that, we do know that we are a political body; and even though it is painful to accept this vote, I am fully aware that this vote reflects perhaps the thinking not just of the Members but the political tide and the constituency of this body.

Having said that and having my opportunity to do what I wanted to do initially, and, that is, to make certain that this body and this country would know that at no time has it ever entered my mind to enrich myself or to do violence to the honesty that's expected of all of us in this House. I think that has been proven, and that has been what I have been asking for. That's why I have admitted to mistakes and was prepared to do what I have done.

I understand that this is a new criteria and a breakthrough in order to teach somebody a higher lesson than those that in the past have done far more harm to the reputation of this body than I. But I just would want all of you to know that, in my heart, I truly feel good. It's not all the commitments that I made to God in 1950. A lot of it has to do with the fact that I know in my heart that I am not going to be judged by this Congress, but I am going to be judged by my life, my activities, my contributions to society. I just apologize for the awkward position that some of you are in. But at the end of the day, as I started off saying, compared to where I've been, I haven't had a bad day since. Thank you.

SUPPORTING AMERICAN DIABETES  
MONTH

The SPEAKER pro tempore (Mrs. KIRKPATRICK of Arizona). The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1690) supporting the observance of American Diabetes Month, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the resolution, 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.

□ 1800

COMMERCIAL ADVERTISEMENT  
LOUDNESS MITIGATION ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (S. 2847) to regulate the volume of audio on commercials.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ESHOO) that the House suspend the rules and pass the bill.

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.

## COMMENDING THE NATO SCHOOL

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 527) commending the NATO School for its critical support of North Atlantic Treaty Organization (NATO) efforts to promote global peace, stability, and security, as amended.

The Clerk read the title of the resolution.

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

COMMENDING THE MARSHALL  
CENTER

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 528) commending the George C. Marshall European Center for Security Studies for its efforts to promote peace, stability and security throughout North America, Europe, and Eurasia.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and agree to the resolution.

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

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL HOME-  
LESS PERSONS' MEMORIAL DAY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution (H. Con. Res. 325) supporting the goals and ideals of National Homeless Persons' Memorial Day.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. PETERS) that the House suspend the rules and agree to the concurrent resolution.

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.

HOUR OF MEETING ON TOMORROW

Mr. SERRANO. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 4 p.m. tomorrow, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, December 7, 2010, for morning-hour debate.

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

There was no objection.

COMMUNICATION FROM CHAIR OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the Chair of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington, DC, December 2, 2010.

Hon. NANCY PELOSI,  
Speaker of the House, House of Representatives,  
U.S. Capitol, Washington, DC.

DEAR MADAM SPEAKER: On December 2, 2010, the Committee on Transportation and

Infrastructure met in open session to consider three resolutions for the U.S. Army Corps of Engineers, in accordance with 33

U.S.C. 542. The resolutions authorize Corps surveys (or studies) of water resources needs and possible solutions. The Committee adopted the resolutions by voice vote with a quorum present.

Enclosed are copies of the resolutions adopted by the Committee on Transportation and Infrastructure on December 2, 2010.

Sincerely,

JAMES L. OBERSTAR,  
Chairman.

Enclosures.



**U.S. House of Representatives  
Committee on Transportation and Infrastructure  
Washington, DC 20515**

**James L. Oberstar**  
Chairman

**John L. Mica**  
Ranking Republican Member

David Heysfeld, Chief of Staff  
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

**COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE  
U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C.**

**RESOLUTION**

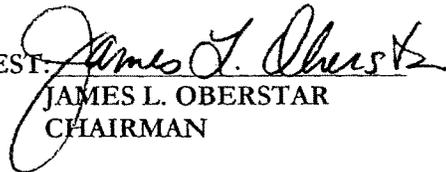
**Docket 2826**

**Chesapeake Bay and Maryland Coastal Bays, Delaware, Maryland, and Virginia**

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report on the Chesapeake Bay Study, dated September 1984, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of watershed planning, environmental restoration, coastal erosion control, and improvement of water quality in the vicinity of the Chesapeake Bay and Maryland Coastal Bays, Delaware, Maryland, and Virginia.

Adopted: December 2, 2010

ATTEST:

  
JAMES L. OBERSTAR  
CHAIRMAN



**U.S. House of Representatives**  
**Committee on Transportation and Infrastructure**  
**Washington, DC 20515**

**James L. Oberstar**  
**Chairman**

**John L. Mica**  
**Ranking Republican Member**

David Heysfeld, Chief of Staff  
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

**COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE**  
**U.S. HOUSE OF REPRESENTATIVES**  
**WASHINGTON, D.C.**

**RESOLUTION**

**Docket 2827**

**Chesapeake Bay Shoreline Erosion, Maryland, Pennsylvania, and Virginia**

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army, in carrying out the study for the Chesapeake Bay Shoreline Erosion, Maryland, Pennsylvania, and Virginia, being carried out under the Committee Resolution of the Committee on Environment and Public Works of the United States Senate, adopted May 23, 2001, shall determine the feasibility of carrying out projects on federally owned property for shoreline protection, environmental restoration, and improvement of water quality in the vicinity of the Chesapeake Bay, Maryland, Pennsylvania, and Virginia.

Adopted: December 2, 2010

ATTEST:

  
JAMES L. OBERSTAR  
CHAIRMAN



**U.S. House of Representatives  
Committee on Transportation and Infrastructure  
Washington, DC 20515**

**James L. Oberstar**  
Chairman

**John L. Mica**  
Ranking Republican Member

David Heysfeld, Chief of Staff  
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

**COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE  
U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C.**

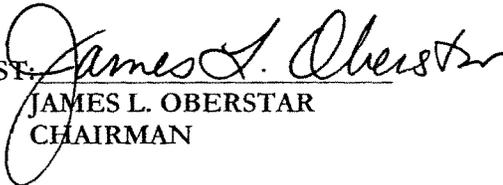
**RESOLUTION**

**Docket 2828**

**Hoosic River Watershed, Massachusetts, Vermont, and New York**

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report on the Hoosic River Basin at North Adams in Massachusetts, Bennington in Vermont and Hoosick Falls in New York authorized in House Document 182, Seventy-sixth Congress, First Session, as well as other pertinent reports, to determine whether modifications of the recommendations therein are advisable in the interest of environmental restoration, streambank stabilization, flood risk management, watershed management, floodplain management, and other allied purposes in the Hoosic River Watershed, Massachusetts, Vermont and New York.

Adopted: December 2, 2010

ATTEST   
JAMES L. OBERSTAR  
CHAIRMAN

There was no objection.

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COMMUNICATION FROM CHAIR OF  
COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the Chair of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

*Washington, DC, December 2, 2010.*

Hon. NANCY PELOSI,  
*Speaker of the House, House of Representatives,*  
*Washington, DC.*

DEAR MADAM SPEAKER: On December 2, 2010, the Committee on Transportation and Infrastructure met in open session to consider 17 resolutions to authorize appropriations for the General Services Administration's (GSA) FY 2011 Capital Investment and Leasing Program, including seven alteration resolutions (authorizing \$354.1 million), one

design resolution (authorizing \$51.2 million), six construction resolutions (authorizing \$1,639.5 million), and three lease resolutions (authorizing \$20.6 million per year). The Committee adopted the resolutions by voice vote with a quorum present.

Enclosed are copies of the resolutions adopted by the Committee on Transportation and Infrastructure on December 2, 2010.

Sincerely,

JAMES L. OBERSTAR, M.C.,  
*Chairman.*

Enclosures.



**U.S. House of Representatives  
Committee on Transportation and Infrastructure  
Washington, DC 20515**

**James L. Oberstar**  
Chairman

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Ranking Republican Member

David Heymsfeld, Chief of Staff  
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

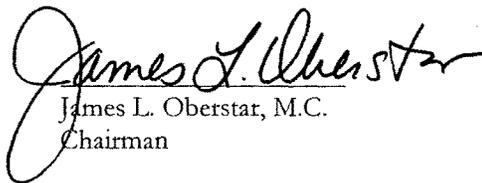
**COMMITTEE RESOLUTION**

**ALTERATION  
FIRE PROTECTION AND LIFE SAFETY PROJECTS  
VARIOUS BUILDINGS  
PFP-2011**

*Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for alterations to upgrade, replace, and improve life safety features and fire protection systems in Government-owned buildings during fiscal year 2011, at a proposed cost of \$20,000,000, a prospectus for which is attached to and included in this resolution.*

*Provided, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.*

**Adopted: December 2, 2010**

  
James L. Oberstar, M.C.  
Chairman

GSA

PBS

**PROSPECTUS - ALTERATION  
FIRE PROTECTION AND LIFE SAFETY PROJECTS  
VARIOUS BUILDINGS**

Prospectus Number: PFP-2011

**Program Summary**

This prospectus proposes alterations to upgrade, replace, and improve life safety features and fire protection systems in government-owned buildings during Fiscal Year 2011. Projects in Federal buildings throughout the country are currently being identified through surveys and studies and will vary in size, location, and delivery method. The authority requested in this prospectus is for a diverse set of retrofit projects with engineering solutions to reduce fire and life safety hazards. Typical projects include the following:

- Replacing antiquated fire alarm and detection systems that are in need of repair or for which parts are no longer available.
- Installing emergency voice communication systems to facilitate occupant notification and/or evacuation.
- Installing and/or expanding fire sprinkler coverage to protect Federal property.
- Constructing additional or enclosing existing exit stairs to ensure timely evacuation of buildings in the event of an emergency.

**Justification**

GSA periodically assesses all facilities using technical professionals to identify hazards and initiate correction or risk-reduction protection strategies to assure that no aspect of our buildings' design or operation presents a risk to GSA personnel, occupant agencies, or the general public. Completion of these proposed projects will improve the overall level of life safety and fire protection in GSA-controlled Federal buildings nationwide.

**Authorization Requested.....\$20,000,000**

GSA

PBS

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**PROSPECTUS - ALTERATION  
FIRE PROTECTION AND LIFE SAFETY PROJECTS  
VARIOUS BUILDINGS**

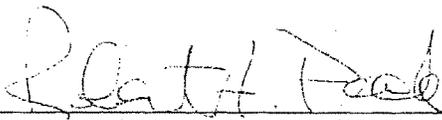
Prospectus Number: PFP-2011

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**Certification of Need**

Over the years a number of life safety and fire protection issues have been identified that need to be addressed in order to reduce fire risk. The proposed program is the best solution to meet a validated Government need.

Submitted at Washington, DC. on May 13, 2010

Recommended:   
Commissioner, Public Buildings Service

Approved:   
Administrator, General Services Administration



**U.S. House of Representatives**  
**Committee on Transportation and Infrastructure**  
**Washington, DC 20515**

**James L. Oberstar**  
Chairman

**John L. Mica**  
Ranking Republican Member

David Heysfeld, Chief of Staff  
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James W. Coon II, Republican Chief of Staff

**COMMITTEE RESOLUTION**

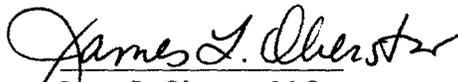
**ALTERATION**  
**ENERGY AND WATER RETROFIT AND CONSERVATION MEASURES PROGRAM**  
**VARIOUS BUILDINGS**  
PEW-2011

*Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized to implement energy and water retrofit and conservation measures in Government-owned buildings during fiscal year 2011, at a proposed cost of \$20,000,000, a prospectus for which is attached to and included in this resolution.*

*Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that procurements executed pursuant to this authority include minimum performance requirements requiring energy efficiency and the use of renewable energy.*

*Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.*

**Adopted: December 2, 2010**

  
James L. Oberstar, M.C.  
Chairman

GSA

PBS

**PROSPECTUS - ALTERATION  
ENERGY AND WATER RETROFIT AND CONSERVATION MEASURES PROGRAM  
VARIOUS BUILDINGS**

Prospectus Number: PFW-2011

**Program Summary**

GSA proposes the implementation of energy and water retrofit and conservation measures, as well as high performance energy projects, in government-owned buildings during fiscal year 2011.

The Energy and Water Conservation Measures program is designed to reduce on-site energy consumption, through building alteration projects or retrofits of existing buildings systems. These projects are an important part of GSA's approach to reducing energy consumption in the existing inventory, to reach mandated percentage reduction goals through 2015.

Projects to be accomplished in Federal buildings throughout the country are currently being identified through surveys and studies. The projects to be funded will have positive savings-to-investment ratios, will provide reasonable payback periods, and may generate rebates and savings from utility companies and incentives from grid operators. Projects will vary in size, by location, and by delivery method. This prospectus requests authority to fund energy and water retrofit work, geothermal and other High-Performance Green Building retrofit work, as well as designs for new facilities that incorporate these technologies. The authority requested in this prospectus is for a diverse set of design and retrofit projects with engineering solutions to reduce energy or water consumption and/or costs.

**Justification:**

The Energy Policy Act of 2005 (Public Law 109-58) required a 2% energy usage reduction as measured in BTU/GSF per year from 2006 through 2015 over a 2003 baseline. Additionally, this act sets a mandate to install advanced meters for electricity in all buildings by 2012. Guidance issued by the Department of Energy pursuant to this requirement states that savings anticipated from advanced metering can range from 2% to 45% annually when used in combination with continuous commissioning efforts. Executive Order 13423 on Strengthening Federal Environmental, Energy, and Transportation Management concerning energy consumption reduction, was incorporated into law as the Energy Independence and Security Act of 2007. Both increased the energy reduction mandates to 3% per year, and the Executive Order also established a water reduction mandate of 2% per year based on a 2007 baseline as measured in gallons/gsf.

By the year 2015, all Federal agencies are directed to reduce overall energy use in buildings they operate by 30 percent from 2003 levels and reduce overall water use by 16 percent from 2007 levels. Increased energy and water efficiency in buildings and operations will require capital investment for changes and modifications to physical systems which consume energy and water, as well as other high performance green building initiatives and infrastructure designs and retrofits.

GSA

PBS

**PROSPECTUS - ALTERATION  
ENERGY AND WATER RETROFIT AND CONSERVATION MEASURES PROGRAM  
VARIOUS BUILDINGS**

Prospectus Number: PEW-2011

**Justification: (continued)**

In addition, the Energy Independence and Security Act of 2007 (EISA) included provisions that exceed the requirements of the Energy Policy Act of 2005. One such long-term requirement is to eliminate fossil fuel-generated energy consumption in new and renovated Federal buildings by FY 2030 by achieving targeted reductions beginning with projects designed in FY 2010. Other shorter-term measures include increasing the use of solar hot water heating (to 30%); installation of advanced meters for water and gas (previously only electricity was covered); and broader application of energy efficiency in all major renovations.

Approval of this FY 2011 request will enable GSA to continue to provide leadership in energy/water conservation and efficiency to both the public and private sectors.

**Authorization Requested.....\$20,000,000**

Potential projects to be accomplished in Federal buildings throughout the country are currently being identified through surveys and studies, along with potential new designs. The projects to be funded will have positive savings-to-investment ratios, will provide reasonable payback periods, and may generate rebates and savings from utility companies and incentives from grid operators. Projects will vary in size by location and by delivery method. Typical projects include the following:

- Upgrading heating, ventilating, and air-conditioning (HVAC) systems with new, high efficiency systems including the installation of energy management control systems.
- Altering constant volume air distribution systems to variable air flow systems by the addition of variable air flow boxes, fan volume control dampers, and related climatic controls.
- Installing building automation control systems, such as night setback thermostats and time clocks, to control HVAC systems.
- Installing automatic occupancy light controls, lighting fixture modifications, and associated wiring to reduce the electrical consumption per square foot through the use of higher efficiency lamps and use of non-uniform task lighting design.
- Installing new or modifying existing temperature control systems.
- Replacing electrical motors with multi-speed or variable-speed motors.
- Insulating roofs, pipes, HVAC duct work, and mechanical equipment.

GSA

PBS

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**PROSPECTUS - ALTERATION  
ENERGY AND WATER RETROFIT AND CONSERVATION MEASURES PROGRAM  
VARIOUS BUILDINGS**

Prospectus Number: PEW-2011

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- Installing and caulking storm windows and doors to prevent the passage of air and moisture into the building envelope.
- Providing advanced metering projects which enable building managers to better monitor and optimize energy performance.
- Providing and implementing water conservation projects.
- Providing renewable projects including photovoltaic systems, solar hot water systems, and wind turbines.
- Providing distributed generation systems.
- Designing new facilities to conform to EISA and to incorporate these new technologies.
- Designing new facilities to incorporate other sustainable, green building technologies, such as solar power, wind power, green roofs, and photovoltaic techniques.
- Drilling to install vertical and horizontal geothermal loops.
- Installing heat pumps and other types of geothermal equipment.
- Installing building insulation and seals to enhance equipment performance and reduce the size and energy consumption of geothermal and other energy-efficient equipment.
- Installing new or modifying existing green building materials.
- Installing wastewater recycling processes for use on lawns, in toilets, and for washing cars.
- Insulating roofs, pipes, HVAC duct work, and mechanical equipment.
- Installing other green building technologies such as hot water heat recycling, renewable heating systems, seasonal thermal storage systems, and solar air conditioning, green roofs, and cool roofs.

GSA

PBS

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**PROSPECTUS - ALTERATION  
ENERGY AND WATER RETROFIT AND CONSERVATION MEASURES PROGRAM  
VARIOUS BUILDINGS**

Prospectus Number: PEW-2011

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**Certification of Need:**

It has been determined that the practical solution to achieving the identified building energy and water management goals is to proceed with the energy and water retrofit and conservation work indicated above.

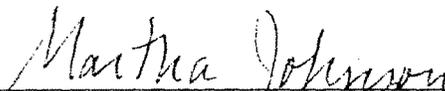
Submitted at Washington, DC. on May 13, 2010

Recommended:



Commissioner, Public Buildings Service

Approved:



Administrator, General Services Administration



**U.S. House of Representatives  
Committee on Transportation and Infrastructure  
Washington, DC 20515**

**James L. Oberstar**  
Chairman

**John L. Mica**  
Ranking Republican Member

David Heymsfeld, Chief of Staff  
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

**COMMITTEE RESOLUTION**

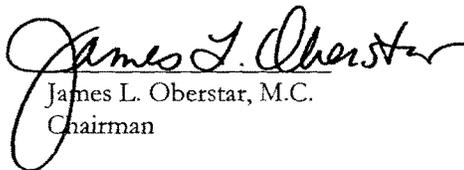
**ALTERATION  
WELLNESS AND FITNESS PROGRAM  
VARIOUS BUILDINGS  
PHW-2011**

*Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized to upgrade, replace, and improve space within Government-owned buildings in support of employee wellness during fiscal year 2011, at a proposed cost of \$7,000,000, a prospectus for which is attached to and included in this resolution.*

*Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that procurements executed pursuant to this authority include minimum performance requirements requiring energy efficiency and the use of renewable energy.*

*Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.*

**Adopted: December 2, 2010**

  
James L. Oberstar, M.C.  
Chairman

GSA

PBS

**PROSPECTUS - ALTERATION  
WELLNESS AND FITNESS PROGRAM  
VARIOUS BUILDINGS**

Prospectus Number: PHW-2011

**Program Summary**

The General Services Administration (GSA) proposes alterations to upgrade, replace, and improve space within Government-owned buildings in support of employee wellness in fiscal year 2011. Projects in Federal buildings throughout the country are currently being identified through surveys and studies and will vary in size, location, and delivery method. The authority requested is for a diverse set of upgrade/modernization projects which will provide improved facilities for developing employee fitness and health. Typical projects include:

- Fitness center upgrades to include design and construction for improved layouts more focused on wellness and expansion needed to accommodate increased use.
- Cafeteria and snack bar upgrades and alterations to include new equipment, changes in layout to allow for changes in menu and food preparation, and product placement opportunities.
- Health unit upgrades and alterations required for expansion of services and support.

**Justification**

On May 12, 2009, President Obama met with Chief Executive Officers from several major corporations to discuss their initiatives to improve employee health and reduce health care costs through worksite wellness and other initiatives. Following that meeting, he requested that the Office of Personnel Management (OPM), Office of Management and Budget (OMB), National Economic Council (NEC), and the Department of Health and Human Services (HHS) explore the development of similar programs for the Federal workforce.

GSA is currently working to develop a model for the Federal wellness campus concept in designated locations around the country. GSA's responsibility for this campus effort is to develop a prototype that showcases a building amenities program in support of government-wide efforts to improve employee health and fitness. These efforts encompass employee programs such as education and assistance, along with building amenities such as fitness centers, cafeterias, and health unit programs.

GSA facilities support over one million Federal employees nationwide and are the location for wellness programs across the country. These facilities house fitness centers, food service programs, health units, and child care centers, thereby helping support Federal employees to balance their lives. GSA plays a key role if wellness programs are to succeed.

This request will provide upgrades to a number of GSA Federal buildings to accommodate wellness improvements.

GSA

PBS

PROSPECTUS - ALTERATION  
WELLNESS AND FITNESS PROGRAM  
VARIOUS BUILDINGS

Prospectus Number: PHW-2011

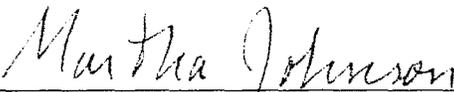
**Authorization Requested**.....\$7,000,000

**Certification of Need**

It has been determined that the practical solution to achieving the identified wellness goals is to proceed with the wellness program work described above.

Submitted at Washington, DC, on May 13, 2010

Recommended:   
Commissioner, Public Buildings Service

Approved:   
Administrator, General Services Administration



**U.S. House of Representatives**  
**Committee on Transportation and Infrastructure**  
**Washington, DC 20515**

**James L. Oberstar**  
Chairman

**John L. Mica**  
Ranking Republican Member

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Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

**COMMITTEE RESOLUTION**

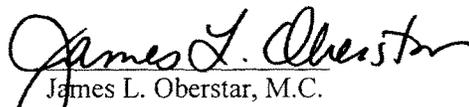
**ALTERATION**  
**JAMES C. CORMAN FEDERAL BUILDING**  
**VAN NUYS, CA**  
**PCA-0198-LA11**

*Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for the build-out of space for the Department of State's Consular Affairs Office and Internal Revenue Service, and roof replacement at the James C. Corman Federal Building at 6230 Van Nuys Boulevard, Van Nuys, CA, at a proposed total cost of \$11,039,000, a prospectus for which is attached to and included in this resolution.*

*Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.*

*Provided further, that within 180 days of approval of this resolution, GSA 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 on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for the project and if such systems are not used for the project, the specific rationale for GSA's decision.*

**Adopted: December 2, 2010**

  
James L. Oberstar, M.C.  
Chairman

GSA

PBS

**PROSPECTUS - ALTERATION  
JAMES C. CORMAN FEDERAL BUILDING  
VAN NUYS, CA**

Prospectus Number: PCA-0198-LA11  
Congressional District: 28

**Project Summary**

The General Services Administration (GSA) proposes the build-out of space for the Department of State's Consular Affairs Office and IRS, and roof replacement at the James C. Corman Federal Building at 6230 Van Nuys Boulevard, Van Nuys, CA. This work is essential to the long-term positioning of this asset and it provides an excellent accommodation for the State Department relocation required for the repair and alteration of the Wilshire Federal Building.

**Major Work Items**

Roof replacement, exterior enclosure, interior construction, mechanical, fire protection, electrical repairs, demolition, and hazardous materials abatement.

**Project Budget**

Design and Review.....	\$894,000
Estimated Construction Cost (ECC).....	9,541,000
Management and Inspection (M&I).....	604,000
<b>Estimated Total Project Cost (ETPC)*.....</b>	<b>\$11,039,000</b>

\*Tenant agencies may fund an additional amount for alterations above the standard normally provided by the GSA.

**Authorization Requested** (Design and ECC).....\$11,039,000

**Prior Authority and Funding** - None

**Prior Prospectus-Level Projects in Building (past 10 years):** - None

<b><u>Schedule</u></b>	<b><u>Start</u></b>	<b><u>End</u></b>
Design	FY2011	FY2012
Construction	FY2012	FY2012

**Building**

Located in the heart of the Van Nuys Civic Center, the James C. Corman Federal Building rises four stories and measures approximately 231,000 gross square feet. It is a mid-twentieth century, precast concrete and stone clad office building with a basement and both indoor and outdoor parking.

GSA

PBS

**PROSPECTUS - ALTERATION  
JAMES C. CORMAN FEDERAL BUILDING  
VAN NUYS, CA**

Prospectus Number:      PCA-0198-LA11  
Congressional District:      28

It is in close proximity to several other municipal and Federal buildings, including Van Nuys City Hall, the Northwest District Superior Court, the Van Nuys State Office Building, the Van Nuys Branch Library, the Marvin Braude Constituent Service Center, and the Los Angeles Police Department.

**Tenant Agencies**

Department of the Treasury is the major tenant, while other tenants include Bureau of Alcohol, Tobacco, Firearms, and Explosives; US Army Corps of Engineers; Defense Contract Audit Agency; GSA-Federal Acquisition Service; Federal Bureau of Investigation; GSA-Public Buildings Service; Consular Affairs; and United States Postal Service.

**Proposed Project**

This project proposes the build-out of 29,266 usable square feet of space for the Department of State Los Angeles Passport Office and 27,312 useable square feet of space for the IRS, and the replacement of the roof. Structural, mechanical, electrical, fire protection, interior, exterior enclosure, and hazardous material abatement work undertaken is incidental to the tenant improvements.

**Major Work Items**

Roof replacement	\$1,034,000
Tenant improvements	5,421,000
Exterior enclosure	240,000
Interior construction	477,000
Mechanical	579,000
Fire protection	130,000
Electrical	1,016,000
Demotion & abatement	<u>644,000</u>
<b>Total ECC</b>	<b>\$9,541,000</b>

**Justification**

State Department Consular Affairs Passport office and IRS require improvements to meet their requirements, and the roof is deteriorated beyond repair. Passport is a newly assigned tenant relocating from 11000 Wilshire Blvd making way for the FBI expansion; IRS is a current Corman FB tenant that requires new space in exchange for giving up its current space to Passport. Passport requires the existing IRS space in order to meet its mission visibility and accessibility to the public. The roof is aged, deteriorated, and leaking and needs replacement for acceptable long-term service.

GSA

PBS

**PROSPECTUS - ALTERATION  
JAMES C. CORMAN FEDERAL BUILDING  
VAN NUYS, CA**

Prospectus Number: PCA-0198-LA11  
Congressional District: 28

**Summary of Energy Compliance**

This project is designed to conform to the requirements of the Facilities Standards for the Public Buildings Service and to earn Leadership in Energy and Environmental Design (LEED) certification. It will also meet Congressionally-required energy efficiency and performance requirements in effect during design.

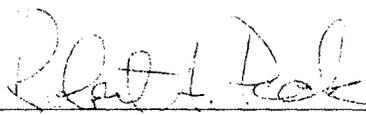
**Recommendation**

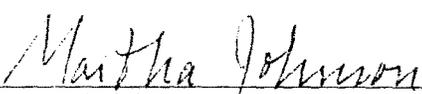
ALTERATION

**Certification of Need**

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC. on May 13, 2010

Recommended:   
Commissioner, Public Buildings Service

Approved:   
Administrator, General Services Administration

February 2010

Housing Plan  
James C. Corman Federal Building

Los Angeles CA  
PCA-0198-LA11

Location	Current						Proposed					
	Personnel		Usable Square Feet (USF)			RSF	Personnel		Usable Square Feet (USF)			RSF
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
<b>James C. Corman Federal Building</b>	10	10	4,522			4,522	10	10	4,522			4,522
Bureau of Alcohol, Tobacco, Firearms and Explosives	31	31	6,795	794		7,589	31	31	6,795	794		7,589
Department of Army-Corps of Engineers	8	8	627			627						0
Department of Army	167	167	26,442	870		27,312	167	167	26,442	870		27,312
Internal Revenue Service	2	2	1,243			1,243	2	2	1,243			1,243
Federal Bureau of Investigation	1	1	340	158		656	1	1	340	158		498
General Services Administration	24	24	3,913			3,913	24	24	3,913			3,913
Office of the Secretary of Defense	0	0	0			0	100	100	29,266			29,266
State Department-Bureau of Consular Affairs	80	80	13,505			13,505	80	80	13,505			13,505
U.S. Postal Service			26,390	3,318	2,440	32,148			2,461	2,800		5,261
Vacant			1,678	195	1,070	2,943			386		805	1,191
Joint Use												
<b>Total:</b>	<b>323</b>	<b>323</b>	<b>85,455</b>	<b>4,541</b>	<b>4,304</b>	<b>94,300</b>	<b>415</b>	<b>415</b>	<b>88,873</b>	<b>3,828</b>	<b>1,599</b>	<b>94,300</b>
												<b>129,864</b>

Special Space	
Conference/Class	805
Physical Fitness	794
<b>Total:</b>	<b>1,599</b>



**U.S. House of Representatives  
Committee on Transportation and Infrastructure  
Washington, DC 20515**

**James L. Oberstar  
Chairman**

**John L. Mica  
Ranking Republican Member**

David Heysfeld, Chief of Staff  
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

**COMMITTEE RESOLUTION**

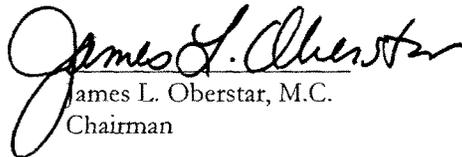
**ALTERATION  
FRANK HAGEL FEDERAL BUILDING  
RICHMOND, CA  
PCA-0213-RI11**

*Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a multi-phase repair and alteration project for the Frank Hagel Federal Building at 1221 Nevin Avenue, Richmond, CA, at a proposed total cost of \$221,670,000, a prospectus for which is attached to and included in this resolution.*

*Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.*

*Provided further, that within 180 days of approval of this resolution, GSA 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 on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.*

**Adopted: December 2, 2010**

  
James L. Oberstar, M.C.  
Chairman

GSA

PBS

**PROSPECTUS - ALTERATION  
FRANK HAGEL FEDERAL BUILDING  
RICHMOND, CA**

Prospectus Number: PCA-0213-RI11  
Congressional District: 07

**Project Summary**

The General Services Administration (GSA) proposes a multi-phase repair and alteration project for the Frank Hagel Federal Building (FHFB) located at 1221 Nevin Avenue, Richmond, CA. The FHFB serves as the regional headquarters for the Social Security Administration (SSA).

**Major Work Items**

Interior construction; exterior construction; repair/replacement of HVAC, electrical, plumbing systems; demolition and hazardous materials abatement; fire/life safety upgrades; roof replacements and security upgrades.

**Project Budget**

Design and Review	
Design (FY2011 Request) .....	\$20,945,000
(Design and Review) Subtotal .....	20,945,000
Estimated Construction Cost (ECC)	
Phase I Construction (FY2011 Request) .....	\$80,575,000
Phase II (Future Year Request).....	36,600,000
Phase III (Future Year Request) .....	57,350,000
(ECC) Subtotal.....	174,525,000
Management and Inspection (M&I)	
Phase I (FY2011 Request) .....	\$12,100,000
Phase II (Future Year Request).....	5,500,000
Phase III (Future Year Request) .....	8,600,000
(M&I) Subtotal.....	26,200,000
<b>Estimated Total Project Cost (ETPC)*.....</b>	<b>\$221,670,000</b>

\*Tenant agencies may fund an additional amount for alterations above the standard normally provided by the GSA.

**Authorization Requested**

**(Design, and Phase I, II, and III ECC, and M&I) .....\$221,670,000**

**FY 2011 Funding Request**

**(Design, Phase I Construction and M&I).....\$113,620,000**

GSA

PBS

**PROSPECTUS - ALTERATION  
FRANK HAGEL FEDERAL BUILDING  
RICHMOND, CA**

Prospectus Number: PCA-0213-RI11  
Congressional District: 07

**Prior Authority and Funding:**

None

**Prior Prospectus-Level Projects in Building (past 10 years):**

None

<b><u>Schedule</u></b>	<b><u>Start</u></b>	<b><u>End</u></b>
<b><u>Design</u></b>		
Phase I	FY2011	FY2013
Phase II	FY2011	FY2013
Phase III	FY2011	FY2013
<b><u>Construction</u></b>		
Phase I	FY2011	FY2014
Phase II	TBD	TBD
Phase III	TBD	TBD

**Building**

The Frank Hagel Federal Building, constructed in 1975, is located at 1221 Nevin Avenue within the downtown central business area of Richmond, California. The approximately 619,000 gross square foot building consists of six stories with a one story basement. The building has an auditorium, childcare center and both secured structured and surface parking. The building serves as the regional headquarters for SSA who has been the sole tenant agency of FHFB since its construction.

**Tenant Agencies**

Social Security Administration

**Proposed Project**

The proposed project is planned as a three phase project with each phase designed as a stand-alone project. The full project will address insufficient seismic resistance, and base building deficiencies along with a total realignment of the building layout and includes HVAC, electrical, and life safety/fire alarm upgrades, along with roof replacement, blast protection, security improvements, waterproofing, and the removal of hazardous materials. SSA will maintain operations in the building during construction. To facilitate the phasing aspects of the project, approximately 17 percent of the staff or 33 percent of the space will be temporarily relocated to off-site lease space and temporary modular buildings on site at the beginning of the construction of Phase I. The building will maintain this vacancy throughout the project until its completion. Upon project completion, staff will then re-occupy in the space.

GSA

PBS

**PROSPECTUS - ALTERATION  
FRANK HAGEL FEDERAL BUILDING  
RICHMOND, CA**

Prospectus Number: PCA-0213-RI11  
Congressional District: 07

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As a significant portion of the proposed scope involves the seismic retrofit of the building, construction must be sequenced beginning in the basement and progress floor by floor to the sixth floor. Shear walls will be added at the basement and first floor levels with all column/beam connections throughout the building being upgraded. The upgrades to the columns requires both connection from below, accessed through the ceiling plenum, and from above, which will require removal of a portion of the slab above, including ducts to reinforce these connections. The installation of the connection upgrades and the associated demolition of the interior space will determine the phasing plan sequencing.

Phase I consists of a design-build seismic retrofit and tenant space realignment for the basement and first floors as well as the design for Phases II and III. Phase I construction also includes the relocation and construction of the computer center to a water resistant structure in the basement; repair and replacement of the roof system over the main building, auditorium, child care and penthouse; replacement of plaza waterproof membrane and associated plaza repairs; reconfiguration of impacted ductwork; improvements to the fire/life safety infrastructure including stairwell pressurization and modification of sprinkler system and installation of fire alarm devices; and installation of energy saving motion sensor controlled and/or photocell sensor controlled advanced lighting system and wiring. Security improvements including the application of anti-blast film to windows, installation of anti-ram bollards, boulders and planters and security devices will also be undertaken.

Phase II construction consists of space realignment and seismic retrofit for the second and third floors. Phase III construction consists of realignment and seismic retrofit for floors four through six. These phases also include interior construction, repairs/replacements of the HVAC, electrical, life safety, and plumbing systems along with the removal and abatement of hazardous materials and the application of anti-blast film to the windows.

GSA

PBS

**PROSPECTUS - ALTERATION  
FRANK HAGEL FEDERAL BUILDING  
RICHMOND, CA**

Prospectus Number: PCA-0213-RI11  
Congressional District: 07

**Major Work Items**

Interior Construction	\$39,426,500
Exterior Construction	32,828,000
Repair/Replace HVAC	27,750,000
Demolition and Abatement	23,100,000
Repair/Replace Electrical	22,410,000
Fire/Lifesafety Upgrades	12,530,000
Replace Roofing	7,570,000
Security Upgrades	5,940,500
Repair/Replace Plumbing	<u>2,970,000</u>
<b>Total ECC</b>	<b>\$174,525,000</b>

**Justification**

The Frank Hagel Federal Building is of high importance to SSA since it serves as both the regional headquarters and a major processing facility. Execution of the proposed work will address known deficiencies, extend the useful life of the building and provide a more productive and safer work environment for the employees. Combining space realignment with the seismic and building systems work minimizes disruption to the agency's mission and also minimizes overall cost to the government.

Since its construction in 1975, the tower building has not undergone any significant major renovations except for an auditorium seismic retrofit in 1991, a child care center addition and building systems repair (waterproofing, exterior sitework, security and elevator) that was completed in 1996. SSA operations have continued to expand and evolve resulting in operating groups being inefficiently spread across a floor and/or multiple floors. The current configuration of workstations within the building is haphazard, creating wasted space and confusing circulation, which could become a major life safety issue. The realignment of the building space will allow for the accommodation of the anticipated growth in personnel, absorb the new functions assigned to the SSA regional office, allow for the reconfiguration of space to correct the current layout inefficiencies, and eliminate the need for acquisition of additional space outside of the Federal Building.

Existing membranes and sealants at the basement, plaza, roof and exterior are leaking in multiple locations and in need of repair and/or replacement. This permits water intrusion into the building effecting interior space with continued leakage over critical electrical equipment.

GSA

PBS

**PROSPECTUS - ALTERATION  
FRANK HAGEL FEDERAL BUILDING  
RICHMOND, CA**

Prospectus Number: PCA-0213-R111  
Congressional District: 07

The electrical and communication distribution on the office floors occurs through the ducts and many of the main ducts are overfilled. The pressure of rolling carts and heavy foot traffic has caused circuit breakers to trip. The HVAC system is deficient from current standards in a number of areas which results in equipment replacement due to age and condition beyond its useful life. The replaced equipment will support the mandated energy reduction and LEED certification.

The project also provides the opportunity to upgrade the fire alarm/life safety and plumbing systems, undertake the necessary security upgrades including blast protection, and remove the existing asbestos containing materials and lead based paint that exist throughout the building.

**Summary of Energy Compliance**

This project will be designed to conform to the requirements of the Facilities Standards for the Public Buildings Service and to earn Leadership in Energy and Environmental Design (LEED) certification. It will also meet Congressionally-required energy efficiency and performance requirements in effect during design.

**Alternatives Considered (30-year, present value cost analysis)**

New Construction .....	\$219,936,000
Alteration .....	\$217,926,000
Lease .....	\$247,274,000

The 30 year, present value cost of alteration is \$2,010,000 is less than the cost of new construction, an equivalent annual cost advantage of \$123,000.

GSA

PBS

PROSPECTUS - ALTERATION  
FRANK HAGEL FEDERAL BUILDING  
RICHMOND, CA

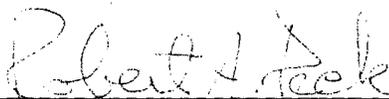
Prospectus Number: PCA-0213-RI11  
Congressional District: 07

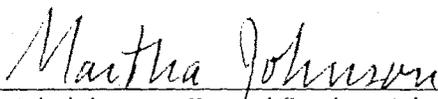
Recommendation  
ALTERATION

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on May 13, 2010

Recommended:   
Commissioner, Public Buildings Service

Approved:   
Administrator, General Services Administration

February 2010

Housing Plan  
Frank Hagel Federal Building

PCA-0213-R111  
Richmond, CA

Locations	Current						Proposed							
	Personnel		Usable Square Feet (USF)			RSF	Personnel		Usable Square Feet (USF)			RSF		
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total		
FRANK HAGEL FEDERAL social Security Administration	1,554	15,554	289,794	16,264	82,081	388,139	534,599	1,666	1,666	271,055	16,977	100,087	388,119	534,599
<b>Total:</b>	<b>1,554</b>	<b>15,554</b>	<b>289,794</b>	<b>16,264</b>	<b>82,081</b>	<b>388,139</b>	<b>534,599</b>	<b>1,666</b>	<b>1,666</b>	<b>271,055</b>	<b>16,977</b>	<b>100,087</b>	<b>388,119</b>	<b>534,599</b>

Special Space	
Clinic	1,623
Physical Fitness	3,984
Child Care	10,647
Conference	53,791
Auditorium	9,037
ADP	8,440
Food Service	4,741
Light Industrial	7,824
<b>Total:</b>	<b>100,087</b>



**U.S. House of Representatives  
Committee on Transportation and Infrastructure  
Washington, DC 20515**

**James L. Oberstar**  
Chairman

**John L. Mica**  
Ranking Republican Member

David Heysfeld, Chief of Staff  
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

**COMMITTEE RESOLUTION**

**ALTERATION  
MAJOR GENERAL EMMETT J. BEAN FEDERAL CENTER  
INDIANAPOLIS, IN  
PIN-1703-IN11**

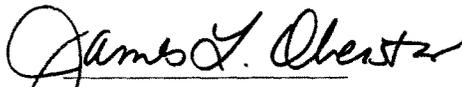
*Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for an alteration of the Major General Emmett J. Bean Federal Center at 8899 East 56<sup>th</sup> Street, Indianapolis, IN, at a proposed total cost of \$46,426,000, a prospectus for which is attached to and included in this resolution.*

*Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.*

*Provided further, that the Administrator of General Services is authorized to undertake design and construction of only those security features which will bring the Major General J. Bean Federal Center and grounds into compliance with the security standards promulgated by the Interagency Security Committee.*

*Provided further, that within 180 days of approval of this resolution, GSA 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 on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.*

**Adopted: December 2, 2010**

  
James L. Oberstar, M.C.  
Chairman

GSA

PBS

**PROSPECTUS - ALTERATION  
MAJOR GENERAL EMMETT J. BEAN FEDERAL CENTER  
INDIANAPOLIS, IN**

Prospectus Number: PIN-1703-IN11  
Congressional District: 07

**Project Summary**

The General Services Administration (GSA) proposes an alteration of the Major General Emmett J. Bean Federal Center (Bean FC) at 8899 East 56th Street in Indianapolis, IN to provide Defense Department (DOD) security requirements, building and site improvements, and additional parking.

**Major Work Items**

Site work, security upgrades, and common area improvements

**Project Budget**

Design and Review Cost (Design) (FY 2009).....	\$6,080,000
Estimated Construction Cost (ECC).....	60,224,000
Management and Inspection (M&I).....	5,589,000
<b>Estimated Total Project Cost (ETPC)*.....</b>	<b>\$71,893,000</b>

\*Tenant agencies may fund an additional amount for alterations above the standard normally provided by the GSA.

**Authorization Requested (ECC & M&I).....** \$65,813,000

**Prior Authority and Funding**

Under the American Recovery and Reinvestment Act (ARRA) of 2009, Congress appropriated \$4.5 billion for GSA to transition selected existing Federal buildings to high performance green buildings (HPGB). GSA allocated \$36,650,000 for the Bean Building. Funds of \$6,080,000 are devoted for the design of this project. The remaining \$30,570,000 is for the design, construction, and management and inspection of the installation of a photovoltaic cell roof system.

**Prior Prospectus-Level Projects in Building (past 10 years) - None**

**Schedule**

	<b>Start</b>	<b>End</b>
<b>Design</b>	FY 2009	FY 2011
<b>Construction</b>	FY 2011	FY 2014

GSA

PBS

**PROSPECTUS - ALTERATION  
MAJOR GENERAL EMMETT J. BEAN FEDERAL CENTER  
INDIANAPOLIS, IN**

Prospectus Number: PIN-1703-IN11  
Congressional District: 07

**Building**

The Bean FC is a three-story 1,660,353 gross-square-foot concrete and masonry office building with a basement, a detached daycare center, and 3,154 inside and outside parking spaces on 72 acres at 8899 East 56th Street in Indianapolis, IN. Constructed in 1953 by DOD as a records storage facility at Fort Benjamin J. Harrison military base, the Bean FC was fully modernized and converted to an office building in 2003. DOD fully funded the modernization through a reimbursable work authorization agreement with GSA. Upon closure of Fort Harrison due to the BRAC Act in 1995, the building was transferred to GSA.

**Tenant Agencies**

The major tenant is the Defense Financing & Accounting Service.

**Proposed Project**

This project proposes: the construction of building security features, site improvements, parking additions, and interior common area improvements, including the construction of a truck dock, a barricade wall, a sallyport, and a temporary parking area; relocation of the mail and trash rooms, and building air intake ports; anchoring of equipment; upgrading of security devices; installation of blast-resistant windows, concrete security bollards, and a security fence; alteration of the fire alarm, and paving of the truck dock access.

Additionally, the project proposes: the construction of new and rebuilt parking lots, site access roads, a maintenance building, and a food service space; the installation of walkway and parking lighting, courtyard and site landscaping, a stormwater drainage system with equipment housing structure, a rainwater reuse system, food service equipment, parking area signage, security features, and artwork; reworking of parking lighting; grading of the site; upgrading of common areas; and the rebuilding of the mailroom.

**Major Work Items**

Expansion of Parking Capacity and Site Work	\$28,934,000
DoD Security Upgrades	19,387,000
Common Area Improvements	<u>11,903,000</u>
<b>Total ECC</b>	<b>\$60,224,000</b>

GSA

PBS

**PROSPECTUS - ALTERATION  
MAJOR GENERAL EMMETT J. BEAN FEDERAL CENTER  
INDIANAPOLIS, IN**

Prospectus Number: PIN-1703-IN11  
Congressional District: 07

**Justification**

DOD currently requires its agencies to occupy space that meets its Unified Facilities Criteria DOD Minimum Antiterrorism Standards for Buildings (UFC 4-010-01). The facility must comply with the standards before DFAS, the building's largest tenant, with over one million square feet of space, will commit to continued occupancy of the building.

On November 9, 2005, Congress approved the recommendation of the Base Realignment and Closure Commission to consolidate DFAS operations at select locations throughout the country. As a result, the Major General Emmett J. Bean Center has absorbed staffs and functions of several DFAS locations around the country. From 2007 to 2009, approximately 1,700 additional employees relocated to the Bean FC. The additional personnel resulted in the need for expanded support areas and parking to avoid crowded working conditions and limited site access.

The current stormwater drainage is deficient, leading to water backups and debris blockage, a condition that would worsen with the runoff from the installation of new parking surfaces under this proposed project.

**Summary of Energy Compliance**

The project will integrate and implement sustainable design principles and energy efficiency effort where possible into both the design and construction process. The goal is to obtain certification through the Leadership in Energy and Environmental Design (LEED) Green Building Rating System of the U.S. Green Building Council.

**Alternatives Considered (30-year, present value cost analysis)**

New construction .....	\$683,951,000
Alteration .....	\$381,236,000
Lease .....	\$615,425,000

The 30-year, present value cost of alteration is \$234,189,000 less than the cost of lease, an equivalent annual cost advantage of \$14,377,000.

**Recommendation**  
ALTERATION

GSA

PBS

**PROSPECTUS - ALTERATION  
MAJOR GENERAL EMMETT J. BEAN FEDERAL CENTER  
INDIANAPOLIS, IN**

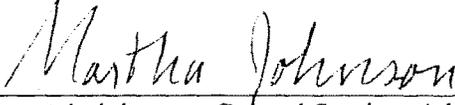
Prospectus Number: PIN-1703-IN11  
Congressional District: 07

**Certification of Need**

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on May 13, 2010

Recommended:   
Commissioner, Public Buildings Service

Approved:   
Administrator, General Services Administration

PN IN-11  
Indianapolis, IN

Housing  
Major General Emmett J. Bean Federal Center

February 2

Locations	Personnel				Current				Proposed					
	Office		Total		Office		Total		Office		Total		Total	
	Office	Total	Office	Total	Office	Total	Office	Total	Office	Total	Office	Total	Office	Total
Bean Federal Center														
Army Reserve	2	2	25,641	34,345		25,641		34,345		25,641		34,345		34,563
Defense Contract Audit Agency			5,712	7,654		5,712		7,654		5,712		7,702		7,702
Defense Financing & Accounting Service	5,235	5,235	835,353	1,192,602		835,353		1,192,602		835,353		1,200,156		1,200,156
Defense Logistics Agency	100	100	9,922	13,290		9,922		13,290		9,922		13,374		13,374
Department Of Army	330	330	60,315	68,693		60,315		68,693		60,315		68,693		92,594
DoD Del Comt Mgt Ays - National	15	15	11,910	15,953		11,910		15,953		11,910		16,054		16,054
DoD Inspector General	45	45	9,993	13,385		9,993		13,385		9,993		13,470		13,470
Federal Acquisition Service	1	1	100	134		100		134		100		135		135
Federal Acquisition Service	7	7	965	1,293		965		1,293		965		1,301		1,301
Food And Nutrition Service	9	9	3,269	4,336		3,269		4,336		3,269		4,336		5,851
GSA Outleased Space			24,186	31,886		24,186		31,886		24,186		31,886		87,613
Joint Use			27,700	36,916		27,700		36,916		27,700		36,916		41,673
Military Entainment Processing Command	75	75	4,627	6,434		4,627		6,434		4,627		6,434		15,082
Public Buildings Service, Field Offices	18	18	1,442	1,931		1,442		1,931		1,442		1,943		1,943
USA Criminal Investigation Command	28	28	1,826	2,720		1,826		2,720		1,826		2,720		4,546
USA Hq Army, Retr Cmd	3	3	315	470		315		470		315		473		473
USA Nat Guard Bar	50	50	11,931	16,402		11,931		16,402		11,931		16,506		16,506
USDA NAD	1	1	351	470		351		470		351		473		473
Vacant Unassigned Space			18,449	34,030		18,449		34,030		18,449		34,245		34,245
<b>Total:</b>	<b>5,919</b>	<b>5,919</b>	<b>1,053,692</b>	<b>1,578,863</b>	<b>5,919</b>	<b>1,053,692</b>	<b>5,919</b>	<b>1,578,863</b>	<b>5,919</b>	<b>1,053,692</b>	<b>5,919</b>	<b>1,578,863</b>	<b>5,919</b>	<b>1,588,863</b>

Special Space	Total
Restroom	4,267
Climate	1,284
Physical Fitness	4,381
Child Care	5,818
Conference	3,765
Auditorium	10,887
ADP	23,797
Food Service	20,574
Other - Vaults	611
<b>Total:</b>	<b>74,884</b>



**U.S. House of Representatives**  
**Committee on Transportation and Infrastructure**  
**Washington, DC 20515**

**James L. Oberstar**  
**Chairman**

**John L. Mica**  
**Ranking Republican Member**

David Heysfeld, Chief of Staff  
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

**COMMITTEE RESOLUTION**

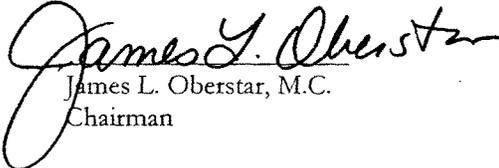
**ALTERATION**  
**DANIEL PATRICK MOYNIHAN U.S. COURTHOUSE**  
**NEW YORK, NY**  
**PNY-0351-NY11**

*Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for alterations to the Daniel Patrick Moynihan U.S. Courthouse at 500 Pearl Street, New York, NY, at a proposed total cost of \$28,000,000, a prospectus for which is attached to and included in this resolution.*

*Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.*

*Provided further, that within 180 days of approval of this resolution, GSA 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 on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.*

**Adopted: December 2, 2010**

  
James L. Oberstar, M.C.  
Chairman

GSA

PBS

**PROSPECTUS - ALTERATION  
DANIEL PATRICK MOYNIHAN U.S. COURTHOUSE  
NEW YORK, NY**

Prospectus Number: PNY-0351-NY11  
Congressional District: 08

**Project Summary**

The General Services Administration (GSA) proposes alterations to the Daniel Patrick Moynihan U.S. Courthouse at 500 Pearl Street, New York, NY, that will restore space for use by the Courts upon the vacation by the District judges. In support of the building-wide modernization project currently underway for the Thurgood Marshall Courthouse, New York, NY, it was necessary to relocate Probation and Pretrial Services from the Moynihan Courthouse to leased swing space to provide temporary chambers for the District judges from the Marshall Courthouse. When the District judges move back into the Marshall Courthouse in 2012, approximately 138,000 rentable square feet (rsf), will be vacant in the Moynihan Courthouse. In addition, GSA will address entrance security and screening.

**Major Work Items**

Demolition, interior alterations, security and entrance screening, HVAC, fire and life safety measures, and electrical replacement.

**Project Budget**

Design and Review .....	\$2,031,000
Estimated Construction Cost (ECC) .....	22,000,000
Management and Inspection (M&I).....	3,969,000
<b>Estimated Total Project Cost (ETPC)*.....</b>	<b>\$28,000,000</b>

\* Tenant agencies may fund an additional amount for alterations above the standard normally provided by the GSA.

**Authorization Requested (Design, ECC and M&I).....** \$28,000,000

**Funding Requested (ETPC).....** \$28,000,000

**Prior Authority and Funding**

None

**Prior Prospectus-Level Projects in Building (past 10 years):**

None

**Schedule**

Design and Construction

**Start**

FY 2011

**End**

FY 2014

GSA

PBS

**PROSPECTUS - ALTERATION  
DANIEL PATRICK MOYNIHAN U.S. COURTHOUSE  
NEW YORK, NY**

Prospectus Number: PNY-0351-NY11  
Congressional District: 08

**Building**

The Moynihan Courthouse is a 27-story, 933,715 gross square foot building located at 500 Pearl Street in lower Manhattan. Upon its completion in 1994, it was the largest Federal courthouse in the nation. The building has 29 district judge courtrooms, 14 magistrate judge courtrooms, a special courtroom for mega trials and ceremonies, and 42 chambers. It offers state-of-the-art telecommunications, energy-efficient lighting, heating and air-conditioning.

**Tenant Agencies**

Judiciary and GSA

**Proposed Project**

Temporary judges' chambers were constructed and other spaces throughout the building were modified to accommodate the District judges and other Court-related agencies from the Marshall Courthouse. The original tenants, Probation and Pretrial Services, were temporarily relocated to leased space in the Woolworth Building at 233 Broadway, New York, NY. The proposed project includes the demolition, retrofit, and realignment of space in order to meet the Courts' current needs. In addition, due to revised space requirements for the Courts, three new additional District chambers will be constructed. Finally, GSA will address entrance security and screening.

**Major Work Items**

Demolition	\$1,371,000
Interior Alterations	7,932,000
Security/Enhanced Screening	5,511,000
HVAC	4,121,000
Electrical Replacement	1,865,000
Fire and Life Safety	<u>1,200,000</u>
<b>Total ECC</b>	<b>\$22,000,000</b>

**Justification**

The proposed alterations will allow for the recapture of approximately 138,000 rsf of vacated space in the Moynihan Courthouse after the District judges return to the Marshall Courthouse. Ongoing costs to the Government include additional rental expenses as long as Probation and Pretrial Services remain in their temporary leased space.

GSA

PBS

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**PROSPECTUS - ALTERATION  
DANIEL PATRICK MOYNIHAN U.S. COURTHOUSE  
NEW YORK, NY**

Prospectus Number: PNY-0351-NY11  
Congressional District: 08

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**Summary of Energy Compliance**

This project will integrate and implement sustainable design principles and energy efficiency effort as seamlessly as possible into all aspects of both the design and construction process. The goal is to obtain certification through the Leadership in Energy and Environmental Design (LEED) Green Building Rating System of the U.S. Green Building Council.

**Alternatives Considered (30-year, present value cost analysis)**

There are no feasible alternatives to this project.

**Recommendation**

ALTERATION

GSA

PBS

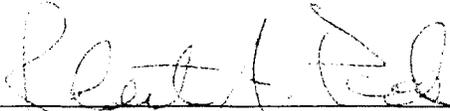
**PROSPECTUS - ALTERATION  
DANIEL PATRICK MOYNIHAN U.S. COURTHOUSE  
NEW YORK, NY**

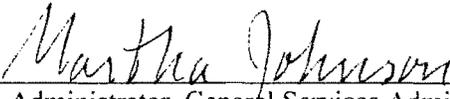
Prospectus Number: PNY-0351-NY11  
Congressional District: 08

**Certification of Need**

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on May 13, 2010

Recommended:   
Commissioner, Public Buildings Service

Approved:   
Administrator, General Services Administration



**U.S. House of Representatives**  
**Committee on Transportation and Infrastructure**  
**Washington, DC 20515**

**James L. Oberstar**  
Chairman

**John L. Mica**  
Ranking Republican Member

David Heysfeld, Chief of Staff  
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

**COMMITTEE RESOLUTION**

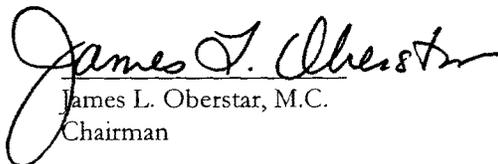
**DESIGN**  
**FEDERAL BUILDING/PARKING GARAGE**  
**11000 WILSHIRE BOULEVARD**  
**LOS ANGELES, CA**  
PDS-02011

*Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for the design of alterations for the Federal Building/Parking Garage at 11000 Wilshire Boulevard, Los Angeles, CA, at a proposed cost of \$51,217,000, a prospectus for which is attached to and included in this resolution.*

*Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.*

*Provided further, that within 180 days of approval of this resolution, GSA 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 on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.*

**Adopted: December 2, 2010**

  
James L. Oberstar, M.C.  
Chairman

GSA

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**PROSPECTUS – ALTERATION  
Prospectus for Design**

Description

The General Services Administration (GSA) is seeking authorization for design projects during fiscal year 2011 that we will schedule for construction in future years. Project descriptions are attached.

Justification

By seeking authority to start the design for projects prior to construction phase funding, an orderly and timely accomplishment of a planned program is ensured. Under the separate funding approach, we will submit construction prospectuses for each project along with the budget requests.

Included are projects for improvements to building and safety systems, remodeling and recapture of vacant space, security upgrades, hazardous materials abatement, building exterior repairs, and seismic strengthening.

Recommendation

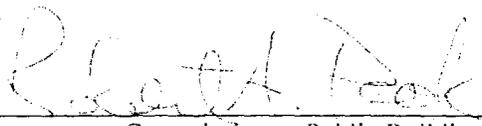
Authorize design for \$96,453,000 for the projects attached. The construction costs indicated at this time are preliminary and will be refined and finalized prior to future requests for funding.

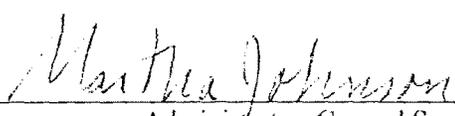
**Authority Requested in this Prospectus.....\$96,453,000**

Certification of Need

The proposed projects are the best solutions to meet validated Government needs.

Submitted at Washington, DC, on May 13, 2010

Recommended:   
Commissioner, Public Buildings Service

Approved:   
Administrator, General Services Administration

GSA

PBS

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**PROSPECTUS – ALTERATION**  
**Prospectus for Design**

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FISCAL YEAR 2011 ALTERATION DESIGN PROJECTS  
(Alphabetical by State)

<u>LOCATION</u>	<u>FY 2011 FUNDING</u>
Los Angeles, CA Federal Building Complex (11000 Wilshire Boulevard)	\$51,217,000
San Diego, CA Edward J. Schwartz Federal Building & U.S. Courthouse	\$22,336,000
Washington, DC Elijah Barrett Prettyman U.S. Courthouse	\$22,900,000
<b>TOTAL.....</b>	<b>\$96,453,000</b>

GSA

PBS

**PROSPECTUS – ALTERATION  
Prospectus for Design**

Prospectus Number: PDS-02011  
Congressional District: 30

<u>PROJECT:</u>	Federal Building/Parking Garage (11000 Wilshire Boulevard)
<u>LOCATION:</u>	Los Angeles, CA
<u>ESTIMATED TOTAL PROJECT COST:</u>	\$627,557,000
<u>DESIGN:</u>	\$51,217,000
<u>CONSTRUCTION:</u>	\$527,000,000
<u>MANAGEMENT &amp; INSPECTION:</u>	\$49,340,000
<u>AMOUNT REQUESTED IN FY2011 (Design):</u>	\$51,217,000

WORK ITEMS SUMMARY:

Seismic retrofit and blast-resistance upgrades, exterior construction, roof replacement, clean and repair exterior, interior construction, replacement of HVAC/electrical/plumbing systems, fire and life safety upgrades, elevator upgrades, and hazardous materials abatement.

DESCRIPTION:

The Federal Building Complex, located at 11000 Wilshire Boulevard in the Westwood area of Los Angeles is comprised of four buildings totaling approximately 725,000 gross square feet. The complex incorporates a 17-story office tower, two ancillary buildings connected to the office tower, and a parking garage. The proposed project will renovate the 561,559 gross square foot U.S. Federal Building and the 192,192 gross square foot parking garage. The Federal Bureau of Investigation (FBI) is the primary occupant.

Since the attacks of September 11, 2001, and the subsequent enactment by Congress on October 24, 2001 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001, the FBI has grown in size and has incorporated new programs and assumed new operational responsibilities. Over the past several years, the FBI offices and operations in the Los Angeles, CA, area have grown significantly in their response to increasing concerns about national security, occupying six locations across the Los Angeles area.

The amount of office and related space has not kept pace with the significant growth in personnel and technical and investigative/operational needs. Local offices of the FBI are overcrowded, constraining normal office operations and the amount of support and special space is also inadequate for the designated functions and unable to support new programs. The decentralized critical functions and the inability to expand has fractured organization, supervisory oversight and information management and coordination.

GSAPBS

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**PROSPECTUS – ALTERATION**  
**Prospectus for Design**

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Continued occupancy of the Federal Building allows for the utilization of an existing asset, the avoidance of costly lease payments, and minimal disruption to FBI operations. The proposed project will allow FBI to expand by consolidating various lease locations into one building at the 11000 Wilshire Federal Building and occupy all facilities on site with the exception of the existing U.S. Post Office and GSA Field Office. All other building tenants will be permanently relocated allowing for swing space during construction. The expansion space that will become available through the renovation of 11000 Wilshire Boulevard will address the anticipated growth in requirements over the next ten years.

Repair and alteration of the Federal Building complex is urgently needed due to the age and condition of the facilities. Most building systems will be replaced and the entire Federal Building will undergo significant structural seismic and blast-resistance upgrades and energy efficiency measures. Construction is to be accomplished in three phases. A future site enhancement prospectus proposal will address long-term site use, security and other parameters.



**U.S. House of Representatives**  
**Committee on Transportation and Infrastructure**  
**Washington, DC 20515**

**James L. Oberstar**  
Chairman

**John L. Mica**  
Ranking Republican Member

**COMMITTEE RESOLUTION**

David Heymsfeld, Chief of Staff  
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

**CONSTRUCTION**  
**U.S. COURTHOUSE**  
**SALT LAKE CITY, UT**

*Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that pursuant to 40 U.S.C. § 3307, appropriations are authorized for the management and inspection costs and construction costs of the U.S. courthouse, Salt Lake City, UT, not to exceed 409,397 gross square feet (including inside parking), at a combined cost of \$185,700,000, a fact sheet for which is attached to and included in this resolution.*

*Provided, that the Administrator of General Services shall ensure that the Salt Lake City, Utah courthouse contains no more than 10 courtrooms.*

*Provided further, that the Administrator of General Services shall ensure that the courtroom sharing policies approved by the Judicial Conference in September 2008 for senior District Judges and in March 2009 for Magistrate Judges are utilized in the design and construction of the Salt Lake City, Utah courthouse;*

*Provided further, that the Administrator of General Services shall require that any excess space not allocated to courtroom or other court-related use in the Salt Lake City, Utah courthouse shall be used to provide office space to Executive Branch agencies that are not ancillary or related to the Federal judiciary;*

*Provided further, that the Administrator of General Services shall submit a prospectus for any additional expansion space, after completion of construction and occupancy of the Salt Lake City, Utah courthouse, for court or other court-related use requested in such courthouse;*

*Provided further, that prior to acceptance of the Guaranteed Maximum Price (GMP), the Administrator of General Services shall advise the Committee on Transportation and Infrastructure of the House of Representatives of the number of courtrooms, chambers, court space, and other agency space to be provided in the entire Salt Lake City, Utah courthouse complex (including the Moss Courthouse);*

*Provided further, that no additional funds, beyond the GMP, in effect on the date of this resolution, for the construction of the Salt Lake City, Utah courthouse, as of the adoption of this resolution, shall be authorized or obligated for this project;*

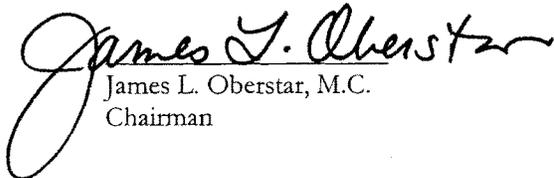
*Provided further*, that prior to the design of the Moss Courthouse renovation, the Administrator of General Services shall provide the Committee on Transportation and Infrastructure of the House of Representatives a report on the optimal housing plan for the courts, including recommendations about the preferred asset management strategy, with accompanying economic analyses of alternatives for the Moss Courthouse as: a Federal building and courthouse; a Federal building without a court presence; or a plan to reposition the Moss Courthouse out of Federal ownership;

*Provided further*, that to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project;

*Provided further*, that within 180 days of adoption of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for the project, and if such systems are not used for the project, the specific rationale for GSA's decision.

*Provided further*, that beginning on July 19, 2006, the Judicial Conference of the United States shall specifically approve each departure from the *U.S. Courts Design Guide* for each U.S. courthouse construction project which results in additional estimated costs of the project (including additional rent payment obligations) and that the Judicial Conference provide a specific list of each departure and the justification and estimated costs (as supplied by GSA) of such departure for each U.S. courthouse construction project to GSA. Each U.S. courthouse construction prospectus submitted by GSA shall include a specific list of each departure and the justification and estimated cost (including additional rent payment obligations) of such departure and GSA's recommendation on whether the Committee on Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate should approve such departure.

**Adopted:** December 2, 2010

  
James L. Oberstar, M.C.  
Chairman

GSA

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**FACTSHEET**  
**U.S. COURTHOUSE**  
**SALT LAKE CITY, UT**  
 July 23, 2010

**Description**

This project involves the construction of a 409,397 gross square foot Courthouse (CT), including 101 inside parking spaces, in Salt Lake City, UT. The CT will be constructed to meet the 10-year space needs of the District Court and court-related agencies and the site will accommodate the 30-year expansion requirements. The Judiciary's Five-Year Plan, which reflects construction priorities approved by the Judicial Conference, includes a courthouse in Salt Lake City, UT.

**Project Summary**

**Site Information**

Acquired.....	4.5 acres
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**Building Area**

Gross Square Feet (excluding inside parking).....	357,524
Gross Square Feet (including inside parking).....	409,397

**Project Budget**

Site (FY97, FY02, FY03, FY07) .....	\$28,024,000
Design (FY97, FY03, FY07) .....	12,640,000
Management and Inspection .....	8,700,000
Estimated Construction Cost (\$432/gsf including parking) .....	<u>177,000,000</u>
<b>Estimated Total Project Cost .....</b>	<b>\$226,364,000</b>

**House Authorization Requested**

(ECC and M&I) .....	\$185,700,000
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**Senate Authorization Requested**

(ECC and M&I) .....	\$185,700,000
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GSA

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**FACTSHEET**  
**U.S. COURTHOUSE**  
**SALT LAKE CITY, UT**  
 July 23, 2010

**Description**

This project involves the construction of a 409,397 gross square foot Courthouse (CT), including 101 inside parking spaces, in Salt Lake City, UT. The CT will be constructed to meet the 10-year space needs of the District Court and court-related agencies and the site will accommodate the 30-year expansion requirements. The Judiciary's Five-Year Plan, which reflects construction priorities approved by the Judicial Conference, includes a courthouse in Salt Lake City, UT.

**Project Summary**

**Site Information**

Acquired.....	4.5 acres
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**Building Area**

Gross Square Feet (excluding inside parking).....	357,524
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**Project Budget**

Site (FY97, FY02, FY03, FY07) .....	\$28,024,000
Design (FY97, FY03, FY07) .....	12,640,000
Management and Inspection .....	8,700,000
Estimated Construction Cost (\$432/gsf including parking) .....	<u>177,000,000</u>
<b>Estimated Total Project Cost .....</b>	<b>\$226,364,000</b>

**House Authorization Requested**

<b>(ECC and M&amp;I) .....</b>	<b>\$185,700,000</b>
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**Senate Authorization Requested**

<b>(ECC and M&amp;I) .....</b>	<b>\$185,700,000</b>
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GSA

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**FACTSHEET  
U.S. COURTHOUSE  
SALT LAKE CITY, UT  
July 23, 2010**

**Schedule**

FY 2007	Additional Site and Design
FY 2010	Construction
FY 2013	Occupancy

**Overview of Project**

The new CT will provide 13 courtrooms and 16 chambers to accommodate 16 judges (5 active district, 4 senior district, 4 magistrate, and 3 bankruptcy) and the U.S. Marshals Service. When complete, the new CT will provide for the 10-year space requirements of the U.S. District Court in Salt Lake City, UT. The site will accommodate the 30-year space requirements of the court.

**Tenant Agencies**

The new CT will house the District Court, Probation and the U.S. Marshals Service. The Public Defender Service and U.S. Attorneys Office will have trial preparation space.

**Delineated Area**

The site is located in the Central Business District of Salt Lake City, UT, adjacent to the existing Moss CT.

**Justification**

The Moss CT, constructed in 1905, is listed on the National Register for Historic Places as a part of the Exchange Place Historic District and has been maintained in good condition. It consists of five stories and a basement and contains 234,288 gross square feet of space. The building's primary tenants are the U.S. Courts and U.S. Marshals. However, the building is structurally unable to meet the U.S. Courts Design Guide (USCDG) minimum standards for district courtrooms and does not provide for secure prisoner circulation (sallyport, elevators, corridors and courtroom holding cells).

In addition, space needs for support services are also expected to grow. The number of deputy clerks will increase from 30 to 57 for the District Court and from 43 to 95 for the Bankruptcy Court. Other court-related activities such as the Probation Office, Pretrial Services, U.S. Attorney, U.S. Marshals, will all need significant amounts of additional space.

**Explanation of Changes**

The square footage for the proposed project is based on design drawings rather than pre-design programmatic formulas used previously.

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**FACTSHEET**  
**U.S. COURTHOUSE**  
**SALT LAKE CITY, UT**  
July 23, 2010

The proposed project is 79,500 gsf larger than currently authorized by the House Committee on Transportation and Infrastructure. Inside parking accounts for 34,273 gsf of the increase due to an increase of 57 in the number of inside parking spaces from 44 to 101 and an increase in the standard per car from 400 to 450. The building excluding parking increased 45,228 gsf. Judiciary space increased 40,132 gsf including increases for the District Court (27,298 gsf including one additional magistrate courtroom and chambers and assignable circulation), Bankruptcy Court (2,945 gsf - this is a tunnel connection from the CT to Moss CT), Circuit Library (9,222 gsf), and Probation (678 gsf), with a decrease for Federal Public Defender (-11 gsf). Non-judiciary space decreased 4,781 gsf including increases for U.S. Attorney (2,674 gsf), U.S. Marshal Service (1,623 gsf), and DHS/FPS (1,178 gsf previously included in GSA space), and decreases for GSA (-1,758 gsf), and Joint Use (-8,498 gsf). Vertical penetrations, mechanical space and circulation account for 9,877 gsf.

The proposed project is 40,951 gsf larger than currently authorized by the Senate Committee on Environment and Public Works. Inside parking accounts for 6,423 gsf of the increase. Judiciary space increased 23,595 gsf including increases for the District Court (18,277 gsf primarily due to assignable circulation), Bankruptcy Court (2,945 gsf - this is a tunnel connection from the CT to Moss CT), Probation (1,675 gsf) and the Circuit Library (709 gsf). Federal Public Defender decreased (-11 gsf). Non-judiciary space increased 724 gsf including increases for the U.S. Marshal Service (3,618 gsf),

U.S. Attorney (458 gsf), and DHS/FPS (1,178) and decreases for GSA (-2,462 gsf) and Joint Use (-2,068 gsf). Vertical penetrations, mechanical space and circulation account for 10,206 gsf.

The estimated total project cost (ETPC) of the proposed project reflects an increase of \$111,310,000 from the ETPC of the project currently authorized by the House Committee (which is the result of program growth, construction escalation, lost design effort, additional site costs and changes in the projected start of construction from FY 2004 to FY 2011). The ETPC reflects an increase of \$40,945,000 from the ETPC of the project currently authorized by the Senate Committee (which is the result of program growth, construction escalation, lost design effort, additional site costs and changes in the projected start of construction from FY 2004 to FY 2011).

The project complies with the requirement in the House Transportation and Infrastructure Committee resolution dated July 19, 2006, that one courtroom be provided for every two senior district judges.

**FACTSHEET  
U.S. COURTHOUSE  
SALT LAKE CITY, UT  
July 23, 2010**

Space Requirements of the U.S. Courts

	Current		Request	
	Courtrooms	Judges	Courtrooms Annex	Judges
District				
- Active	4	5	5	5
- Senior	3	4	2	4
Magistrate				
- Active	3	4	3	4
Bankruptcy				
- Active	3	3	3**	3**
<b>Total:</b>	<b>13*</b>	<b>16</b>	<b>13</b>	<b>16</b>

\*Only 1 courtroom meets the minimum USCDG standards for district courtrooms. Four other meet minimum standards for magistrate or bankruptcy.

\*\*The courthouse as designed envisions 14 courtrooms and 16 chambers. One district and two magistrate courtrooms and chambers will be temporarily assigned to the bankruptcy judges during the renovation of the Moss Courthouse. A temporary chamber will be constructed in lieu of the 14<sup>th</sup> district courtroom. The renovation is planned to start after the completion of the Annex and is expected to last approximately 3 years. The use of these courtrooms and chambers provides \$7.9 million in lease cost avoidance.

Prior to the design of the Moss Courthouse renovation, GSA shall provide the Committee a report on the optimal housing plan for the courts. This report shall identify GSA's housing plan for the Courts in Salt Lake City. It shall include recommendations about the preferred asset management strategy for the Moss Courthouse and whether or not the Moss Courthouse should continue to be a courthouse and federal building, a federal building without a courts presence or should the building be repositioned out of federal ownership.

Summary of Energy Compliance

This project is designed to conform to the requirements of the Facilities Standards for the Public Buildings Service and to earn Leadership in Energy and Environmental Design (LEED) certification. It will also meet energy efficiency and performance requirements in effect during design. GSA will encourage exploration of opportunities to gain increased energy efficiency above the measures achieved in the design.



**U.S. House of Representatives**  
**Committee on Transportation and Infrastructure**  
**Washington, DC 20515**

**James L. Oberstar**  
Chairman

**John L. Mica**  
Ranking Republican Member

David Heysfeld, Chief of Staff  
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

**COMMITTEE RESOLUTION**

**CONSTRUCTION**  
**U.S. LAND PORT OF ENTRY**  
**CALEXICO, CA**  
**PCA-BSC-CA11**

*Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for the reconfiguration and expansion of the existing land port of entry in downtown Calexico, CA, at management and inspection costs of \$28,119,000 and estimated construction costs of \$246,344,000, for a combined cost of \$274,463,000, a prospectus for which is attached to and included in this resolution.*

*Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.*

*Provided further, that within 180 days of approval of this resolution, GSA 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 on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.*

**Adopted: December 2, 2010**

  
James L. Oberstar, M.C.  
Chairman

GSA

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**PROSPECTUS - CONSTRUCTION  
U.S. LAND PORT OF ENTRY  
CALEXICO, CA**

Prospectus Number: PCA-BSC-CA11  
Congressional District: 51

**Description**

The General Services Administration (GSA) proposes reconfiguration and expansion of the existing land port of entry (LPOE) in downtown Calexico, CA. The project includes new pedestrian processing and privately owned vehicle (POV) inspection facilities, a new headhouse to provide supervision and services to the non-commercial vehicle inspection area, new administration offices and a parking structure. The expanded facilities will occupy both the existing inspection compound and the site of the former commercial inspection facility, decommissioned in 1996 when commercial traffic was redirected to the newly completed LPOE six miles east of downtown Calexico.

**Project Summary**

**Site Information**

Government Owned ..... 13.5 acres  
To Be Acquired ..... 4.0 acres

**Building Area**

Building (including canopies) ..... 260,410 gsf  
Building (excluding canopies and inside parking) ..... 106,605 gsf  
Outside parking spaces<sup>1</sup> ..... 76  
Structured parking spaces ..... 264

**Cost Information**

Site Development Cost<sup>2</sup> ..... \$164,238,000  
Building Costs (includes inspection canopies) (\$315/gsf) ..... \$82,106,000

<sup>1</sup> Parking configuration has changed from that stated in Prospectus No. PCA-BSD-CA10. Additional southbound lanes will displace surface parking stalls and require construction of a parking deck. Therefore, the prospectus realigns the number of outside spaces and structured spaces.

<sup>2</sup> Site development costs include grading, utilities, paving, extensive fill work for soil stabilization, and demolition of existing facilities.

GSA

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**PROSPECTUS - CONSTRUCTION  
U.S. LAND PORT OF ENTRY  
CALEXICO, CA**

Prospectus Number: PCA-BSC-CA11  
Congressional District: 51

**Project Budget**

**Site Acquisition**

Site Acquisition (FY 2007).....\$2,000,000  
Additional Site Acquisition (FY 2010).....3,000,000  
**Total Site Acquisition** .....**\$5,000,000**

**Design**

Design (FY 2007) .....\$12,350,000  
Additional Design (FY 2010) .....6,437,000  
**Total Design**.....**\$18,787,000**

**Estimated Construction Cost (ECC)**

Phase I.....\$78,462,000  
Phase II (future fiscal year request) .....167,882,000  
**Total ECC**.....**\$246,344,000**

**Management and Inspection (M&I)**

Phase I .....\$5,897,000  
Phase II (future fiscal year request) .....22,222,000  
**Total M&I**.....**\$28,119,000**

**Estimated Total Project Cost (ETPC)\*.....\$298,250,000**

\* Tenant agencies may fund an additional amount for alterations above the standard normally provided by GSA.

GSA

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**PROSPECTUS - CONSTRUCTION  
U.S. LAND PORT OF ENTRY  
CALEXICO, CA**

Prospectus Number: PCA-BSC-CA11  
Congressional District: 51

**Authorization Requested**

**(Phases I & II ECC; Phases I & II M&I) ..... \$274,463,000<sup>3</sup>**

**Funding Requested (Phase I ECC; Phase I M&I) ..... \$84,359,000**

**Prior Authority and Funding**

- The House Committee on Transportation and Infrastructure authorized \$14,350,000, including \$2,000,000 for site acquisition and \$12,350,000 for design, on April 5, 2006.
- The House Committee on Transportation and Infrastructure authorized \$9,437,000, including \$3,000,000 for additional site acquisition and \$6,437,000 for additional design on November 5, 2009.
- The Senate Committee on Environment and Public Works authorized \$14,350,000 for site acquisition and design on May 23, 2006.
- The Senate Committee on Environment and Public Works authorized \$9,437,000 for additional site acquisition and design on February 4, 2010.
- Through Public Law 110-5, GSA’s Spending Plan included \$14,350,000 for site acquisition and design.
- Through Public Law 111-117, Congress appropriated \$9,437,000 in FY 2010 for additional site acquisition and design.

<sup>3</sup> GSA has worked closely with DHS program offices responsible for developing and implementing security technology at the Land Ports of Entry (LPOE’s). These programs include United States Visitor and Immigrant Status Indicator Technology (US-VISIT), Radiation Portal Monitors (RPM’s) and Advanced Spectroscopic Portal (ASPs) monitors, Western Hemisphere Travel Initiative (WHTI) and Non-Intrusive Inspection (NII). This prospectus contains the funding of infrastructure requirements for each program known at the time of prospectus development since these programs are at various stages of development and implementation. Additional funding by a Reimbursable Work Authorization (RWA) may be required to provide for as yet unidentified elements of each of these programs to be implemented at this port.

GSA

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**PROSPECTUS - CONSTRUCTION  
U.S. LAND PORT OF ENTRY  
CALEXICO, CA**

Prospectus Number: PCA-BSC-CA11  
Congressional District: 51

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<u>Schedule</u>	<b>Start</b>	<b>End</b>
<b>Design</b>	FY 2007	FY 2010
<b>Construction</b>		
Phase I	FY 2011	FY 2013
Phase II	TBD	TBD

**Overview of Project**

The existing LPOE is a pedestrian and vehicle inspection facility constructed in 1974. It comprises a main building and a decommissioned commercial inspection building. The project includes the creation of new pedestrian and POV inspection facilities, and expansion of the port onto the site of the former commercial inspection facility. The commercial inspection operation was moved to Calexico East in 1996. Primary POV inspection facilities will include 16 northbound inspection lanes, five southbound inspection lanes, and a parking structure. There will be new administration space, a new headhouse, and 32 secondary inspection stations serving both northbound and southbound traffic.

The project will be constructed in two phases. Phase I will consist of ten northbound POV inspection lanes, a headhouse and site work necessary to accommodate those facilities on the sloping site. Phase II will consist of the balance of the project, including additional site work, a pedestrian processing facility, administrative offices, five southbound POV inspection lanes, six additional northbound POV inspection lanes and the parking structure.

**Tenant Agencies**

Defense–Joint Mexican–U.S. Commission; Department of Homeland Security–Animal Plant Health Inspection Service; Customs and Border Protection; Immigration and Customs Enforcement; United States Department of Agriculture–Food Safety and Inspection; State Department–Consular Affairs.

**Location**

The site is located at the existing LPOE in Calexico, CA at 200 First Street.

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**PROSPECTUS - CONSTRUCTION  
U.S. LAND PORT OF ENTRY  
CALEXICO, CA**

Prospectus Number: PCA-BSC-CA11  
Congressional District: 51

**Justification**

On an average day, over 16,000 privately operated vehicles and 20,000 pedestrians enter the U.S. through this LPOE. The existing facilities are undersized relative to existing traffic loads and obsolete in terms of inspection officer safety and border security. The space required to accommodate modern inspection technologies is not available in the existing facility. When completed, the project will provide the port operation with adequate operational space, reduced traffic congestion, and a safe environment for port employees and visitors.

**Summary of Energy Compliance**

The Calexico LPOE project will be designed to conform to the requirements of the Facilities Standards for the Public Buildings Service and to earn Leadership in Energy and Environmental Design (LEED) certification. It will also meet energy efficiency and performance requirements in effect during design. GSA will encourage exploration of opportunities to gain increased energy efficiency above the measures achieved in the design.

**Alternatives Considered**

GSA owns and maintains the existing facilities at this port of entry; thus no alternative other than Federal construction was considered.

**Recommendation**

CONSTRUCTION

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**PROSPECTUS - CONSTRUCTION  
U.S. LAND PORT OF ENTRY  
CALEXICO, CA**

Prospectus Number: PCA-BSC-CA11  
Congressional District: 51

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**Certification of Need**

The proposed project is the best solution to meet a validated Government need.

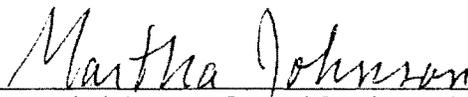
Submitted at Washington, DC, on May 13, 2010

Recommended:



Commissioner, Public Buildings Service

Approved:



Administrator, General Services Administration

September 2009

Housing Plan  
US Land Port of Entry

PCA-BSC-CA11  
Calexico, CA

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)		RSF		Personnel		Usable Square Feet (USF)		RSF	
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
<b>US BORDER STATION</b>												
DHS - Customs & Border Protection	155	155	31,569	31,455	10,169	73,193	479	479	30,947	4,213	184,222	219,382
DHS - APHS	10	10	1,708	1,008	771	3,487	0	0	657	165	1,600	2,422
Department of Army	0	0	0	0	0	0	2	2	660	0	0	660
DHS - Immigration And Customs Enforcement	0	0	0	0	0	0	35	35	6,913	0	0	6,913
Public Bldgs Service, Field Office	0	0	0	0	0	0	1	1	2,157	0	0	2,157
SD Consular Affairs	0	0	0	0	0	0	0	0	0	0	0	0
Joint Use	0	0	2,180	0	796	2,976	0	0	0	0	125	125
<b>Total:</b>	<b>165</b>	<b>165</b>	<b>35,457</b>	<b>32,463</b>	<b>11,736</b>	<b>79,656</b>	<b>517</b>	<b>517</b>	<b>41,334</b>	<b>4,378</b>	<b>186,667</b>	<b>232,379</b>
												<b>255,081</b>

Special Space	
Laboratory	1,600
Holding Cell	11,379
Restroom	5,136
Physical Fitness	990
Conference	3,780
ADP	1,040
Vehicle Lift	336
Inspection Canopy	153,805
Control Booth	995
Vaults	400
Interview Rooms	1,605
Break Rooms	990
Lockers	3,780
Sallyport	491
Secured Elevator	176
Hazmat Shower & Eyewash	64
Telephone Room	100
<b>Total:</b>	<b>186,667</b>



**U.S. House of Representatives**  
**Committee on Transportation and Infrastructure**  
**Washington, DC 20515**

**James L. Oberstar**  
Chairman

**John L. Mica**  
Ranking Republican Member

David Heysfeld, Chief of Staff  
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

**COMMITTEE RESOLUTION**

**CONSTRUCTION**  
**DEPARTMENT OF HOMELAND SECURITY**  
**CONSOLIDATION, INFRASTRUCTURE, SITE ACQUISITION, AND**  
**DEVELOPMENT OF ST. ELIZABETHS CAMPUS**  
**WASHINGTON, DC**  
PDC-0002-WA11

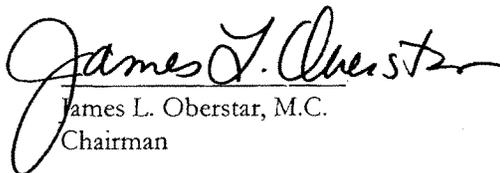
*Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, additional appropriations are authorized for the consolidation of the Department of Homeland Security headquarters at St. Elizabeths West Campus, Washington, DC, for an additional combined estimated project cost of \$1,149,406,000, a prospectus for which is attached to and included in this resolution.*

*Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.*

*Provided further, that no new pedestrian tunnels shall be constructed between the East Campus and West Campus of St. Elizabeths.*

*Provided further, that within 180 days of approval of this resolution, GSA 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 on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.*

**Adopted: December 2, 2010**

  
James L. Oberstar, M.C.  
Chairman

GSA

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**PROSPECTUS – CONSTRUCTION  
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION,  
INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF  
ST. ELIZABETHS CAMPUS  
WASHINGTON, DC**

Prospectus Number: PDC-0002-WA11

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**Description**

The Department of Homeland Security (DHS) is consolidating its headquarters in the National Capital Region (NCR). DHS's current facilities are dispersed across more than 40 locations in the NCR, which is adversely impacting critical communication, coordination, and cooperation across DHS's many components. A unified, secure campus that brings together DHS's executive leadership and operational management will enable more efficient and effective execution of DHS's incident management and command-and-control functions.

In accordance with the final Master Plan approved by the Commission of Fine Arts (CFA) on November 20, 2008 and by the National Capital Planning Commission (NCPC) on January 8, 2009, GSA proposes to develop a secure facility for DHS at St. Elizabeths, a National Historic Landmark. DHS's program will be housed on both the West Campus and East Campus but will function as one unified campus. This new complex will also result in significant taxpayer savings in the long run.

St. Elizabeths West Campus was transferred to the General Services Administration (GSA) from the Department of Health and Human Services (HHS) in 2004. It was identified as the best GSA-controlled site in the District of Columbia (DC) to meet DHS's minimum consolidation requirement of approximately 4.5 million gross square feet (gsf) of office and related space and parking in a secure setting on an acceptable timetable.<sup>1</sup> GSA proposes a phased development strategy beginning with the construction of the United States Coast Guard (USCG) headquarters as outlined below. In conjunction with the development of the site for use as the national headquarters of DHS, GSA has begun and proposes to continue repairing and upgrading the existing infrastructure on a phased basis in tandem with the development of St. Elizabeths. GSA also proposes site acquisitions to enhance access to the site and to mitigate traffic impacts to the local community as outlined in the Record of Decision dated December 16, 2008. There will also be a GSA field office on the campus.

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<sup>1</sup> The approved Master Plan places up to 750,000 gsf and parking on the St. Elizabeths East Campus that is owned by the District of Columbia (DC). GSA is working closely with DC on this portion of the DHS headquarters consolidation.

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**PROSPECTUS – CONSTRUCTION  
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION,  
INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF  
ST. ELIZABETHS CAMPUS  
WASHINGTON, DC**

Prospectus Number: PDC-0002-WA11

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The goal of the infrastructure portion of this project is to prepare St. Elizabeths for redevelopment as a Federal facility by providing a reliable infrastructure that will serve the needs of tenants for many years. The infrastructure will support the overall development and will be timed with the development phases. Its overall scope includes planning, repairs, security and historic preservation mitigation included in the Programmatic Agreement for the undertaking executed on December 9, 2008.

GSA also needs to acquire portions of adjacent sites as part of the overall development of the West Campus. The final Master Plan approved by the National Capital Planning Commission (NCPC) is based, in part, on GSA's ability to construct an access road from Firth Sterling Avenue, S.E., through the site and into National Park Service (NPS) land that will connect to an interchange to be modified at Malcolm X Avenue S.E., and Interstate-295. To develop the access road GSA must first acquire land from DC and CSX Corporation along Firth Sterling Avenue, S.E., northwest of the West Campus (funding appropriated in Fiscal Year 2009). Second, GSA needs to acquire a portion of historic parkland from NPS. This land, known as Shepherd Parkway, S.E. is required to provide access to Malcolm X Avenue, S.E. to the south of the West Campus. Third, GSA needs to acquire land from DC along the western border of St. Elizabeths East Campus to provide a left turn lane into the West Campus from northbound Martin Luther King, Jr. Avenue. (Note: Funding for Shepherd Parkway and St. Elizabeths East Campus was appropriated by Public Law 111-5, the American Recovery and Reinvestment Act of 2009 (ARRA).) All of these purchases are necessary to develop additional access points to the West Campus to mitigate the increased traffic generated by the new Federal campus. It should be noted that the planned impact to the historic Shepherd Parkway falls under the requirements of The Department of Transportation Act (DOT Act) of 1966, Section 4(f) - which stipulates that the Federal Highway Administration (FHWA) and other DOT agencies cannot approve the use of land from publicly owned parks, recreational areas, wildlife and waterfowl refuges, or public and private historical sites unless: 1) there is no feasible and prudent alternative to the use of land, and 2) the action includes all possible planning to minimize harm to the property resulting from use. FHWA is working closely with GSA and NPS to comply with these requirements. As a result of this project, it is anticipated that NPS will require mitigation to offset impacts to Shepherd Parkway. A request for authority and funding for those mitigations will be included in future requests.

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**PROSPECTUS – CONSTRUCTION  
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WASHINGTON, DC**

Prospectus Number: PDC-0002-WA11

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**Overview of Project**

GSA seeks funding for acquisition, infrastructure, and development of St. Elizabeths for the development of the Department of Homeland Security Headquarters at St. Elizabeths Campus. The West Campus is a 176-acre National Historic Landmark that includes 70 existing buildings containing approximately 1.2 million gsf of existing space. The portion of the DHS program to be housed on the East Campus will require the development of approximately 8 acres of land with supporting infrastructure and access to ensure that the Headquarters facility operates as one secure campus. GSA also requests funding for the balance of design of Development Phase 3 which includes significant presence of the Transportation Security Administration (TSA), Customs and Border Protection (CBP), and Immigration and Customs Enforcement (ICE). Infrastructure requirements do not require authorization. Furthermore, GSA seeks authorization for all remaining aspects of acquisition and development including a portion of the East Campus to be developed for FEMA headquarters. Infrastructure requirements (Sections I and III of this prospectus) do not require authorization.

As noted above, the Commission of Fine Arts (CFA) approved the Master Plan on November 20, 2008 and the National Capital Planning Commission (NCPC) approved it on January 8, 2009. The site will be developed in accordance with guidelines set out in the Master Plan.<sup>1</sup>

Authorization and appropriation for Phase 1 of the project – construction of a new headquarters facility for the USCG – has already been obtained. This prospectus proposes the construction of a new headquarters facility for DHS and FEMA in two phases. Development Phase 2-a includes construction of office space to consolidate DHS headquarters and the NOC and provide amenity space; Phase 2-b proposes the construction of a new headquarters facility for FEMA plus amenity space. Parking will also be included with both sub phases. Development Phase 3 will accommodate remaining elements of DHS headquarters units, that is, primarily significant presences of the TSA, CBP, and ICE plus a liaison presence of other DHS elements such as the Secret Service that will not be relocating to St. Elizabeths. The project will include existing space rehabilitated and updated to current building standards plus construction of new space. GSA seeks funding in Fiscal Year 2011 for design funds (Infrastructure including Highway Interchange plus the balance of Phase 3), management and inspection funds (Phase 2-a and Infrastructure), and construction (Phase 2-a and Infrastructure). Funds for historic preservation mitigation are also sought.

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<sup>1</sup> The Master Plan can be found at the project's web site: <http://www.stelizabethswestcampus.com/>

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**PROSPECTUS – CONSTRUCTION  
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION,  
INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF  
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WASHINGTON, DC**

Prospectus Number: PDC-0002-WA11

**Project Phasing**

Phase 1-a	USCG – HQ:	Coast Guard Headquarters
Phase 1-b	USCG – CC:	Coast Guard Command Center/shared use space/GSA Field Office
Phase 2-a	DHS:	Headquarters
Phase 2-a	NOC:	National Operations Center
Phase 2-b	FEMA:	Headquarters
Phase 3	TSA:	Transportation Security Administration HQ – significant presence
	CBP:	Customs and Border Protection HQ – significant presence
	ICE:	Immigration and Customs Enforcement HQ – significant presence

**Project Summary****Site Information**

Government-owned	176 acres
Building without parking (gsf) <sup>1</sup>	up to 4,535,000
Building with parking (gsf) <sup>2</sup>	up to 6,016,900
Number of structured parking spaces <sup>3</sup>	up to 4,234

**Cost Summary at St. Elizabeths**

Site Acquisition	11,000,000
Design and Review Cost	131,876,000
Management and Inspection	122,759,000
Estimated Construction Cost	<u>1,903,758,000</u>
<b>Estimated Total Project Cost<sup>4</sup></b>	<b>\$2,169,393,000</b>

<sup>1</sup> Based on Master Plan approved by CFA and NCPC.

<sup>2</sup> Based on 350 gsf per parking space including circulation.

<sup>3</sup> Parking spaces have been reduced by 1,073 as result of negotiation with the consulting parties during the master planning process.

<sup>4</sup> Does not include planning and stabilization costs of approximately \$20 million.

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ST. ELIZABETHS CAMPUS  
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**Fiscal Year 2011 Requirements**

Design & Review (Infrastructure).....	5,625,000
Design & Review (Development Phase 3) .....	17,000,000
Design & Review (Highway Interchange).....	2,800,000
Management & Inspection (Development Phase 2-a).....	13,135,000
Management & Inspection (Infrastructure).....	16,094,000
Estimated Construction Cost (Development Phase 2-a).....	237,540,000
Estimated Construction Cost (Infrastructure) .....	77,562,000
Estimated Construction Cost (Highway Interchange).....	5,550,000
Estimated Mitigation (Historic Preservation).....	4,990,000
<b><u>Total Fiscal Year 2011 Funding Request.....</u></b>	<b><u>\$380,296,000</u></b>

**Total Fiscal Year 2011 Project Authorization Request.....\$1,149,406,000<sup>1</sup>**

**Prior Authority and Funding**

The funding history of the DHS consolidation is as follows:

- The House Committee on Transportation and Infrastructure authorized \$24,900,000 for design of the US Coast Guard HQ at St. Elizabeths on October 26, 2005.
- The Senate Committee on Environment and Public Works authorized \$24,900,000 for design of the US Coast Guard HQ at St. Elizabeths on July 20, 2005.
- Through Public Law 109-115, Congress appropriated \$24,900,000 for design of the US Coast Guard HQ at St. Elizabeths in FY2006.
- The House Committee on Transportation and Infrastructure authorized \$383,997,000 for construction and management and inspection of the US Coast Guard HQ (Phase 1-a) and USCG Command Center and Amenity Use Space (Phase 1-b) at St. Elizabeths on April 5, 2006.
- The House Committee on Transportation and Infrastructure authorized \$318,887,000 for design, review, management and inspection, and estimated construction costs for the St. Elizabeths West Campus on May 23, 2007.
- The Senate Committee on Environment and Public Works authorized \$318,887,000 for design, review, management and inspection, and estimated construction costs for the St. Elizabeths West Campus on September 20, 2007.

<sup>1</sup> This represents the balance of the project less the remaining Infrastructure needed. The Infrastructure Program is not subject to the requirements of 40 U.S.C. Section 3307.

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**Prior Authority and Funding** (continued)

- The House Committee on Transportation and Infrastructure authorized \$7,000,000 for site acquisition for the St. Elizabeths West Campus on May 23, 2007.
- The Senate Committee on Environment and Public Works authorized \$7,000,000 for site acquisition for the St. Elizabeths West Campus on September 20, 2007.
- Through Public Law 109-115, Congress appropriated \$13,095,000 in FY 2006 for infrastructure design, construction, and management and inspection.
- Through Public Law 110-5, Congress appropriated \$6,444,000 in FY 2007 for additional infrastructure construction and management and inspection.
- Through Public Law 111-5, Congress appropriated \$450,000,000 in FY 2009 for construction and development to consolidate the Department of Homeland Security headquarters in Washington, D.C.
- The House Committee on Transportation and Infrastructure authorized \$525,236,000 for design, review, management and inspection, and estimated construction costs for the consolidation of the Department of Homeland Security headquarters at the St. Elizabeths West Campus in Washington, D.C. on September 24, 2008.
- The Senate Committee on Environment and Public Works authorized additional construction cost of \$140,140,000 for the design and construction of DHS consolidation and development of the West Campus of St. Elizabeths Hospital in Washington, D.C. on September 17, 2008.
- Through Public Law 111-8, Congress appropriated \$346,639,000 in FY 2009 for site acquisition, design and review, infrastructure and development construction, and management and inspection.

**Primary Occupants**

USCG, DHS Headquarters Elements, FEMA, NOC, TSA, CBP, ICE, and a liaison presence of other DHS elements not relocating to the St. Elizabeths Campus.

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PROSPECTUS – CONSTRUCTION  
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INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF  
ST. ELIZABETHS CAMPUS  
WASHINGTON, DC

Prospectus Number: PDC-0002-WA11

**INFRASTRUCTURE PROGRAM SUMMARY**

Infrastructure repair/replacement costs include: demolition of specific buildings identified by the Master Plan; replacement of site utilities including electricity substations and local utility requirements; distribution systems for electricity, natural gas, domestic water, storm water, waste water, data systems and telecommunications; roadways, surface parking and sidewalks; refurbishment of historical landscape and creation of new landscape features including flora; cleanup / repair of existing tunnels on site to improve safety and for potential use as systems distribution pathways; and site security fencing, entry gates, guard stations, and other site security features.

The planned alterations are necessary to preserve, maintain, and reuse this historic site. Existing infrastructure and the landscape have suffered from aging and deferred maintenance. The utility distribution systems are antiquated and have deteriorated. Building repairs will remedy and improve structural and life-safety systems while maintaining historic integrity. The landscape will be maintained, protected, and preserved to the extent feasible.

**Major Work Items for Infrastructure**

Demolition .....	\$16,816,000
Replace Telecommunication Systems .....	16,975,000
Replace Electric Systems .....	29,833,700
Replace Natural Gas Systems .....	1,092,000
Replace Water Systems.....	5,774,000
Replace Sanitary Sewer.....	2,389,300
Storm Water Management .....	12,063,000
Upgrade Selected Fire Systems.....	495,000
Repair Roads and Perimeter Wall.....	12,092,000
Site Perimeter Security.....	115,125,000
Exterior Road Construction .....	46,000,000
Repair Historical Landscape Features.....	30,428,000
Repair and Upgrade Exterior Lighting.....	1,480,000
Repair Underground Tunnels.....	400,000
Construct New Pedestrian Tunnels.....	9,631,000
Soil Remediation.....	2,000,000
Stabilize Selected Buildings .....	22,478,000
<b>Total ECC .....</b>	<b>\$325,072,000</b>

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**Total Infrastructure Project Budget**

**Design and Review**

Design and Review (FY2006) Phase 1-a .....	\$7,645,000
Design and Review (FY2009) Phase 1-b .....	3,000,000
Design and Review (ARRA) Phase 1-b .....	15,846,000
Design and Review (ARRA) Phase 2-a .....	700,000
Design and Review (FY2011) Phase 2-b and Phase 3 .....	<u>5,625,000</u>

**Design and Review Subtotal.....\$32,816,000**

**Estimated Construction Cost (ECC)**

ECC (FY2006) Phase 1-a .....	\$5,080,000
ECC (FY2007) Phase 1-a .....	5,912,000
ECC (FY2009) Phase 1-a .....	5,249,000
ECC (ARRA) Phase 1-b .....	165,525,000
ECC (FY2011) Phase 2-a .....	77,562,000
ECC (future year request) Phase 2-b and Phase 3 .....	<u>65,744,000</u>

**Estimated Construction Cost Subtotal.....\$325,072,000**

**Management and Inspection (M&I)**

M&I (FY2006) Phase 1-a .....	\$370,000
M&I (FY2007) Phase 1-a .....	532,000
M&I (ARRA) Phase 1-b .....	5,382,000
M&I (FY2011) Phase 2 .....	16,094,000
M&I (future year request) Phase 3 .....	<u>13,884,000</u>

**M&I Subtotal .....\$36,262,000**

**Estimated Total Project Cost (ETPC) for Infrastructure .....\$394,150,000**

**FY2011 Funding Request (Design, ECC, and M&I) .....\$99,281,000**

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**PROSPECTUS – CONSTRUCTION  
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION,  
INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF  
ST. ELIZABETHS CAMPUS  
WASHINGTON, DC**

Prospectus Number: PDC-0002-WA11

**SITE ACQUISITION PROGRAM SUMMARY**

**Delineated Areas for Site Acquisition**

The proposed sites to be acquired are as follows:

1. Approximately two acres of land located on Firth Sterling Avenue in southeast Washington, DC; the land is currently controlled by DC and CSX Corporation.
2. Approximately one acre of land located along the east side of Martin Luther King, Jr. Avenue in southeast Washington, DC. The land is currently controlled by DC.
3. Approximately fourteen (14) acres of land located on Shepherd Parkway in southeast Washington, DC. The land is currently controlled by NPS.

**Total Site Acquisition Project Budget**

Site Acquisition (Firth Sterling Avenue, S.E.) (FY2009).....	\$7,000,000
Site Acquisition (Martin Luther King, Jr. Avenue, S.E.) (ARRA).....	500,000
Site Acquisition (Shepherd Parkway) (ARRA) .....	3,500,000
<b>Total Acquisition Budget.....</b>	<b>\$11,000,000</b>

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WASHINGTON, DC**

Prospectus Number: PDC-0002-WA11

**HIGHWAY INTERCHANGE PROGRAM SUMMARY**

The Transportation Management Program that was developed as part of the Master Plan proposes an access road to the St. Elizabeths West Campus that extends between Firth Sterling Avenue to the north and Malcolm X Avenue to the south, parallel to Interstate 295. Construction of the access road is included in the Infrastructure program described above, but a new, reconfigured interchange between Malcolm X Avenue and Interstate 295 is not described. This reconfiguration will be necessary to direct St. Elizabeths traffic onto the access road that, in turn, will mitigate the impacts of additional traffic that is anticipated as the result of the redevelopment of St. Elizabeths.

**Major Work Items for the Interchange**

Mobilization/Surveying/Testing .....	3,050,000
Remove Existing Ramps.....	230,000
Construct New Ramps .....	2,864,000
Resurface and Reconstruction of Malcolm X Avenue.....	628,000
Traffic Signals.....	324,000
Retaining Walls.....	17,370,000
I-295 Widening .....	397,000
I-295 Bridge and Sidewalks.....	1,468,000
Maintenance of Traffic.....	2,296,000
Drainage/Signage/Striping and Related Work.....	4,591,000
Right of Way of 10 Acres .....	2,500,000
<b>Total ECC.....</b>	<b>\$35,718,000</b>

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WASHINGTON, DC**

Prospectus Number: PDC-0002-WA11

**Total Highway Interchange Project Budget**

<b>Design and Review</b>	
Design and Review (FY2011).....	<u>2,800,000</u>
<b>Design and Review Subtotal.....</b>	<b>\$2,800,000</b>
<b>Estimated Construction Cost (ECC)</b>	
ECC (FY2011) Right of Way .....	2,500,000
ECC (FY2011) Mobilization/Surveying/Testing.....	3,050,000
ECC (future year request) Construction.....	<u>30,168,000</u>
<b>Estimated Construction Cost Subtotal.....</b>	<b>\$35,718,000</b>
<b>Management and Inspection (M&amp;I)</b>	
M&I (future year request) .....	<u>2,898,000</u>
<b>M&amp;I Subtotal .....</b>	<b>\$2,898,000</b>
<b>Estimated Total Project Cost (ETPC) for Highway Interchange.....</b>	<b>\$41,416,000</b>
<b><u>FY 2011 Funding Request (Design and ECC).....</u></b>	<b>\$8,350,000</b>

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 ST. ELIZABETHS CAMPUS  
 WASHINGTON, DC**

Prospectus Number: PDC-0002-WA11

**HISTORIC PRESERVATION MITIGATIONS PROGRAM SUMMARY**

As of December 9, 2008, GSA and DHS along with NCPC entered into a Programmatic Agreement (PA) with the Advisory Council on Historic Preservation (ACHP), the District of Columbia Historic Preservation Office (DCHPO), and the U.S. Federal Highway Administration (FHWA). The PA outlines five (5) specific mitigation actions that must be undertaken by GSA to “resolve adverse effects from certain complex project situations”.<sup>1</sup> These actions are:

1. Documentation and recording including buildings and site, as needed, archives, historic structure reports, building preservation plans, landscape preservation treatment and management, and archaeological resources treatment and management;
2. Public outreach, interpretation, and education including the establishment of a citizens advisory panel, a permanent interpretative exhibit, a museum and visitors education center, signage, and public relations materials;
3. Public access program to be developed by GSA and DHS;
4. Conservation and artifact preservation; and
5. Maintenance of the 19<sup>th</sup> century cemetery including interpretative program, perpetual care, and public access.

GSA requires funding to accomplish these mitigation actions.

**Major Work Items for Mitigation<sup>2</sup>**

Archaeology .....	\$700,000
Landscape.....	300,000
Education .....	365,000
Museum.....	1,600,000
Staffing.....	1,400,000
Other .....	<u>625,000</u>
<b>Total .....</b>	<b><u>\$4,990,000</u></b>

**Funding Request for FY2011.....** **\$4,990,000**

<sup>1</sup> Programmatic Agreement dated December 9, 2008, page 1.

<sup>2</sup> The total amount is included in ECC summarized on page 4 of this prospectus.

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PROSPECTUS – CONSTRUCTION  
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION,  
INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF  
ST. ELIZABETHS CAMPUS  
WASHINGTON, DC

Prospectus Number: PDC-0002-WA11

**DEVELOPMENT PROGRAM SUMMARY**

**PHASE 1-a – USCG Headquarters**

**Building Area Development Phase 1-a**<sup>1</sup>

Office .....	1,049,000 gsf
Commandant’s Suite/Situation Room <sup>2</sup> .....	12,100 gsf
Data Facility .....	25,800 gsf
Clinic .....	28,100 gsf
Meeting Facility .....	19,500 gsf
Child Care <sup>3</sup> .....	15,600 gsf
Food Services .....	6,100 gsf
Mail/Loading Dock/Security Operations/Lobby and Entrances .....	16,100 gsf
Law Library/Storage .....	7,200 gsf
<b>Estimated Total Phase 1-a .....</b>	<b>1,179,500 gsf</b>

**Cost Information Development Phase 1-a**

Design and Review (FY2006).....	\$24,900,000
Management and Inspection (M&I) (FY2009) .....	12,925,000
Estimated Construction Cost (ECC) (FY2009) .....	313,465,000
<b>Estimated Total Cost Phase 1-a .....</b>	<b>\$351,290,000</b>

**Schedule for Development Phase 1-a**

- FY 2009 Design Completion
- FY 2009 Start Construction
- FY 2013 Complete Construction for USCG Headquarters

<sup>1</sup> Square footage is based on USCG housing plan, approved Master Plan, and design documents.  
<sup>2</sup> This is the Coast Guard’s portion of the National Operations Center (NOC), the remainder of which is scheduled for construction in Phase 2-a.  
<sup>3</sup> The scope of work has been refined since submission of PDC-0002-WA09, therefore the child care portion of the project has been transferred from Phase 1-b to Phase 1-a.

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**PROSPECTUS – CONSTRUCTION  
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Prospectus Number: PDC-0002-WA11

**PHASE 1-b – USCG Command Center and Amenity Space**

**Building Area Development Phase 1-b**

Command and Communications Center .....	22,700 gsf
Marine Safety Center .....	27,200 gsf
Cafeteria (shared).....	26,650 gsf
Shipping/Receiving/Mail/Warehouse .....	13,000 gsf
Fitness Center.....	25,000 gsf
Chapel/Training / Historian .....	18,300 gsf
Auditorium/Credit Union/Barber Shop/Dry Cleaner / Exchange.....	25,600 gsf
GSA Field Office <sup>1</sup> .....	<u>20,800 gsf</u>
<b>Estimated Total Phase 1-b.....</b>	<b><u>179,250 gsf</u></b>
Structured Parking (983 cars) <sup>2</sup> .....	up to 344,050 gsf

**Cost Information Development Phase 1-b**

Design and Review (ARRA).....	\$10,659,000
Management and Inspection (M&I) (ARRA) .....	15,674,000
Estimated Construction Cost (ECC) (ARRA) .....	<u>167,513,000</u>
<b>Estimated Total Cost Phase 1-b.....</b>	<b><u>\$193,846,000</u></b>

**Proposed Schedule for Development Phase 1-b**

- FY 2010 Design Completion
- FY 2010 Start Construction
- FY 2013 Complete Construction for Command Center and Amenity Space

<sup>1</sup> The field office is in addition to the USCG housing plan, not included with it, and is needed to be ready upon completion of Phase 1 and occupancy by USCG.

<sup>2</sup> Revised number of spaces based on Master Plan approved by CFA and NCPC.

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PROSPECTUS – CONSTRUCTION  
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Prospectus Number: PDC-0002-WA11

**PHASE 2-a – DHS Headquarters Elements and the NOC**

**Building Area Development Phase 2-a**

Office for DHS Headquarters <sup>1</sup> .....	510,600 gsf
Central Utility Plant (CUP) Addition* .....	69,200 gsf
National Operations Center (including Operations Directorate) .....	320,000 gsf
<b>Estimated Total Phase 2-a</b> .....	<b>899,800 gsf</b>
Structured Parking (990 cars) .....	up to 346,500 gsf

**Cost Information Development Phase 2-a**

Design and Review Cost (FY2009) .....	\$5,000,000
Design and Review Cost (ARRA) .....	11,300,000
Management and Inspection (M&I) (FY2011) .....	13,135,000
Estimated Construction Cost (ECC) (ARRA) .....	26,000,000
Estimated Construction Cost (ECC) (FY2011) .....	237,540,000
<b>Estimated Total Cost Phase 2-a</b> .....	<b>\$292,975,000</b>

**Proposed Schedule for Development Phase 2-a**

- FY 2011 – Design Completion
- FY 2011 - Start Construction
- FY 2014 - Complete Construction

**FY2011 Funding Request (M&I and ECC)**.....\$250,675,000

\* Infrastructure funds will be used to construct an addition to the existing power plant for a fully functional CUP with co-generation capability.

<sup>1</sup> This includes rehabilitation of the Center Building.

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**PROSPECTUS – CONSTRUCTION**  
**DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION,**  
**INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF**  
**ST. ELIZABETHS CAMPUS**  
**WASHINGTON, DC**

Prospectus Number: PDC-0002-WA11

**PHASE 2-b – FEMA**

**Building Area Development Phase 2-b**

Office for FEMA Headquarters on East Campus .....	717,500 gsf
Special Space for FEMA on East Campus.....	32,500 gsf
Amenity Space on West Campus.....	<u>128,300 gsf</u>
<b>Estimated Total Phase 2-b</b>	<b>878,300 gsf</b>
Structured Parking (775 cars) .....	up to 271,250 gsf
Structured Parking for Visitors (496 cars) .....	up to 173,600 gsf

**Cost Information Development Phase 2-b**

Design and Review Cost (ARRA) .....	17,401,000
Management and Inspection (M&I) (future year request) .....	11,865,000
Estimated Construction Cost (ECC) (future year request).....	<u>283,460,000</u>
<b>Estimated Total Cost Phase 2-b.....</b>	<b>\$312,726,000</b>

**Proposed Schedule for Development Phase 2-b**

- FY 2012 Design Completion
- FY 2012 Start Construction
- FY 2014 Complete Construction

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DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION,  
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WASHINGTON, DC**

Prospectus Number: PDC-0002-WA11

**PHASE 3 – TSA, CBP, and ICE**

**Building Area Development Phase 3**

Office for CBP Headquarters.....	338,000 gsf
Office for ICE Headquarters.....	377,000 gsf
Office for TSA Headquarters.....	345,000 gsf
Office for DHS Liaison Elements.....	158,350 gsf
SCIF, Storage, IT, Other Special Space.....	<u>179,800 gsf</u>
<b>Estimated Total Phase 3 .....</b>	<b><u>1,398,150 gsf</u></b>
Structured Parking (846 cars) .....	up to 296,100 gsf
Structured Parking for Visitors (144 cars).....	up to 50,400 gsf

**Cost Information Development Phase 3**

Design and Review Cost (ARRA).....	\$10,000,000
Design and Review Cost (FY11).....	\$17,000,000
Management and Inspection (M&I) (future year request) .....	30,000,000
Estimated Construction Cost (ECC) (future year request).....	<u>510,000,000</u>
<b>Estimated Total Cost Phase 3 .....</b>	<b><u>\$567,000,000</u></b>

**Proposed Schedule for Development Phase 3**

- FY 2013 Design Completion
- FY 2013 Start Construction
- FY 2016 Complete Construction

**FY 2011 Funding Request (Design).....** \$17,000,000

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WASHINGTON, DC**

Prospectus Number: PDC-0002-WA11

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**SHEPHERD PARKWAY MITIGATIONS PROGRAM SUMMARY**

The expansion of the Malcolm X Avenue, S.E. interchange and construction of the access road from the interchange to the St. Elizabeths site will have an impact on Shepherd Parkway, public parkland under the control of the National Park Service (NPS). The extent of the impact has yet to be determined. Likewise, the extent of mitigation to address the impact has yet to be established, there GSA cannot yet determine the cost of such mitigation that will be incurred in a future year. These costs will be addressed in a future prospectus.

**Justification**

The major driving factors for this project include tenant need for secure and consolidated space, current department-wide demand for space in the NCR, lack of large Federal land sites remaining for development in DC, high-level security requirements, in addition the need to correct existing deficiencies and attend to deferred maintenance at St. Elizabeths. The proposed project will provide a cost-efficient alternative to leasing while preserving a National Historic Landmark.

Due to recent hiring, the USCG has outgrown its current primary headquarters at the Transpoint Building where it has been housed for more than 30 years. A lease prospectus was authorized in FY2006 to continue leasing this building until 2013 when the space at St. Elizabeths is expected to be ready for occupancy. Other USCG locations will also be included in this consolidation.

Elements of DHS (including USCG) are located in more than 6 million usable square feet of federally-owned and leased space throughout the NCR.<sup>1</sup> This has led to much operational inefficiency. DHS's mission requires an integrated approach but legacy facilities occupied by agencies merged into the department at dispersed locations do not maximize the department's effectiveness and efficiency. These issues are addressed in the DHS NCR Housing Master Plan dated October 2006.

A consolidated, secure campus would correct these deficiencies by collocating senior leadership, thereby fostering greater communication among the various departmental elements. Mission support functions can be realigned in other locations to improve functional and physical relationships. Direct benefits of locating at St. Elizabeths include enhanced communications, coordination, operational effectiveness, and physical security. Efficiencies can also be gained in direct support, shared services, and functional integration.

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<sup>1</sup> Between 2007 and 2009, DHS personnel grew approximately 25%.

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**PROSPECTUS – CONSTRUCTION  
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION,  
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WASHINGTON, DC**

Prospectus Number: PDC-0002-WA11

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The proposed consolidation should foster a “One DHS” culture thus enhancing the flow and fusion of information while optimizing prevention and response capabilities across the spectrum of operations.

Many agencies, including DHS, require the highest security protection levels available including deep setbacks, blast protection, and progressive collapse mitigation. The West Campus currently provides deep setbacks from neighboring properties and limited facility access, reducing the cost of other security requirements.

St. Elizabeths is the preferred site for this development. Other large federally owned sites in DC are not available, such as Public Reservation 13 for the DC General Hospital which is currently under development by DC. The Southeast Federal Center has been transferred to private ownership; this remainder of the former Navy Yard is planned for residential and retail development. The Armed Forces Retirement Home is being redeveloped under special legislation and is unavailable to GSA. The Walter Reed Army Medical Center site that is being disposed of under Base Realignment and Closure (BRAC) cannot be developed in time to meet DHS’s schedule. The National Geospatial-Intelligence Agency site that is also being disposed of under BRAC does not contain enough developable space to meet DHS’s requirements.

The site acquisition portion of this project will assist in the preparation of the West Campus for redevelopment as a secure Federal facility by providing additional means of ingress/egress to the site that will improve the traffic flow around the site and minimize the time delays entering and exiting the West Campus during peak hours. At full capacity, as many as 14,000 Federal workers will be housed on site, and as many as 4,234 vehicles (including 640 spaces for visitors) will require access. This is a 1:4 parking ratio for employees (one space for every 4 employees) but a 1:3 ratio for watch employees at the NOC and the security guard force. The proposed acquisition of land at Firth Sterling Avenue, S.E., will provide necessary additional access for USCG’s proposed relocation of up to 3,860 employees. The proposed acquisition of land from DC’s East Campus along Martin Luther King, Jr. Avenue, S.E. will enable GSA, in conjunction with the DC Department of Transportation, to add a left turn lane with appropriate traffic signal leading into the West Campus at Gate No. 1. The proposed acquisition of land from the NPS will allow GSA to provide another access point to St. Elizabeths.

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**PROSPECTUS – CONSTRUCTION  
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Prospectus Number: PDC-0002-WA11

**Summary of Energy Compliance**

**Cogeneration and Waste Heat:** Approximately 30% of the campus power will be produced on site through cogeneration. This percentage represents 100% of the critical campus electrical needs in times of emergencies. The waste heat generated by the natural gas-fired turbines will be converted to both steam and hot water to help heat the buildings and, through steam driven absorption chillers, to help cool the buildings.

**Solar Energy:** Photovoltaic energy-collection arrays were considered for electric street lighting, central utility plant control power, and for lawn irrigation systems. However, this was found to be untenable at the site due to the limited acreage that could be used to house photovoltaic solar panels. Solar energy-collecting roofing membranes, however, may be incorporated on portions of the new construction roof tops.

**Geothermal:** Geothermal wells were considered in limited areas to support heat pump systems for some of the adaptive reuse historic buildings, such as the fire station, and some new construction support buildings, such as the remote delivery facility and the visitors' center. These wells were also found to be untenable due to the distance of the water source (Anacostia River) from the site.

GSA's goal is to provide DHS with a headquarters campus that has a silver LEED (Leadership in Energy and Environmental Design) rating.

**Alternatives Considered (30-year, present value costs)**

New Construction:	\$5,168,478,000
Lease:	\$5,684,557,000

The 30-year, present value cost of new construction is \$516,079,000 less than the cost of leasing, or an equivalent annual cost advantage of \$31,683,000

**Recommendation**

CONSTRUCTION

GSA

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PROSPECTUS – CONSTRUCTION  
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INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF  
ST. ELIZABETHS CAMPUS  
WASHINGTON, DC

Prospectus Number: PDC-0002-WA11

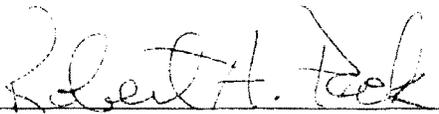
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**Certification of Need**

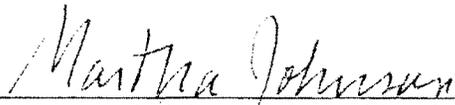
The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on May 13, 2010

Recommended

  
\_\_\_\_\_  
Commissioner, Public Buildings Service

Approved

  
\_\_\_\_\_  
Administrator, General Services Administration

0002-WA-11

Department of Homeland Security  
 Office of St. Elizabeths Campus

Department of Homeland Security  
 Office of St. Elizabeths Campus

September 19

Components and Locations	Personnel				Current Unions				Proposed Headquarters					
	Office		Total		Storage		Special		Office		Storage		Special	
	Personnel	RVF	Personnel	RVF	Personnel	RVF	Personnel	RVF	Personnel	RVF	Personnel	RVF	Personnel	RVF
<b>DHS - Civil Guard - Phase 1 Move</b>														
TRANSPORT	2,664	90,077	403,481	577,907	90,077	903,538	3,201,301	3,682,331	3,800	3,800	806,923	222,270	1,029,193	1,253,013
HUMANA RIVERSIDE	1,840	1,840	1,889	1,889	38,000	320,201	3,682,331	2,173	3,860	3,860	806,923	222,270	1,029,193	1,253,013
470-490 LENSEMAN PLAZA	15	15	1,889	1,889	0	0	0	0	0	0	0	0	0	0
Sub Total	4,519	92,936	405,370	579,796	128,077	924,618	3,682,331	2,173	3,860	3,860	806,923	222,270	1,029,193	1,253,013
<b>GSA - Field Office - Phase 1 Move</b>														
Sub Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>DHS - Security &amp; Management - Phase 2 Move</b>														
GSV-001	578	107,984	107,984	208,745	1,805	1,805	302,769	299,585	1,805	1,805	302,769	299,585	602,154	800,568
1201-1233 NEW YORK AVENUE	85	17,500	17,500	35,000	90,400	90,400	104,900	90,400	90,400	90,400	104,900	90,400	104,900	104,900
TRANSPORTATION SECURITY OPERATIONS CENTER - HERNDON VA	151	306,983	306,983	613,966	208,083	416,166	832,332	166,416	208,083	416,166	832,332	166,416	332,832	416,166
NEBRASKA AVENUE COMPLEX	1,283	256,656	256,656	513,312	421,587	843,174	1,686,348	1,367,518	1,686	1,686	3,372	6,744	13,488	17,312
Sub Total	1,097	222,123	222,123	444,246	3,244	3,244	648,888	648,888	3,244	3,244	648,888	648,888	1,297,776	1,697,776
<b>DHS - FEMA - Phase 2 Move</b>														
LEWIS & CLARK BLDG - VA	1,635	327,000	327,000	654,000	3,100	3,100	6,200	12,400	3,100	3,100	6,200	12,400	24,800	49,600
WORLD TRADE CENTER	35	7,000	7,000	14,000	3,345	6,690	13,380	26,760	3,345	6,690	13,380	26,760	53,520	107,040
600 E STREET NW	100	20,000	20,000	40,000	15,800	31,600	63,200	126,400	15,800	31,600	63,200	126,400	252,800	505,600
PATRIOTS PLAZA	55	11,000	11,000	22,000	64,107	128,214	256,428	512,856	64,107	128,214	256,428	512,856	1,025,712	2,051,424
TECHWORLD PLAZA I	100	20,000	20,000	40,000	84,259	168,518	337,036	674,072	84,259	168,518	337,036	674,072	1,348,144	2,696,288
WASHINGTON DESIGN	150	30,000	30,000	60,000	37,333	74,666	149,332	298,664	37,333	74,666	149,332	298,664	597,328	1,194,656
CRYSTAL MALL I	400	80,000	80,000	160,000	85,496	170,992	341,984	683,968	85,496	170,992	341,984	683,968	1,367,936	2,735,872
Sub Total	3,037	607,400	607,400	1,214,800	572,859	1,145,718	2,291,436	4,582,872	572,859	1,145,718	2,291,436	4,582,872	9,165,744	18,331,488
<b>DHS - Memphis Space - Phase 2 Move</b>														
Sub Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>DHS - Transportation Security - Phase 2 Move</b>														
ORACLE BUILDING - RESTON VA	175	35,000	35,000	70,000	1,400	1,400	2,800	5,600	1,400	1,400	2,800	5,600	11,200	22,400
MC BUILDING - ARLINGTON VA	1,043	208,600	208,600	417,200	1,400	1,400	2,800	5,600	1,400	1,400	2,800	5,600	11,200	22,400
TEAC - ANNAPOLIS JUNCTION MD	180	36,000	36,000	72,000	1,400	1,400	2,800	5,600	1,400	1,400	2,800	5,600	11,200	22,400
Sub Total	1,400	280,000	280,000	560,000	3,200	3,200	6,400	12,800	3,200	3,200	6,400	12,800	25,600	51,200
<b>DHS - Customs &amp; Border Protection - Phase 3 Move</b>														
RONALD REAGAN BUILDING	1,500	300,000	300,000	600,000	1,500	1,500	3,000	6,000	1,500	1,500	3,000	6,000	12,000	24,000
Sub Total	1,500	300,000	300,000	600,000	1,500	1,500	3,000	6,000	1,500	1,500	3,000	6,000	12,000	24,000
<b>DHS - Immigration &amp; Customs - Phase 3 Move</b>														
400 N CAPITOL STREET NW	15	3,000	3,000	6,000	1,500	1,500	3,000	6,000	1,500	1,500	3,000	6,000	12,000	24,000
POTOMAC CENTER NORTH	50	10,000	10,000	20,000	5,000	5,000	10,000	20,000	5,000	5,000	10,000	20,000	40,000	80,000
TECHNICAL CENTER	50	10,000	10,000	20,000	5,000	5,000	10,000	20,000	5,000	5,000	10,000	20,000	40,000	80,000
Sub Total	1,250	250,000	250,000	500,000	1,250	1,250	2,500	5,000	1,250	1,250	2,500	5,000	10,000	20,000
<b>DHS - Nat'l Protection &amp; Programs Directorate - Phase 3 Move</b>														
BALSTON PLAZA II	60	12,000	12,000	24,000	6,000	6,000	12,000	24,000	6,000	6,000	12,000	24,000	48,000	96,000
NEBRASKA AVENUE COMPLEX	578	115,600	115,600	231,200	47,800	47,800	95,600	191,200	47,800	47,800	95,600	191,200	382,400	764,800
GSA-HOB	45	9,000	9,000	18,000	4,500	4,500	9,000	18,000	4,500	4,500	9,000	18,000	36,000	72,000
Sub Total	400	80,000	80,000	160,000	40,000	40,000	80,000	160,000	40,000	40,000	80,000	160,000	320,000	640,000





**U.S. House of Representatives**  
**Committee on Transportation and Infrastructure**  
**Washington, DC 20515**

**James L. Oberstar**  
Chairman

**John L. Mica**  
Ranking Republican Member

David Heymsfeld, Chief of Staff  
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

**COMMITTEE RESOLUTION**

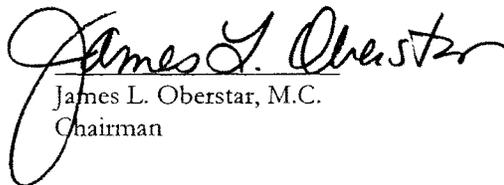
**SITE ACQUISITION AND DESIGN**  
**U.S. LAND PORT OF ENTRY**  
**CALAIS, ME**  
**PME-BSD-CA11**

*Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for the redevelopment of the existing land port of entry at Ferry Point, Calais, ME, at site acquisition costs of \$500,000 and design and review costs of \$1,052,000, for a combined cost of \$1,552,000, a prospectus for which is attached to and included in this resolution.*

*Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.*

*Provided further, that within 180 days of approval of this resolution, GSA 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 on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.*

**Adopted: December 2, 2010**

  
James L. Oberstar, M.C.  
Chairman

GSA

PBS

**PROSPECTUS – SITE ACQUISITION AND DESIGN  
U.S. LAND PORT OF ENTRY  
CALAIS, ME**

Prospectus Number: PME-BSD-CA11  
Congressional District: 2

**Description**

The General Services Administration (GSA) proposes to redevelop the existing land port of entry (LPOE) at Ferry Point in Calais, Maine, to meet current and future needs. The proposed project will allow GSA to extend the useful life of the buildings while reconfiguring traffic flow to better accommodate a reduced commercial vehicle traffic function and growing non-commercial traffic. The renovated facility will support and work in conjunction with the much larger, newly constructed international crossing between Calais, Maine and St. Stephens, New Brunswick.

**Project Summary**

**Site Information:**

Government-owned..... 8 acres  
To be acquired..... 7 acres

**Building Area (after renovation):**

Building (including canopies) .....23,863 gsf  
Building (excluding canopies) .....14,395 gsf  
Number of outside parking spaces:.....31  
Number of inside parking spaces:.....2

**Cost Information**

Site Development Costs <sup>1</sup> ..... \$4,125,000  
Building Costs (includes inspection canopies) (\$403/gsf) .....\$9,625,000

**Project Budget**

Site Acquisition.....\$500,000  
Design and Review .....\$1,052,000  
Estimated Construction Cost (ECC) .....\$13,750,000  
Management & Inspection (M&I) .....\$704,000  
**Estimated Total Project Cost \* .....\$16,006,000**

\*Tenant agencies may fund an additional amount for emerging technologies and alterations above the standard normally provided by the GSA.

<sup>1</sup> Site Development includes site clearing, demolition, roadways, and utilities.

GSA

PBS

**PROSPECTUS – SITE ACQUISITION AND DESIGN  
U.S. LAND PORT OF ENTRY  
CALAIS, ME**

Prospectus Number: PME-BSD-CA11  
Congressional District: 2

**Authorization Requested (Site Acquisition and Design) ..... \$1,552,000<sup>2</sup>**

**Prior Authority and Funding**

Prior House and Senate Committee approval and appropriation.<sup>3</sup>

<u>Schedule</u>	<u>Start</u>	<u>End</u>
Design	FY2011	FY2012
Construction	FY2012	FY2014

**Project Overview**

The existing border station at Ferry Point consists of three structures totaling 14,710 gross square feet (gsf): a two and one-half story main inspection facility and a one-story truck inspection building both constructed in 1936; a one-story secondary inspection facility constructed in 1962. The main port building is eligible for listing on the National Register of Historic Places (NRHP).

<sup>2</sup> GSA has worked closely with DHS program offices responsible for developing and implementing security technology at the Land Ports of Entry (LPOEs). These programs include United States Visitor and Immigrant Status Indicator Technology (US-VISIT), Radiation Portal Monitors (RPM's) and Advanced Spectroscopic Portal (ASPs) monitors, Western Hemisphere Travel Initiative (WHTI) and Non-Intrusive Inspection (NI). This prospectus contains the funding of infrastructure requirements for each program known at the time of prospectus development because these programs are at various stages of development and implementation. Additional funding by a Reimbursable Work Authorization (RWA) may be required to provide for as yet unidentified agency specific elements of each of these programs to be implemented at this port.

<sup>3</sup> Prospectus No. PME-BSC-CA06 was authorized by the Senate Committee on Environment and Public Works on July 20, 2005 and the House Committee on Transportation and Infrastructure on October 26, 2005. The authorization provided for construction of facilities at the newly constructed international crossing between Calais, Maine and St. Stephens, New Brunswick, Canada. In addition, it provided for new facilities at Milltown and renovation of existing facilities at Ferry Point. Through Public Law 109-115, Congress appropriated \$50,146,000. Due to the rise in material costs and competitive labor and its remote location, bids for the new Calais project were in excess of the original budgeted amount. To keep the Calais part of the project moving forward, GSA used the aforementioned appropriated funds to award the Calais project. Additionally, due to escalating project costs and changes in customer requirements at both Ferry Point and Milltown GSA is now seeking authorization and funding separately for Ferry Point. GSA will seek funding for Milltown through a future funding request.

GSA

PBS

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**PROSPECTUS – SITE ACQUISITION AND DESIGN  
U.S. LAND PORT OF ENTRY  
CALAIS, ME**

Prospectus Number: PME-BSD-CA11  
Congressional District: 2

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The proposed project involves redeveloping the existing border station facilities on approximately 1.5 acres of land of which GSA currently owns approximately .8 acres and an additional .7 acres will be acquired. The full project includes: main administration building (upgrade of mechanical, plumbing, electrical, and fire systems); asbestos abatement; interior space reconfiguration and expansion; ADA enhancements; dog kennel; demolition and replacement of existing garage and truck inspection building; and generator storage. The facility will have three primary inspection lanes, five secondary non-commercial lanes, three non-commercial inspection bays, and an outbound inspection lane along with associated canopy and booth space for lanes.

**Tenant Agencies**

Department of Homeland Security-Customs and Border Protection

**Location**

Ferry Point is located in Calais, ME. Calais, in eastern Maine, is in Washington County on U.S. Highway One at the international border between the United States and Canada, separating the State of Maine and the Province of New Brunswick.

**Justification**

The existing Ferry Point port of entry is a primary crossing between the US and Canada in eastern Maine. This LPOE can no longer efficiently and effectively process traffic given the stringent security standards imposed since September 11, 2001.

The existing two and one half story main port building is situated on a site of less than one acre. Deficiencies of the main building include: insufficient office space; no search and inspection rooms; no detention cells; and insufficient storage, locker, lunch, and conference/training space to house the projected staff levels. The current site does not provide adequate space for sufficient parking, maneuvering areas, or a well-defined traffic pattern for visitor and employee parking and no secure parking for impounded vehicles. The main building is also in need of HVAC upgrade, asbestos abatement, and additional, more updated fire protection measures.

The renovated Ferry Point LPOE will complement the new, much larger LPOE in Calais. This new LPOE will handle most of the commercial traffic and some of the non-local traffic currently passing through Ferry Point.

GSA

PBS

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**PROSPECTUS – SITE ACQUISITION AND DESIGN  
U.S. LAND PORT OF ENTRY  
CALAIS, ME**

Prospectus Number: PME-BSD-CA11  
Congressional District: 2

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Once the new LPOE is completed, the traffic utilizing Ferry Point will likely be limited to local van sized commercial vehicles and local non-commercial traffic. The proposed renovated facility will be able to efficiently process the projected level of traffic.

**Summary of Energy Compliance**

This project will be designed to conform with requirements of the Facilities Standards for the Public Buildings Service and to earn Leadership in Energy and Environmental Design (LEED) certification. It will also meet energy efficiency and performance requirements in effect during design. GSA will encourage exploration of opportunities to gain increased energy efficiency above the measures achieved in the design.

**Alternatives Considered**

GSA owns and maintains the existing facilities at this port of entry; thus no alternative other than Federal construction was considered.

**Recommendation**

SITE ACQUISITION AND DESIGN

GSA

PBS

PROSPECTUS – SITE ACQUISITION AND DESIGN  
U.S. LAND PORT OF ENTRY  
CALAIS, ME

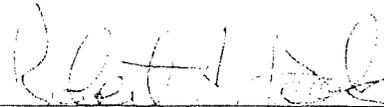
Prospectus Number: PME-BSD-CA11  
Congressional District: 2

**Certification of Need**

The proposed project is the best solution to meet a validated Government need.

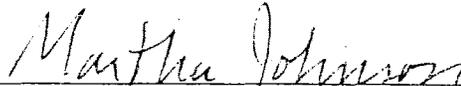
Submitted at Washington, DC, on May 13, 2010

Recommended



Commissioner, Public Buildings Service

Approved



Administrator, General Services Administration

PME-BSD-CA11  
Calais (Ferry Point), ME

Housing Plan  
US Land Port of Entry

September 2009

Locations	Current						Proposed						
	Personnel		Usable Square Feet (USF)		RSF		Personnel		Usable Square Feet (USF)		RSF		
	Office	Total	Office	Special	Storage	Total	Office	Total	Office	Special	Storage	Total	
Ferry Point LPOE	6	6	5,361	54	1,505	6,920	11,106	15	15	10,500	600	12,763	23,863
DHS - Customs & Border Protection	6	6	5,361	54	1,505	6,920	11,106	15	15	10,500	600	12,763	23,863
<b>Total:</b>	<b>6</b>	<b>6</b>	<b>5,361</b>	<b>54</b>	<b>1,505</b>	<b>6,920</b>	<b>11,106</b>	<b>15</b>	<b>15</b>	<b>10,500</b>	<b>600</b>	<b>12,763</b>	<b>23,863</b>

Special Space	
Inspection/Canopies/Booths	11,315
Kennel	128
Enclosed Parking	720
Generator storage	600
<b>Total:</b>	<b>12,763</b>



**U.S. House of Representatives**  
**Committee on Transportation and Infrastructure**  
 Washington, DC 20515

James L. Oberstar  
 Chairman

John L. Mica  
 Ranking Republican Member

David Heysfeld, Chief of Staff  
 Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

**COMMITTEE RESOLUTION**

**DESIGN**  
**PATRICK V. MCNAMARA FEDERAL BUILDING ANNEX**  
**DETROIT, MI**  
 PMI-FBD-DE11

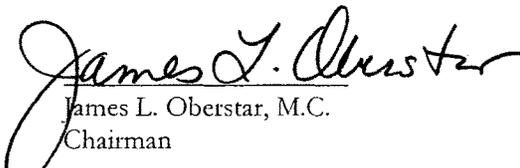
*Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for the design of an annex to the Patrick V. McNamara Federal Building to provide an automotive maintenance shop and a secured parking garage for the Federal Bureau of Investigation, at a proposed cost of \$3,658,000, a prospectus for which is attached to and included in this resolution.*

*Provided, that, to achieve cost savings, the Administrator of General Services, in coordination with the Federal Bureau of Investigation, shall critically examine all opportunities to reduce the number of parking spaces and/or the size of the garage, including the use of stacked parking, and by accounting for diversity factors (e.g., average number of agents on leave or travel) which may attenuate the daily total parking need.*

*Provided further, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, that the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.*

*Provided further, that, within 180 days of approval of this resolution, GSA 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 on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.*

**Adopted: December 2, 2010**

  
 James L. Oberstar, M.C.  
 Chairman

GSA

PBS

**PROSPECTUS - DESIGN  
PATRICK V. MCNAMARA FEDERAL BUILDING ANNEX  
DETROIT, MI**

Prospectus Number: PMI-FBD-DE11  
Congressional District: 13

**Description**

The General Services Administration (GSA) proposes the design of a 246,000 gross square foot (gsf) annex to the Patrick V. McNamara Federal Building to provide an automotive maintenance shop and secured parking garage for the Federal Bureau Investigation (FBI). This project also includes the design of a unified perimeter security solution for the McNamara Federal complex.

**Project Summary**

**Site Information**

Government Owned..... 6.8 acres

**Building Area – Proposed Annex**

Building without Parking.....36,000 gsf

Building with Parking.....246,000 gsf

Number of inside parking spaces.....259

**Project Budget**

Design .....\$3,658,000

Estimated Construction Cost (ECC) (\$157/gsf including inside parking).....38,678,000

Management and Inspection (M&I).....3,315,000

**Estimated Total Project Cost (ETPC)\*.....\$45,651,000**

\*Tenant agencies may fund an additional amount for alterations above the standard normally provided by the GSA.

**Authorization Requested**

(Design) .....\$3,658,000

**Prior Authority and Funding**

None

GSA

PBS

**PROSPECTUS - DESIGN  
PATRICK V. MCNAMARA FEDERAL BUILDING ANNEX  
DETROIT, MI**

Prospectus Number: PMI-FBD-DE11  
Congressional District: 13

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<u>Schedule</u>	<u>Start</u>	<u>End</u>
Design	FY2011	FY2012
Construction	TBD	TBD

**Overview of Project**

GSA proposes to design an automotive maintenance and secured parking annex adjacent to the McNamara Federal Building for occupancy by the FBI as part of the ongoing FBI space realignment. The proposed annex will be constructed on a government-owned site currently used as a surface parking lot, and will be connected to the McNamara Federal Building by an enclosed walkway. In addition, this project will provide a unified perimeter security solution for the expanded facility.

**Tenant Agencies**

Federal Bureau of Investigation

**Location**

Detroit, Michigan

**Justification**

As part of the FY2006 Capital Investment and Leasing Program, GSA submitted a prospectus for a 266,200 rentable square foot lease with 271 parking spaces to house the FBI in Detroit, MI. The prospectus was approved by the Senate Committee on Environment and Public Works and the House Committee on Transportation and Infrastructure on July 20 and October 26, 2005, respectively, but due to market conditions, GSA was unable to successfully award a lease. In 2009, GSA identified the transition of the 1,168,142 gsf McNamara Federal Building into a high performance green building as one of many projects to be funded through the American Recovery and Reinvestment Act. The proposed alteration will provide the contiguous office and expansion space required by the FBI as part of its mission critical field office operations to accommodate the increased staffing and physical security needs.

GSA

PBS

**PROSPECTUS - DESIGN  
PATRICK V. MCNAMARA FEDERAL BUILDING ANNEX  
DETROIT, MI**

Prospectus Number: PMI-FBD-DE11  
Congressional District: 13

While the alterations to the Federal Building will accommodate FBI's space needs and eliminate the need for costly leased space. FBI's Program of Requirements also calls for an automotive/radio maintenance facility and secured parking spaces for their government-owned vehicles to be located proximate to their office space. Relocation of the FBI parking and maintenance facility from leased space to federally owned space proximate to the FBI's field office operations will minimize impacts to the operations and the security of the agents while also reducing Federal costs.

The existing perimeter security consists of free standing concrete planters and barriers that are in poor condition and unsightly. GSA proposes a perimeter security solution to meet both the FBI and Department of Homeland Security/Federal Protective Service security standards.

**Summary of Energy Compliance**

The project will integrate and implement sustainable design principles and energy efficiency effort where possible into both the design and construction process. Currently we are evaluating options that will achieve the goal of obtaining certification through the Leadership in Energy and Environmental Design (LEED) Green Building Rating System of the U.S. Green Building Council.

**Alternatives Considered (30-year, present value cost analysis)**

**Lease: \$48,621,000**  
**New Construction: \$38,105,000**

The 30-year, present value cost of new construction is \$10,516,000 less than the lease alternative, an equivalent annual cost advantage of \$646,000

**Recommendation**

**CONSTRUCTION**

GSA

PBS

**PROSPECTUS - DESIGN  
PATRICK V. MCNAMARA FEDERAL BUILDING ANNEX  
DETROIT, MI**

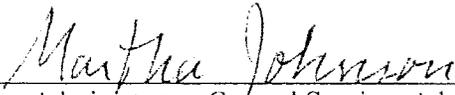
Prospectus Number: PMI-FBD-DE11  
Congressional District: 13

**Certification of Need**

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on May 13, 2010

Recommended:   
Commissioner, Public Buildings Service

Approved:   
Administrator, General Services Administration



**U.S. House of Representatives**  
**Committee on Transportation and Infrastructure**  
**Washington, DC 20515**

**James L. Oberstar**  
**Chairman**

**John L. Mica**  
**Ranking Republican Member**

David Heymsfeld, Chief of Staff  
Ward W. McCarragher, Chief Counsel

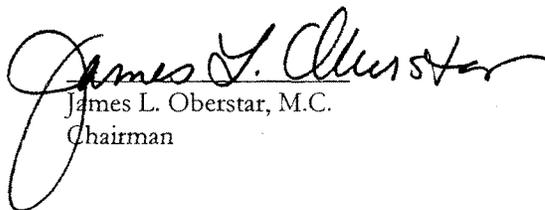
James W. Coon II, Republican Chief of Staff

**COMMITTEE RESOLUTION**

**ACQUISITION**  
**INTERNAL REVENUE SERVICE**  
**145 MURALL DRIVE**  
**MARTINSBURG, WV**  
**PWV-0000-MA11**

*Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for acquisition, through an existing purchase option, of the building located at 145 Murall Drive, Martinsburg, WV, at a proposed total cost of \$24,767,000, a prospectus for which is attached to and included in this resolution.*

**Adopted: December 2, 2010**

  
James L. Oberstar, M.C.  
Chairman

GSA

PBS

**PROSPECTUS – BUILDING ACQUISITION  
INTERNAL REVENUE SERVICE  
145 MURALL DRIVE  
MARTINSBURG, WV**

Prospectus Number: PWV-0000-MA11  
Congressional District: 2

**Description**

The General Services Administration (GSA) proposes to acquire, through an existing purchase option, the building located at 145 Murall Drive in Martinsburg, WV. The government has an option to purchase the building at the set price of \$24,767,000 before the lease expires, provided 90 days notice has been given to the lessor.

**Building**

The building was a phased construction, build-to-suit lease with the Internal Revenue Service (IRS) occupying the building since its completion in 1995. The GSA currently leases the entire building, 122,457 rentable square feet, with approximately 50% of this space consisting of a data center and 295 parking spaces, under a 20-year lease agreement that expires in July 2015.

The building is adjacent to and within the secured boundary of the IRS Enterprise Computing Center located at 250 Murall Drive, a government-owned facility.

**Project Budget**

**Building and Site Acquisition .....\$24,767,000**

**Authorization Requested (Acquisition).....\$24,767,000**

**Justification**

The IRS has a continuing long-term requirement for this location. The operations of this facility are heavily integrated with the adjacent government-owned facility. Under the current lease agreement the government has responsibilities for all repair and alterations as well as operations and maintenance of the facility. IRS has made a significant investment in the building since lease commencement for improvements that are essential to their operation. The terms of the purchase option price were finalized with the completion of the final phase of construction in March 1996. In April 2008 a Fair Market Value (FMV) appraisal was completed for GSA which indicated that the building was in good condition and well maintained with no deferred maintenance and a FMV of \$28,400,000.

GSAPBS

**PROSPECTUS – BUILDING ACQUISITION  
INTERNAL REVENUE SERVICE  
145 MURALL DRIVE  
MARTINSBURG, WV**

Prospectus Number: PWV-0000-MA11  
Congressional District: 2

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**Tenant Agencies**

Internal Revenue Service

**Alternatives Considered (30-year, present value cost analysis)**

<b>Lease:</b>	<b>\$80,420,000<sup>1</sup></b>
<b>Purchase:</b>	<b>\$39,881,000</b>

The 30-year, present value cost of purchase is \$40,539,000 less than the lease alternative, an equivalent annual cost advantage of \$2,489,000

**Recommendation**

ACQUISITION

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<sup>1</sup> Under the current lease agreement the government has responsibilities for all repair and alterations as well as operations and maintenance of the facility. This requirement offsets the usual benefits that government realizes in a standard lease agreement.

GSA

PBS

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**PROSPECTUS – BUILDING ACQUISITION  
INTERNAL REVENUE SERVICE  
145 MURALL DRIVE  
MARTINSBURG, WV**

Prospectus Number: PWV-0000-MA11  
Congressional District: 2

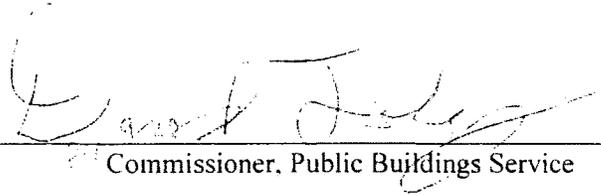
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**Certification of Need**

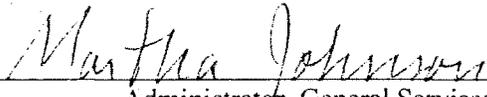
The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on May 13, 2010

Recommended

  
\_\_\_\_\_  
Commissioner, Public Buildings Service

Approved

  
\_\_\_\_\_  
Administrator, General Services Administration



**U.S. House of Representatives**  
**Committee on Transportation and Infrastructure**  
**Washington, DC 20515**

**James L. Oberstar**  
Chairman

**John L. Mica**  
Ranking Republican Member

David Heymsfeld, Chief of Staff  
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

**COMMITTEE RESOLUTION**

**LEASE**  
**GENERAL SERVICES ADMINISTRATION**  
**FEDERAL ACQUISITION SERVICE**  
**NORTHERN VIRGINIA**  
**PVA-05-WA11**

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a new lease of up to 103,684 rentable square feet for the General Services Administration Federal Acquisition Service currently located at several locations in Northern Virginia at a proposed total annual cost of \$3,939,992 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution.*

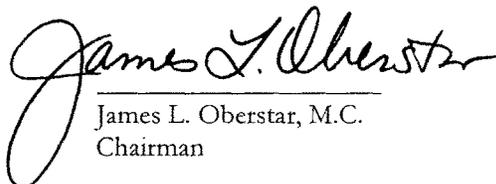
Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

*Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.*

*Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.*

*Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.*

Adopted: December 2, 2010

  
James L. Oberstar, M.C.  
Chairman

GSA

PBS

**PROSPECTUS – LEASE  
GENERAL SERVICES ADMINISTRATION  
FEDERAL ACQUISITION SERVICE  
NORTHERN VIRGINIA**

Prospectus Number: PVA-05-WA11  
Congressional District: 08

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**Project Summary**

The General Services Administration (GSA) proposes a new lease of up to 103,684 rentable square feet with 6 inside secured parking spaces for the GSA Federal Acquisition Service (FAS). The lease will allow FAS to consolidate its workforce and substantially improve its mission of delivering comprehensive products and services across the government at the best value possible in an effective and timely manner.

FAS recently consolidated its headquarters operation by moving occupants from several locations in Washington DC and Northern Virginia into its locations in Crystal City, Arlington, VA. This consolidation effort resulted in significant cost savings and increased efficiencies. Consolidation of the remaining workforce will benefit FAS, as it will eliminate the time and expense of FAS staff travel between Arlington, VA and Fairfax, VA, and will enable FAS employees to work in a team atmosphere in serving its customer agencies.

Currently the majority of the FAS headquarters workforce (80 percent) occupies space in Crystal Park 1 (CPK1), Crystal Plaza 3 (CP3), and Crystal Plaza 4 (CP4) located at 2011, 2100 and 2200 Crystal Drive in Arlington, VA. The CPK1 lease expires May 31, 2010, while the CP3 and CP4 leases expire in 2016.

The remaining workforce occupies space in WillowWood 3 (WW3), located at 10304 Eaton Place, Fairfax, VA. The Senate Committee on Environment and Public Works and the House Committee on Transportation and Infrastructure approved Prospectus PVA-09-WA09 on September 17 and 24, 2008, respectively. The prospectus provides authority to execute a succeeding lease for 92,992 rsf for up to 3 years at the current WW3 location. The lease has already been extended from May 3, 2009, to January 3, 2011, under the authority of the approved prospectus.

To continue with the successful FAS space consolidation initiative, FAS proposes to relocate its remaining headquarters workforce to be in closer proximity to the FAS Headquarters in Crystal City, GSA Central Office in Washington, DC, and the Department of Defense (DoD) in Crystal City and the Pentagon. This lease action will consolidate the occupants of WW3 and CPK1 into new space in Crystal City. The CPK1 lease will be extended to an expiration date consistent with the consolidation plans.

GSA

PBS

**PROSPECTUS – LEASE  
GENERAL SERVICES ADMINISTRATION  
FEDERAL ACQUISITION SERVICE  
NORTHERN VIRGINIA**

Prospectus Number: PVA-05-WA11  
Congressional District: 08

**Description**

Occupants:	FAS
Delineated Area:	Crystal City, VA
Lease Type:	New
Justification:	Leases Expire (05/31/10 & 01/03/11)
Number of Parking Spaces:	6 Official Government vehicles (inside)
Expansion Space:	None
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	10 years
Maximum Rentable Square Feet:	103,684
Current Total Annual Cost:	\$4,558,531
Proposed Total Annual Cost <sup>1</sup> :	\$3,939,992
Maximum Proposed Rental Rate <sup>2</sup> :	\$38.00

**Summary of Energy Compliance**

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

**Authorization**

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in one or more facilities that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide interim leases, if necessary, prior to the execution of the new lease(s).

<sup>1</sup> Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

<sup>2</sup> This estimate is for fiscal year 2011 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSA

PBS

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**PROSPECTUS – LEASE  
GENERAL SERVICES ADMINISTRATION  
FEDERAL ACQUISITION SERVICE  
NORTHERN VIRGINIA**

Prospectus Number: PVA-05-WA11  
Congressional District: 08

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**Certification of Need**

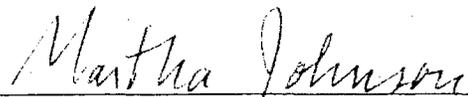
The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on May 13, 2010

Recommended

  
\_\_\_\_\_  
Commissioner, Public Buildings Service

Approved

  
\_\_\_\_\_  
Administrator, General Services Administration

General Services Administration  
 Federal Acquisition Service  
 Consolidation Housing Plan

December 2009

Northern Virginia  
 PVA-05-WA11

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)			Total	Personnel		Usable Square Feet (USF)			Total
	Office	Total	Office	Storage	Special		Office	Total	Office	Storage	Special	
Crystal Park I-Arlington, VA	25	25	4,554	-	2,190	6,744	-	-	-	-	-	-
WillowWood 3-Fairfax, VA	474	474	73,159	-	10,600	83,759	-	-	-	-	-	-
Proposed Lease	499	499	77,713	-	12,790	90,503	499	499	74,613	-	11,790	86,403
<b>Total:</b>							<b>499</b>	<b>499</b>	<b>74,613</b>		<b>11,790</b>	<b>86,403</b>

Rate	121	117
Current Utilization	121	117
Proposed		

Special Space Conference	USF
Total	11,790

Current UR excludes 17,097 USF of Office for support space  
 Proposed UR excludes 16,415 USF of office for support space

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g., auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).



**U.S. House of Representatives  
Committee on Transportation and Infrastructure  
Washington, DC 20515**

**James L. Oberstar**  
Chairman

**John L. Mica**  
Ranking Republican Member

David Heysfeld, Chief of Staff  
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

**COMMITTEE RESOLUTION**

**LEASE  
DEPARTMENT OF HOMELAND SECURITY  
UNITED STATES COAST GUARD – OPERATIONS SYSTEMS CENTER  
MARTINSBURG/KEARNEYSVILLE AND SURROUNDING PORTIONS OF  
BERKLEY AND JEFFERSON COUNTIES, WV  
PWV-01-MA11**

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a new lease of up to 161,000 rentable square feet for partial consolidation/expansion requirements of the United States Coast Guard Operations System Center, currently located in multiple leased locations at a proposed total annual cost of \$4,186,000 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.*

Approval of this prospectus constitutes authority to execute interim leases for all tenants, if necessary, prior to the execution of the new lease.

*Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.*

*Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.*

*Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.*

**Adopted: December 2, 2010**

  
James L. Oberstar, M.C.  
Chairman

GSA

PBS

**PROSPECTUS - LEASE**  
**DEPARTMENT OF HOMELAND SECURITY**  
**UNITED STATES COAST GUARD – OPERATIONS SYSTEMS CENTER**  
**MARTINSBURG/KEARNEYSVILLE AND SURROUNDING PORTIONS OF**  
**BERKELEY AND JEFFERSON COUNTIES, WV**

Prospectus Number: PWV-01-MA11  
Congressional District: 02

**Project Summary**

The General Services Administration (GSA) proposes leasing up to 161,000 rentable square feet (rsf) to provide for the partial consolidation/expansion requirements of the United States Coast Guard Operations System Center (OSC), currently located in multiple leased locations in Martinsburg and Kearneysville, West Virginia, Washington, DC, and government-owned facilities in Topeka, KS, Elizabeth City, NC, New London, CT, Baltimore, MD, and Alameda, CA.

This prospectus is submitted in response to language included in the Conference Report on H.R. 2892, Department of Homeland Security Appropriations Act, 2010 (P.L. 111-83 enacted October 28, 2009).

**Description**

Occupants:	DHS US Coast Guard
Delineated Area <sup>1</sup> :	Martinsburg/Kearneysville and surrounding portions of Berkeley and Jefferson Counties, WV
Lease Type:	Partial Consolidation/Expansion
Number of Parking Spaces:	600 surface
Expansion Space:	68,400 rsf
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	20 years
Maximum Rentable Square Feet:	161,000
Current Total Annual Cost:	\$1,602,907 (Existing leases and operating costs for Government-owned space)
Proposed Total Annual Cost <sup>2</sup> :	\$4,186,000
Maximum Proposed Rental Rate <sup>3</sup> :	\$26.00 per rentable square foot

<sup>1</sup> Bounded on the west by Back Creek from the West Virginia state line with Virginia to the West Virginia state line with Maryland, bounded on the north by the West Virginia state line with Maryland, bounded on the east by the West Virginia state line with Maryland and Virginia, and bounded on the south by the West Virginia state line with Virginia.

<sup>2</sup> Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

<sup>3</sup> This estimate is for fiscal year 2013 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSA

PBS

**PROSPECTUS - LEASE  
DEPARTMENT OF HOMELAND SECURITY  
UNITED STATES COAST GUARD – OPERATIONS SYSTEMS CENTER  
MARTINSBURG/KEARNEYSVILLE AND SURROUNDING PORTIONS OF  
BERKELEY AND JEFFERSON COUNTIES, WV**

Prospectus Number: PWV-01-MA11  
Congressional District: 02

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**Energy Performance**

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

**Justification**

The OSC provides systems development and operations services for the Coast Guard and for the Department of Homeland Security. The Lowe Building, located at 408 Coast Guard Drive, Martinsburg, WV, acts as the primary facility for the OSC functions and provides 117,776 rsf of office/ADP space under a lease that expires February 9, 2015. Operations will remain at this facility and will not be included in leasing action proposed in this prospectus.

In addition to operations in the Lowe Building, OSC also occupies outlying facilities in the Martinsburg/Kearneysville area. OSC operations are located in trailers and small leased buildings, ranging from approximately 6,000 to 30,000 rsf. It is these operations, along with several other OSC functions housed throughout the United States for which this prospectus proposes partial consolidation and expansion.

While the OSC's operations do not require immediate proximity to the Lowe Building, they do need to remain in the designated delineated area of Martinsburg/Kearneysville, and surrounding portions of Berkeley and Jefferson Counties, WV. OSC operations may potentially be housed through leases in more than one building totaling 161,000 RSF, if a single building is not available to meet its requirements.

GSA

PBS

**PROSPECTUS - LEASE  
 DEPARTMENT OF HOMELAND SECURITY  
 UNITED STATES COAST GUARD – OPERATIONS SYSTEMS CENTER  
 MARTINSBURG/KEARNEYSVILLE AND SURROUNDING PORTIONS OF  
 BERKELEY AND JEFFERSON COUNTIES, WV**

Prospectus Number: PWV-01-MA11  
 Congressional District: 02

**Authorizations**

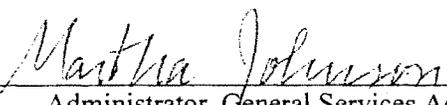
- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in one or more facilities that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide interim leases, if necessary, prior to the execution of the new lease(s).

**Certification of Need**

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on May 13, 2010

Recommended:   
 Commissioner, Public Buildings Service

Approved:   
 Administrator, General Services Administration

PVA-01-MAIL

Housing Plan  
DHS-USCG  
Operations Systems Center

January 2010

Locations	Current				Proposed			
	Personnel		Usable Square Feet (USF)		Personnel		Usable Square Feet (USF)	
	Office	Total	Office	Total	Office	Total	Office	Total
Martinsburg/Kearneysville, WV	385	385	102,592	102,592	385	385	102,592	102,592
Lowe Building	120	120	24,900	24,900	120	120	24,900	24,900
Annex 2 Building	-	-	200	200	-	-	-	-
Washington Building	30	30	5,300	5,300	30	30	5,300	5,300
Jefferson Building	40	40	10,604	10,604	40	40	10,604	10,604
Quad Trailers @ Lowe Building	40	40	6,000	6,000	40	40	6,000	6,000
Washington, DC	35	35	3,500	3,500	35	35	3,500	3,500
Jenol Riverside	50	50	5,000	5,000	50	50	5,000	5,000
Transport	40	40	4,000	4,000	40	40	4,000	4,000
Topeka, KS	75	75	7,500	7,500	75	75	7,500	7,500
Carlson Federal Building	130	130	13,000	13,000	130	130	13,000	13,000
Elizabeth City, NC	520	520	520	520	520	520	520	520
Coast Guard Aviation Logistics Center	905	905	182,396	182,396	905	905	182,396	182,396
Baltimore, MD/Annapolis, CA/New London, CT	400	400	400	400	400	400	400	400
Coast Guard PACAREA/Academy/SFLC	200	200	200	200	200	200	200	200
Proposed Lease	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
<b>Total</b>	<b>905</b>	<b>905</b>	<b>182,396</b>	<b>182,396</b>	<b>905</b>	<b>905</b>	<b>199,492</b>	<b>242,492</b>

Utilization Rate *	Current	Proposed
	120	145

\* Utilization Rate does not include the Lowe Building  
 Current UR excludes 25,537 USF of office support space  
 Proposed UR excludes 31,008 USF of office support space

Special Space	USF
Telecom	2,000
Lab	4,000
Conference	6,000
Training	5,000
ADP	11,000
SCIF	8,000
COOP	5,000
Receiving	1,000
<b>Total</b>	<b>42,000</b>

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g., auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).



**U.S. House of Representatives**  
**Committee on Transportation and Infrastructure**  
**Washington, DC 20515**

**James L. Oberstar**  
Chairman

**John L. Mica**  
Ranking Republican Member

David Heymsfeld, Chief of Staff  
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

**COMMITTEE RESOLUTION**

**LEASE**  
**DEPARTMENT OF DEFENSE**  
**OFFICE OF NAVAL RESEARCH**  
**NORTHERN VIRGINIA**  
PVA-04-WA11

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 329,000 rentable square feet for the Department of Defense, Office of Naval Research, currently located at 875 North Randolph Street, Arlington, VA, at a proposed total annual cost of \$12,502,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.*

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

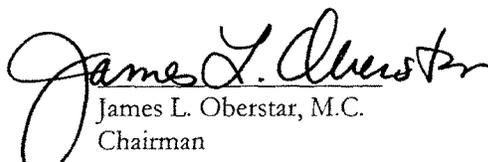
*Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.*

*Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.*

*Provided further, that the Administrator is authorized to apply only the security standards promulgated by the Interagency Security Committee (ISC) to this lease procurement.*

*Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.*

**Adopted: December 2, 2010**

  
James L. Oberstar, M.C.  
Chairman

GSA

PBS

**PROSPECTUS – LEASE  
DEPARTMENT OF DEFENSE  
OFFICE OF NAVAL RESEARCH  
NORTHERN VIRGINIA**

Prospectus Number: PVA-04-WA11  
Congressional District: 8

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**Project Summary**

The General Services Administration (GSA) proposes a replacement lease of up to 329,000 rentable square feet (rsf) of space for the Department of Defense (DoD), Office of Naval Research (ONR), currently located at 875 North Randolph Street, Arlington, VA.

**Description**

Occupants:	DoD-ONR
Delineated Area:	Arlington, VA
Lease Type:	Replacement
Justification:	Expiring Lease (9/30/2012)
Expansion Space:	None
Number of Parking Spaces:	None
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	329,000
Current Total Annual Cost:	\$11,709,883
Proposed Total Annual Cost: <sup>1</sup>	\$12,502,000
Maximum Proposed Rental Rate <sup>2</sup> :	\$38.00 per rentable square foot

**Energy Performance**

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

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<sup>1</sup> Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

<sup>2</sup> This estimate is for fiscal year 2013 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSA

PBS

**PROSPECTUS – LEASE  
DEPARTMENT OF DEFENSE  
OFFICE OF NAVAL RESEARCH  
NORTHERN VIRGINIA**

Prospectus Number: PVA-04-WA11  
Congressional District: 8

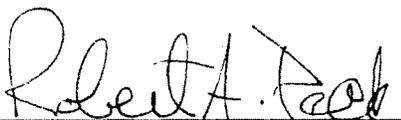
**Authorization**

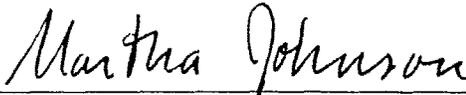
- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

**Certification of Need**

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 10, 2010

Recommended:   
Commissioner, Public Buildings Service

Approved:   
Administrator, General Services Administration



There was no objection.

A TRIBUTE TO RAYMOND  
DEMETRIO GUTIERREZ

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

Mr. SCHIFF. Madam Speaker, I rise today to honor and pay tribute to Raymond Demetrio Gutierrez, a wonderful man, a husband, a father, a grandfather, and great-grandfather, who also served his country bravely during World War II.

Mr. Gutierrez, of San Gabriel, California, was born December 22, 1926, and was 18 years old when he left his family to answer the call of duty to his country. He served as Seaman First Class on the USS *BonHomme Richard*, which joined the Pacific Fleet during World War II.

Raymond Gutierrez passed away on October 28, 2010, at the age of 83. His memory will live on through his wife of 57 years, Norma; his son, David; and daughter, Theresa. He was also blessed with five grandchildren—Aundrea, Valerie, Alissa, Kimber, and Michael—and a great-grandson, Ryan.

He is fondly remembered by his family as a man of great personal conviction, always putting his family first and treating everyone with great respect. A man of great humor, Raymond would never directly disclose his age but would instead pay it out in change. At age 83 he would say, "I am three quarters, one nickel, and three pennies."

He is affectionately remembered in a poem written by his granddaughter, Alissa Cano, for his 84th birthday, which I submit for the RECORD.

We are indebted to Mr. Gutierrez for his life of service and for the fine family and extraordinary example he leaves behind.

THREE QUARTERS, ONE NICKEL AND FOUR  
PENNIES

With weak legs, a feeble body and a sharp mind  
Tata you've lived an exciting life, "one of a kind"  
A mischievous child you always found trouble  
From stories I've heard you were a lot to juggle  
At one dime, one nickel and three pennies a navy man you were  
Standing tall with pride aboard the Bon Homme Richard  
Shortly after serving you settled down and tied the knot  
And it wasn't long before you had a tinny little tot  
A family man and hard worker with your hands  
You still found time to venture out across the lands  
Throughout many years the Gutierrez family grew in size  
You became a storyteller and friend in your watchful granddaughter's eyes  
We learned about Ferdinand loving flowers and Old Freddie Fawc  
And we each earned our own nicknames like Sam, George & Lewie

At three quarters, one nickel and three Pennies  
You're a great grandfather and one of Ryan's buddies  
Your time has not come so keep your head high and stand a little taller  
Because Tata I love you and want you to live for a dollar

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.

THANK YOU TO KELLY WRIGHT OF  
FOX NEWS AND DR. LEE MORGAN OF  
GEORGETOWN VETERINARY HOSPITAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Madam Speaker, this past Saturday, the 27th of November, Fox News aired a story about the Lee family and Lex, the wounded military working dog that was adopted by the Lee family.

Corporal Dustin Lee was Lex's handler and the Lees' son. A rocket-propelled grenade ended the life of Corporal Lee and also injured Lex by sending shrapnel into his back in 2007. Lex's pain has been so very severe over the past 3 years, and he has also had a hard time walking.

□ 1810

Lex received adult canine stem cell therapy at Georgetown Veterinary Hospital, performed by Dr. Lee Morgan. Lex was released last Friday with much success.

I would like to thank Kelly Wright of the Fox News' show "Fox and Friends," for taking interest in this story and understanding the importance of war dogs in our military. Through his kind work, many people were touched by this heartwarming story.

I would also like to thank Dr. Lee Morgan of Georgetown Veterinary Hospital. Dr. Morgan volunteered much of his personal time to Lex, his recovery, and the Lee family. He was very kind and devoted to this cause and gave this dog and family the attention they deserve.

Many individuals and organizations have made it possible for Lex to receive this therapy by donating time and money to the cause. I would like to thank the Humane Society, the American Kennel Club, the German Shepherd Dog Club of Northern Virginia, the Shoreline German Shepherd Dog Club, and the United States War Dogs Association.

Also, Marine General Mike Regner for his help in retiring this dog and making sure Lex was able to be a part of and placed with the Lee family.

Contributions came from all over the country, and I appreciate everyone who

donated. A dog handler currently stationed in Afghanistan sent a donation, which speaks to the importance of these dogs and to the appreciation our servicemembers have for them.

With that, Madam Speaker, I close by asking God to please bless our men and women in uniform, to bless the families of our men and women in uniform. And I ask God to continue to bless America.

TRIBUTE TO IKE SKELTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Washington. Madam Speaker, I rise today to honor IKE SKELTON, the Congressman who has been serving the Fourth District in the State of Missouri since 1976. I have had the great honor of working with Mr. SKELTON on the Armed Services Committee for my 14 years in Congress, and he will be leaving this body at the end of this year. And I think Ike simply embodies the best of Congress and the best of this country.

I remember I was traveling with him one time overseas to visit our troops, as he did relentlessly. And he was talking with someone from a foreign country about what the highest compliment was in America. And the highest compliment in America is, "You know, he's a good guy." And when you think of IKE SKELTON, that is the absolute least you think of him. He is absolutely a good guy to so many people.

When most of us get into Congress in the first place, it is a very, very confusing place. Thousands of issues come at you from thousands of directions. And the first thing I noticed about IKE is he always took the time, with every single one of us who came to his Armed Services Committee, to work with us and help us understand the process.

In part, he did that because that's just the kind of person he is. He cares about other people to a degree that is fairly well unprecedented. He takes care of other people and cares about them. But also he cares about the military, and he cares about the Armed Services Committee. He wants to make sure that Members understand how important service on that committee is, and he's worked with all of us.

He has done a fabulous job, certainly, representing the Fourth District of the State of Missouri, but more than that, he has done a fabulous job of representing our troops.

When IKE SKELTON talks about this body, that is the first thing that he talks about—our obligation as Members of Congress to make sure that we take care of the men and women who serve in our military and their families. I can honestly say there are a lot of Members of Congress who place that as a high priority. I don't think there is a single Member of Congress who places that as high a priority as IKE SKELTON does.

He has cared for our troops from the time he got into Congress, and has been responsible for many, many pieces of legislation, and has made sure they've been taken care of.

More than that, IKE was a mentor and a friend to me, personally. I've served on the committee with him since I got elected to Congress. He always took the time to work with me on issues, to educate me, and also to look after my interests in my district as well. He understood that, as much as he was standing up for the State of Missouri and the Fourth District, his country came first. And the entire country was his priority. And he did a great job for us on that committee.

It is with great sadness that he will be leaving this body, but I know that IKE will continue to be a very, very productive member of our society. The knowledge that he has of our armed services and the knowledge that he has of what is best for our troops will continue to serve this country for a long time to come.

It was a great honor to serve with him, and I am certain he will continue to serve our country in many capacities in a way that makes it better, because that's the kind of guy he is. He cares about other people. He cares about this country. More than anything, he cares about the troops who serve this country, and he will always be a tireless advocate for them.

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 New York (Mr. ENGEL) is recognized for 5 minutes.

(Mr. ENGEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### LOOK WHO RUNS THE REPUBLICAN PARTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GRAYSON) is recognized for 5 minutes.

Mr. GRAYSON. Madam Speaker, we've heard endless braying from the Republicans time after time, demanding an extension of tax cuts for the rich in this country. They tell us that extending the tax cuts for the rich will somehow create jobs when we've had these tax cuts for the rich for 9 years, and I haven't noticed a whole lot of jobs being created in the last 9 years. They tell us it will dramatically boost the economy. I haven't noticed that happening for the last 9 years either.

So you really have to wonder why they persist in this mania, this obsession of theirs that we need to have

more tax cuts for the rich when the economy is flat on its back and unemployment is almost 10 percent.

I think I mean the answer. The answer turns out to be very simple. They want a tax cut for the rich because they want a tax cut for themselves.

What do I mean by that? Well, let's take a look at the people who are really in charge, the ones who actually run the Republican Party.

Let's start with this gentleman here, the man with the cigar, Rush Limbaugh. Doesn't he look happy?

According to Newsweek, he makes \$58.7 million a year, and extending the Bush tax cuts for the rich will mean that he'll have another \$2.7 million. Mega dittos, Rush, and mega money.

Let's look at the next one.

Here's Glenn Beck. According to Newsweek, Glenn Beck makes \$33 million a year as a pundit, and extending the Bush tax cuts means a cool \$1.5 million for Glenn Beck's ongoing, night-by-night imitation of Howard Beale from "Network."

Now let's take a look at the next one.

Sean Hannity. Newsweek says that Sean Hannity, this man of the people, makes \$22 million a year from his act on Fox, and that means that the Bush tax cuts mean an extra \$1 million for Sean Hannity. Maybe he can go now and afford some anger management classes.

Let's take a look at the next one.

Bill O'Reilly. He makes a modest \$20 million a year from his gig on Fox. And that means that the Bush tax cuts give him not quite seven figures, merely \$914,000 a year of extra cash. It's easy to see why Bill O'Reilly wants to see the Bush tax cuts extended. And I have to say he's no Pinhead when it comes to that.

And now Sarah Palin. Sarah Palin has made \$14 million this year from cashing in on her fame. In fact, she has done a better job of turning fame into cash than anyone in American history, \$14 million. She wants the Bush tax cuts extended so she can make an extra cool \$638,000.

And now on to Newt Gingrich, the man who did such a great job in running America back in the 1990s that he wants a second chance in this decade. Newt, if you do to us now what you did to us then, we're going to be in big trouble. But Newt Gingrich makes \$5 million a year from his punditry, which means he'll get an extra quarter million dollars a year from the Bush tax cuts being extended.

And now let's go on to the Big Cheese, George W. Bush, himself, the man who got us into two endless wars, the man who brought us to the brink of national bankruptcy, the man who gave us \$4-a-gallon gasoline.

□ 1820

George W. Bush makes a cool \$4.2 million a year, according to Newsweek. That means that extending the Bush tax cuts for George Bush means an extra \$187,000 in his pocket every single year.

I have a better idea. Instead of placating these people and letting them spew out onto the airwaves their lies about the Bush tax cuts without ever revealing the fact that they stand to gain millions, millions of dollars each year from their selfish desire to take advantage of the rest of America, let's do this: let's take that money and create jobs. All that money that the Bush tax cuts are charging us, that could create jobs for 3 million Americans a year. A \$30,000 job, a fair wage for fair work, a dignified wage for dignified work, and a way to revive our economy in America.

I think that's a better idea than stuffing even more money into the pockets of the rich. Because the problem in America today is not that the poor have too much money. That's not the problem at all. It's that they need jobs.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

(Mr. GARRETT of New Jersey 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 Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. 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 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 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.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman 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 Florida (Mr. LINCOLN

DIAZ-BALART) is recognized for 5 minutes.

(Mr. LINCOLN DIAZ-BALART of Florida 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 Arizona (Mr. FRANKS) is recognized for 5 minutes.

(Mr. FRANKS of Arizona addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### PRECEDENT AND THE CENSURE MOTION

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 as the designee of the minority leader.

Mr. GOHMERT. Madam Speaker, it's been an interesting day here on the floor. And as always, an honor to have a chance to speak here. What we have just witnessed was not a pleasant event. It was terribly sad. It's tragic when anybody in Congress, especially a leader, a chairman, is found to have engaged in conduct inappropriate to such a degree as a Member of Congress, particularly as the chairman of the Tax Code-writing committee.

We have heard some things that were a little bit surprising. I heard Chairman RANGEL say there was no self-enrichment. I heard people talk about the lack of precedent for something like this, to have such a horrible sentence as to have to stand before the Speaker and be told to pay the taxes that were actually due and owing, or should have been paid previously when they were due and owing, and how horrible that was. So a little surprising that I would hear a fellow colleague make a comparison to the death penalty and life in prison.

I have had the unenjoyable responsibility to sentence people to death before and to life in prison. And I would daresay you could bring back those sentenced to life—you couldn't bring back those sentenced to death where it's been carried out—but they would not agree that standing before the Speaker and being told to pay the taxes that you didn't pay back when you should have was anything equivalent and fair to be compared with a life sentence in prison.

With regard to precedent, all kinds of precedents come back to mind, all types of displays of integrity. We heard people say across the aisle that because

someone conducted themselves in such a heroic and noble fashion in war that they deserve to be left alone and to be honored, and in fact apparently deserving of a standing ovation for failing to comply with the laws that he himself helped create.

Precedent? You want to know precedent in this country? You can go down the Hall from this Chamber and go to the rotunda and look around and see massive paintings that evidence precedent. You see 56 signers of the Declaration of Independence who pledged their lives, their fortunes, their sacred honor. And they didn't withhold any of those.

We are reminded of I believe it was Thomas Nelson, a signer of the Declaration, who pledged his life, his fortune, his sacred honor. I believe it was Nelson who, during the siege of Yorktown, had indicated that since the British officers were in his home, his home should be fired upon, that that was the British headquarters. The soldiers apparently responded that, sir, this is your home. He said, this is where the enemy is. Take out my home.

Precedent? People who pledged their lives, their fortunes, their sacred honor, who lost family members, who lost everything, all for the sake of us having liberty and freedom some day. And say that we have not—it's okay to just flagrantly fail to abide by the laws that we ourselves create.

Precedent? There is the big mural of Washington standing there with a piece of paper in his hand. And people file by that by the thousands every day and don't really understand the precedent that that established.

Precedent? I will tell you precedent. George Washington was made commander of the Revolutionary military. Many of the soldiers enlisted around the time of the signing of the Declaration of Independence, July of 1776, which means that their enlistment was to be completed in January of 1777. Most of that time was spent in retreat in front of vastly superior British forces.

December 24, things were so desperate Washington talked to his generals, and he believed they should move across the Delaware. Even with all the ice, even with so many of his men not equipped, many without shoes, they should travel across the Delaware and engage the most feared mercenaries in the world. His generals said there is ice in the river. We could lose the entire revolution if we do this. Washington said if we don't have a victory, it's going to be lost anyway.

He himself came up with the challenge words. If a soldier was to be challenged that night, "Halt, who goes there?" The challenge words that would allow the challenger to know that this was an American would be, "Victory or death." It was that important.

They traveled across the icy Delaware. And, no, George Washington

knew better to stand up in a boat, especially in an icy river. They caught the Hessians off guard and routed them, took them prisoner. Some were killed.

□ 1830

It was a major victory. But many of the American soldiers felt like they were not going to reenlist when their time was up.

On December 27, 1776, the Continental Congress did the unthinkable. They were seeking a democratic republic where people would govern themselves, and yet they passed a law to give Washington basically all the power, all the financial power he needed to win the war. Do whatever you need, pay whatever you've got to pay, because the Continental Congress knew that, if these guys didn't reenlist, they were all dead. Their families would be dead. They would be dead. Everything would be gone. Everything they had worked for in their lives would be gone.

But they had pledged their lives, their fortunes, their sacred honor, and here they put them in the hands of one man. They sent a cover letter with a copy of the bill to Washington, in essence, explaining that we are giving you all this power, but because we know you, and we know your absolute integrity, that when you have no further need of this power you will give it back.

Precedent? That was a precedent. No man has ever been given that kind of power in the United States' history. Paulson came close with his Wall Street buddy bailout that he was able to wrangle. But they knew Washington. There was a precedent.

He didn't get the copy of the bill in the letter until the men either had to reenlist or go home. Washington urged them to reenlist, and virtually no one did. He made a second plea, not knowing he had the power to raise their salaries. And his plea was so heartfelt, because they knew this man's heart, that most of them reenlisted anyway. Then he later found out the power he had.

Precedent? The precedent came when George Washington won the Revolution and did what no man before or since has ever done. He did what's depicted in that picture where he is standing there with his resignation in his hand, and he says, symbolically, here is all the power back. I did what you asked with absolute integrity, and now I'm going home.

That's a precedent. That's incredible humility and integrity that we haven't seen around here in a long time. That's a precedent. Talk of precedent, during Chairman RANGEL's hearing. Compared to those kinds of precedents?

You know, when George Washington resigned, he had sent a resignation letter to the 13 Governors. And at the end of that resignation letter, and it was printed, circulated throughout the 13 States, he said, he ended with these words. What a precedent this is.

"I now make it my earnest prayer that God would have you, and the

State over which you preside, in His holy protection; that He would incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government, to entertain a brotherly affection and love for one another, for their fellow-citizens of the United States at large, and particularly for brethren who have served in the field; 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 pacific temper of mind, which were the characteristics of the Divine Author of our blessed religion, and without an humble imitation of whose example in these things we can never hope to be a happy nation.”

He signed it, “I have the honor to be with great respect and esteem, Your Excellency’s most obedient and very humble servant, George Washington.”

There is a precedent. There is absolute integrity. There is humility.

You would never have heard Washington stand up and say, hey, at least I didn’t self-enrich. There was no self-enrichment even though Washington, in his case, it was truth.

Precedent, we are told. We are told about precedent here when you have this historic building where you have so many acts of selflessness that have been carried out.

You know, Webster probably should have been present. I am not sure that he was right in what he did. I think he was wrong when he urged other Senators to join in the Compromise of 1850. But apparently Webster believed, even though he was a strict abolitionist and believed, as we all should, that no one should be enslaved, no one should be owned by another individual—precedent. Well, I am just taken aback.

In this hallowed Hall, no self-enrichment. Webster stood up knowing that if he urged the other Senators to join in a Compromise of 1850, though he probably would be President, if he said that, he would not be. He tried that after he urged them to do that, but it didn’t work out. He figured it wouldn’t. That was selflessness rather than selfishness.

There was a case where there was no self-enrichment or self-deprecation. He never became President, and historians point to that act. Right or wrong, he believed that there would be a civil war if they did not have the Compromise of 1850, and he believed that in 1850 the Nation would not be able to withstand a civil war. Maybe it wouldn’t have. It almost didn’t when it began in 1861. But that was a precedent. That was selflessness. That was a case of no self-enrichment.

Or how about in the impeachment of Andrew Johnson when a man is carried on a gurney so that he can cast a vote and the vote failed by one? There are all kinds of cases of precedent, of selflessness, of cases in which there was no self-enrichment.

Yet that’s brought up in this case of Chairman RANGEL. I like Chairman

RANGEL. He is a fun guy to talk to. He is a fun guy to be around.

Until this episode, I thought he was a very, very smart individual. But for his statements to be true, that he had no idea that he was doing anything wrong, then there would have to be a vast amount of ignorance. There is no law against ignorance. We are all ignorant in some areas. But after I heard the comment “no self-enrichment,” I asked for the case evidence.

Well, it turns out in Punta Cana, in the Dominican Republic, the respondent, Chairman RANGEL, purchased a villa at the Punta Cana Yacht Club in 1987. It talks about he had quarterly payments due, 10.5 percent interest. He could use the villa for up to 9 weeks a year. The remaining weeks it could be rented out by the resort with proceeds from the rentals going into the rental pool from which he received benefit or, some might say, self-enrichment.

□ 1840

For his portion of the rental pool, it’s income. Obviously, we can’t call people a liar, so we will say, okay, he was telling the truth. He had no idea that when he was provided money or that that money was paid toward a home which he purchased to pay off his mortgage he had no idea that that was income.

Now I would think to help make that kind of an assertion, it would help if the chairman of Ways and Means also came into this body and in addition to saying, there is no self-enrichment, I had no idea at the time that I was making these mistakes, I would think he would add, Do you know what? Since I’m chairman of Ways and Means and I can’t figure this stuff out, and even I am completely ignorant of what is accrued income to me, what we need to do is either have a flat tax or a fair tax where I never have to fill out another document again, it’s just taken care of, there’s no mistakes. Because this obviously is so confusing that even the chairman of Ways and Means cannot figure it out.

Well, the evidence goes on that in late 1992, early 1993, the management of Punta Cana decided to eliminate any remaining interest due on the mortgages of the respondent with some early investors; and in 2009, by that year, the respondent’s, Chairman RANGEL’s, rental pool’s earnings paid off his original mortgage and the financing of the third bedroom addition. See, most people would realize that if other people are paying money to rent out your villa and you’re getting checks, as apparently came at some point directly from the rental pool to Chairman RANGEL, some would say, do you know what? I’m getting this extra money into my pocket, do you know what? That is probably income. Some would realize that when people are renting your villa, and that money is going into a pool from which your mortgage is being paid an additional equity, every quarter it’s increasing, that that would be accrued income or self-enrich-

ment. But apparently that was not realized.

So as a former judge, I know we look at other evidence to see if there are indications that anything might have been discerned about the classification of this obvious income or benefit to most people, and the evidence points to a January 1993 letter written to Reiniere at this Punta Cana resort in which Chairman RANGEL said, I hope you can provide me with a copy of the contract we have with the Punta Cana which includes the third bedroom addition, what equity has accrued and if there is an outstanding balance. He wasn’t sure that there was an outstanding balance because even though he may not have been paying the mortgage, it was getting paid from somewhere, and then though he apparently did not realize that by others paying his mortgage for him that it was income, he said in this letter, his words, as I mentioned to you, the House Ethics Committee requires the disclosure by Members of Congress of any assets and unearned income, and while I enjoy a good relationship with the committee’s chairman, it certainly would be politically embarrassing if I were unable to provide an accurate accounting of my holdings.

Apparently, at the time he wrote the letter, he realized they were holdings. He realized that there was equity accruing, which many would consider a form of self-enrichment. He indicates that since Members of Congress are required to disclose assets and unearned income that he would need the information from Punta Cana to indicate what income had come in.

As we understand, there has also been the issue raised, well, gee, statements came back in Spanish, and so we really didn’t know what it all meant. However, the evidence indicates on a letter that was sent to Chairman RANGEL, please find enclosed your statement of account as of June 30, 1996, for the CO owners’ rental pool that shows a total net income, and apparently the word “income” in English in the letter did not resonate with Chairman RANGEL that “income” meant it’s income, and it didn’t trigger the thought that maybe since they’re saying it’s income, I should report it on this thing called an income tax return.

But it says there was net income of U.S. dollars \$3,294.95. So I understand since that’s spelled out in English that can be a little confusing, especially where they say the net income to Chairman RANGEL was this specific amount. But then again, maybe self-enrichment means something other than what I understand. And I think most people understand that you made money off something.

Well, the original financial disclosures—I didn’t even ask about this stuff until I heard Chairman RANGEL use the term that there was no self-enrichment. So I asked for the documentation here just this afternoon, because I was struck by “no self-enrichment.” That doesn’t sound right. But

apparently the 1998 original financial disclosure—this was after the letter was sent to Punta Cana saying I have to disclose all assets on my financial disclosure I have to disclose as income, and even after he got a letter saying here is how much in U.S. dollars you had in income, he doesn't disclose it on the financial disclosures for 1998, 1999, 2000 per letter agreement.

And then finally in 2001, he does start reporting the income between \$5,000 and \$15,000, that's the category, until 2004 when the category was \$2,500 to \$5,000. But also in the evidence in the record, it shows that for 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006 no income was reported from this income as described from Punta Cana on the original income tax returns of Chairman RANGEL.

I suffer from the problem of having, before I was a judge and chief justice, having been in a Federal courtroom of a judge who was known to tell people he sentenced who had not reported every dime of income they actually had. So found guilty of failing to pay all of their income tax, income tax fraud, he would instruct them that they had committed this horribly heinous crime. The reputation was that they would be lectured that they had committed this heinous crime by taking food out of the mouths of children who couldn't feed themselves or shelter from those who had none by this heinous crime and then be sent to prison, doing hard time in prison.

So I didn't get as concerned about this until I heard the chairman himself saying here on this floor there was no self-enrichment; they were just innocent mistakes. Yet in his own words, in his own letter, he acknowledges he needs to know what is his income from Punta Cana, from his villa there. He indicated he has to disclose these things, even though he didn't, and didn't report for years on his income tax return the fact that people were paying rent to his villa and that money was going to pay off his mortgage.

□ 1850

See, I think most people across America who may not even know what the Ways and Means Committee is and that it writes the tax laws, they have an idea that if they buy a home or they buy a villa, whether in the Dominican Republic or here in the United States, and it is leased out, and after paying expenses for the home there is additional money left that is used to pay off the mortgage and then is eventually sent in a check to that person who brought the home, they kind of get it, that that is income, that is self-enrichment. And that is why so many people do that if they can afford it, because they like the idea of renting out a facility, having others pay off their mortgage, and they end up owning it. But they understand when people are paying off their mortgage for them, that is income.

Now, it is true I have the luxury of having sold, cashed out, virtually all of

my wife's and my assets, retirement accounts, because I believed so strongly in the need to change the direction this country was going. So as it gets reported annually in papers back in Texas, I have less assets than anyone. Right now, because we have such a wonderful nice home, we are trying to sell that. We are in the black when it comes to net assets, but without the home we are not. But I don't have the difficulty that Chairman RANGEL does because I cashed out my assets to live on while I ran to be in this body.

But I took income tax law in law school, and I have read through the income tax forms before. Now, for a number of years, we have an accountant do it. But it is staggering how many people that I have talked to, some who never went to college, but they get the idea that if you buy a home, buy a villa and rent it out, and that rent pays your mortgage and then eventually the rent is sent to you, that is income. In both places, when it is used to pay off the mortgage and when it comes to you, it is income.

And it sure looks like, from the chairman's letter in 1993, that he knew it was, too, at least at that time. But maybe a short time after he wrote that letter, maybe he forgot. And when we hear the stories about the information being in Spanish—and I don't speak Spanish—that makes some sense. But most people would say, I need to get somebody who speaks Spanish to read these documents.

There is a lot more evidence, but that is pertaining to the villa in the Dominican Republic. I think it is wonderful that he was able to have a vacation home like that and have people pay it off for him, but it certainly ought to be able to be discerned by the chairman of the Ways and Means Committee that that is income.

So when we hear talk during that proceeding about precedent, and, you know, even a little modicum of the history about this place, how we got this because of the sacrifice of so many who pledged everything, just as our soldiers do, and then we have someone say, hey, don't forget I served honorably. Well, it broke my heart every time I had to sentence someone to prison who had served honorably but then later was convicted of a felony and came before me as a judge. It was heartbreaking.

And I bet if Duke Cunningham had it to do all over again, a former Member of this body and extremely decorated, as I understand the greatest ace of a pilot that we had in the Vietnam War, I bet he would like to know that the Rangel defense is that if you served honorably before, you don't get in trouble other than having the Speaker tell you to pay back taxes that you owe. What kind of a censure was that?

You would think that a censure is saying you did wrong in very blunt terms. Instead, it sounded like, hey, go pay the taxes that you obviously owe. It's amazing, just amazing.

I did not intend to get into this tonight, but I was so taken aback that

someone would here on this House floor and say there was no self-enrichment when the evidence seems to speak for itself. I know that I am limited by the rules as to what I can say about it, but the evidence speaks for itself. How can there be such ignorance about what self-enrichment is? It is staggering.

And then, before I speak, I have to listen to a colleague from across the aisle who tells us that actually Bush gave us \$4 gas, in his words. It is nice when people take responsibility for what they have done. It's not so nice when people blame others for the mistakes they themselves have made.

And it is interesting that since the Democratic majority took control of this body and chairmanship of every committee, that they could still blame Bush for everything that happened in 2007 and 2008 even though the Constitution puts the responsibility squarely on Congress to have a budget, to make appropriations, not the administration. They can submit one. But constitutionally, it is this body's obligation to appropriate and not to spend too much money. So how do you keep blaming Presidents?

And yet we know when the Republicans took the majority in 1994 and were sworn in with the majority in 1995, if you believe the Constitution, then it was the Republican Congress that balanced the budget in those days. And if you go back historically and look, although President Clinton takes credit, oftentimes he was rather upset about the things that this Congress did to get the budget balanced. Now he takes full credit and congratulations.

And apparently there was something to having a Congress that was in different hands than the President, because certainly when President Bush took office in 2001, although I wasn't here, there apparently was a giddiness. Wow, we have the House, Senate, the White House. Now we can just spend like we never have before. And all of the restraint the Republican Congress had used in the late 1990s seemed to go out the window. And so we ran deficits, and Democrats were proper to point those things out in my first two years of 2005 and 2006. They are right. We should not have run a deficit budget. But the claim was, if you give us the gavel in January of 2007, we will fix all that. And instead, that is not what happened.

So to continue to correct things that have been said here inappropriately this week, including today, I even heard the Speaker, Madam Speaker herself, say a number of times, once in here, but said many times, it is, in essence, irresponsible to have across-the-board tax cuts, just extend the current tax rate as it is into the future, even though the lowest rate is 10 percent and those that earn the highest amount of money pay 35 percent, and even though common sense would tell you if the rate were 10 percent across the board for poor and rich alike, the rich would still pay more money. The

more you make, the more you pay. Except what many people don't realize is that the people on Wall Street that make so very much money, that contribute to Democrats 4 to 1 over Republicans, they as Art Laffer explains, rich people like that have control over the amount of income they bring in in a given year. They have control over where that income is paid.

□ 1900

They have control over the manner in which it's paid. They can control all kinds of things about their income; whereas, someone who is a wage earner, a brick mason, as Laffer has pointed out, has to lay the bricks where they are. He can't control where he derives income. The wealthy can and have moved from States or cities that increase their taxes too much. The rich can control those things.

So, Warren Buffett, how noble for him to say he should be paying more taxes. Well, it would seem to me to be a whole lot more noble if he'd just pay them, instead of allowing his accountants and lawyers to come up with all kinds of schemes and ways to manipulate the income so he doesn't pay the taxes that he would if he were paying a 10, 15, 20, or 35 percent tax. When you are wealthy, you are in a position to control how you receive income and what years you receive it in.

Many people who are wealthy have been receiving income this year before the rates go up on January 1. I've heard from people who are wealthy that they have money to invest, that they have money that they would like to spend to create housing developments and things; but, you know, there is just too much uncertainty with regard to the taxes, so they're not going to do the building. It would be insane. They don't believe, I think rightly, in starting to build homes when nobody is buying them because nobody is sure what the future will hold in the way of taxes. So those who are in a position to create jobs are not creating them because of the uncertainty created by this majority and this administration.

We've been told, even though we are in December now, that the tax rates will go up greater than they ever have in the history of this country on January 1, so there is all this uncertainty. Capital gains rates shoot up and all of these marginal rates. Every rate of income tax goes up. The thing to do is just extend the rates to give that certainty. But oh, no. We probably would have done that, but there was just too much we had to cover.

Today, for example, we had to take up a debate and deal with the Airport and Airway Extension Act of 2010. Well, obviously, airports are important. We had to take up a debate and take a lot of time to have a recorded vote supporting the goals and ideals of National GEAR UP Day. I mean, some of these things that we took up are nice, worthy things, some of which are very helpful to people.

But how much more helpful would it be to give some certainty to the economy so people could have a real job before we get to Christmas? Give them a job. Give them the hope. But oh, no. We're too busy to give some certainty to the economy so people can start creating jobs again.

We had to take up a bill and debate it on expressing support for the designation of the month of October as National Work and Family Month. That's wonderful and that's fine, National Work and Family Month.

But how much better would it have been to have taken up the issue of the tax rates and made sure they would be stable on into the next year so that jobs would be created? Wouldn't that have been better than spending all this time debating and voting on the congratulations and how wonderful it is to have a National Work and Family Month? I mean, that's nice, but wouldn't it have been better to have actually created jobs and created work so that people could have money to spend on their families?

You know, we passed a bill that gave unemployment benefits for 99 weeks, for goodness sakes, which is expiring. It would have been better to say, You know what? It has been 26 weeks, and you haven't found a job because there isn't one in the area in which you're trained. So, rather than pay you to sit around the house for another year and a half—and I know people are hurting. I know. I understand—it would be better to say, So you didn't find a job in your area of expertise and training and experience in 26 weeks, over 6 months, so we're going to see that you get trained in an area where there are jobs so you'll have the expertise and training in an area where there are jobs so you don't have to sit around the house.

Because people get depressed. They lose their sense of self-worth and value when they don't have a job. Yet this government prefers to keep people as indentured servants and to keep having them reach out to the government for help because we refuse to incentivize people to reach their God-given potential. Instead, we lure them into ruts from which they cannot extricate themselves.

That's what we have done for 45 years with young, single women. Hey, you're bored with high school. I've had women tell me this in court.

We're bored with high school.

I've heard a defendant say it was her mother who said, Hey, just drop out. Have a baby. The government will send you a check.

What? This government is incentivizing people not to finish high school? I know that the Great Society legislation was born out of the best of intentions because there were deadbeat dads who were not helping, and they should have had to have paid a high price; but for goodness sakes, don't incentivize luring people into a rut.

These young women would come in before my court, charged in some cases

with felony welfare fraud and others with drug dealing because they would find out, Well, gee. I can't live on this little check for one child who was born out of wedlock, so maybe I'll have another and another and another. Eventually, they are in a hole and they have no hope, and our government lured them into that.

I know there were good intentions, but good intentions are immoral when they deprive people of chance and opportunity and when they lure them into a hole they can't get out of. That is not a government function. That is not what we are to be about. Then there is all of this talk, over and over, about how are we going to pay the \$700 billion it will cost if we keep the same tax rates into next year. Well, it flies in the face of the facts, and the facts are very clear.

I know we've heard a lot of opinion on this floor about, gosh, it will be a \$700 billion loss. Why? Because that's the kind of thing the CBO says. Why? Because the CBO doesn't deal in the real world. They deal in an area of Keynesian economics where they are not allowed to look at the facts to make predictions for the future. How stupid is that that this body relies on a group like CBO, which has their hands tied, which can't look at history to determine the future?

So they're able to come out and say something ridiculous like, Gee, if you allow the wealthier people in America to have the same tax rate, it's going to cost the American treasury \$700 billion. There is no evidence in our history that that has ever happened in reality, that when you have a lower tax that it actually costs revenue.

The fact is—this is when you get into the so-called "Laffer curve" that Art Laffer came up with, and it's amazing that some people, particularly MSNBC, cannot figure this out—if you tax zero, you will get zero revenue. It's pretty basic. If you tax 100 or 150 percent—let's say 100 percent. If you tax every dime people make, then they're going to quit working. Why should they work when the government is going to take every dime and they don't get to keep any of it? Why would they work? They won't.

□ 1910

It's very clear. It's one of the reasons the Soviet Union fell.

So somewhere between zero percent tax and a hundred percent tax, you have a percentage that will maximize the return of the revenue to the Federal Government that the Federal Government can then use to carry out its government and its governmental functions.

So there is a point. It's ridiculous for somebody to say, so I guess at zero percent tax, we'll have all kinds of revenue coming in. That's ridiculous. What a bogus thing to say. It's between zero and a hundred. You find the point, and that was the point of the Laffer curve. You get to one point here where

you continue to tax beyond that, you discourage people working and making more money, then they have less money to go out and pay others to do things, like feed them at restaurants or clothe them or to buy a bigger, nicer house or to buy more cars, those kind of things. It stimulates the economy when people have more of their money and they can buy more, do more with their own money.

Of course you don't get more revenue at zero percent. But obviously as John F. Kennedy found when he cut taxes, and as Reagan found when he cut taxes, and despite the misinformation spewed on this floor, the fact is that when taxes have been cut, revenues go up—each time it's been done.

But we have such an ignorant way for CBO to operate. So for this political animal—and I know people say, oh, it's bipartisan. Baloney. CBO is not bipartisan. They can say what they want, but if CBO were really bipartisan, the facts wouldn't be as clear as they are about what CBO has done. They are quite partisan. And I know that Director Elmendorf was not happy when I previously pointed out how well they cooperated with the White House in misconstruing the cost of like ObamaCare after he was woodshedded at the White House, but sometimes the facts hurt and that one obviously did. Because whether CBO and the director realize it or not, they have done the President's bidding. They came in at 200, \$250 billion under where they should have been if they had used their own ridiculous rules.

We need bills scored by groups that can look at history and look at reality. And CBO, the Joint Tax Commission, they need to be done away with. We could save money and have more accurate projections, more honorable, reliable projections if we hired that out to independent entities that are allowed to look at real world facts.

So here are some real world facts for all of my friends that are ignorant of the facts of what happens when you cut high tax rates and make them a bit lower. We know that in 2003, these were the tax rates that took effect that have been extended and that we're seeking to extend. Not tax cuts but just to extend the same rates. When those tax cuts were fully implemented after 2003 in which they occurred, we should begin to get some idea of what the real world facts are that CBO cannot rely on, because they're not a realistic entity because of the rules under which they operate.

So 2003, before the tax rates kicked in, those that were operating under the 2002 tax rates and rules, in 2003, the Federal Government took in \$1,782,321,000,000 approximately; about \$1.8 trillion. The following year the so-called Bush tax cuts had taken effect, so after the \$1.782 trillion Federal revenue and the tax cuts went in, gee, did we lose \$700 billion? No, we did not. Actually what happened is the Federal revenue climbed to \$1.88 trillion. In '05,

it jumped up again—to \$2.153 trillion. And the next year it jumped up yet again in '06—to \$2.406 trillion. Massive gains and increases in Federal revenue after the tax cuts took effect. There is no reality in losing \$700 billion when you continue these same tax rates.

But, boy, we will create disincentives for those who create jobs if we don't extend the tax rates across the board for everybody. And for those who are concerned that, gee, they should pay more, they'd be paying more if it was across the board a 10 percent income tax. But they're sure paying more when the lowest tax rate for the poorest Americans is 10 percent and the highest tax rate for the wealthiest is 35 percent. But when that shoots up about another 5 percent come January 1, there's not going to be the incentives to create new jobs. People are going to have to pull back in their horns because they're going to have 5 percent less money to deal with. Not the Warren Buffetts. They'll still have the accountants and lawyers to figure out how they can move income to different places, how they can take it at different times, how they can make it as part of something that is not taxable. All that will happen for the super-wealthy. But there was a book I recall back in the nineties, I believe, about millionaires in America; and I recall reading that the most popular vehicle for millionaires in America to drive was not what one might think. Not a Lexus, not a Mercedes, not a really high-powered car. The most popular vehicle according to what I read for millionaires in America was a Ford F-150 truck. And yet friends across the aisle try to paint millionaires as being these mean-spirited people that just want to take all the money for the poor. They'd like to hang on to what they built in their lifetime and they paid taxes on, but these aren't the Warren Buffetts or the Bill Gates or the Michael Dells where they can adjust income the way they take it and avoid paying taxes at the same rate as people even in the lowest tax rate. These are people who build businesses from nothing and then along comes the Federal Government at the end of their life, and it will start again January 1, and the Federal Government says, "You know what, you worked too hard, you saved too much, and we're going to take 55 percent of everything you saved." So for most of these small businesses that are built from scratch and most of the family farms that are built over generations as my great aunt and uncle did, over generations, the Federal Government comes in and says, you know what, like in the case of my great aunt, Lilly, you know what, you got 5,000 acres—I'm sorry, she had around 2,500 acres, valued originally at the time of her death at around \$2,000 an acre, it was approximately a \$5 million estate. And so we're going to take 55 percent of that, we'll give you an exclusion and take 55 percent of that. But within a year the values, because there was a lot of

dumping of land around there, FDIC, dumping land, values fell six, \$700, so the IRS took every single acre of that farm that took over a hundred years and generations to build. It is immoral. It is immoral for this body to say, you worked too hard, you saved too much, you accumulated things for your family, so we're going to take over half of it. That's outrageous. It needs to stop.

But the gavel was handed to the Democratic majority in January of '07, so we have to give some credit where credit's due, despite what my friend across the aisle said about Bush giving us \$4 gas. Actually he was trying to do things like drill in areas that would have brought down the price of gasoline. Yet this administration and this majority, this majority beginning January of '07 began to take actions, it seemed like it was basically monthly, where we were putting more and more land off-limits to drilling, off-limits to production of minerals and oil and gas and things that people relied on to have lower gas prices.

□ 1920

So let's give credit where credit is due.

Then I heard on Greta Susteren's show, when she interviewed Donald Trump, he had the solution to creating more jobs in America. He said, What you have to do is create more jobs in America. He kept saying, What you've got to do is just create more jobs in America. It's like what comedian Steve Martin used to say, I'm going to write a book on how to have \$10 million and not pay taxes. Okay, I'll tell you how it goes: First you get \$10 million, and then you just don't pay taxes. I mean, to say the way to solve the problem is to create jobs, well, of course. But eventually she pinned him down and asked him, what specifically would you say to do? He said, I would put a 25 percent tariff or tax on everything that we buy from China and that will solve the problem. As smart as that man is and as well as he has done, obviously he hasn't spent his life in government service because unless you are able to figure out things I haven't that you can do legally, you don't make a lot of money. You know, \$170,000 sounds like a lot, but not compared to what you could do. But 25 percent tax on everything we buy from China? He doesn't realize that triggers all kinds of penalty provisions of all kinds of treaties that we have? He doesn't realize what that would do in starting a trade war that we probably could not win? Shocking.

You want to get jobs going, the thing to do is to eliminate the 35 percent tariff on every American good produced by an American company in America. Get rid of the 35 percent tariff—because that's what a corporate tax is now, let's be real about it; it's a 35 percent tariff on every American corporate good that we sell. You cut 35 percent

off the price of American goods produced in America by American companies and they will be able to compete worldwide.

Madam Speaker, thank you for the time. I hope we will eliminate the 35 percent American tariff on American goods.

#### STOP THE POLITICAL POSTURING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Florida (Mr. DEUTCH) is recognized for 60 minutes as the designee of the majority leader.

Mr. DEUTCH. Madam Speaker, the holiday time is upon us when Americans from all walks of life rejoice in our shared values of generosity, good will, family, and thankfulness. Yet, this cherished holiday spirit is absent here tonight as Congress once again finds itself in partisan gridlock. This is doing absolutely nothing to ease the worry felt by families across America during these difficult times.

Tonight the clock is ticking for 2 million Americans unable to find work and on the verge of losing their unemployment insurance. They worry, and they worry greatly, how they will meet their next mortgage payment, how they will put food on the table, or how they just may be able to afford a gift or two for their children this year at this season.

Likewise, tonight millions of workers across America wonder if a tax increase is headed their way. They have been suffering from stagnant wages and fewer hours for years, but without these tax cuts they know times will get even harder. They are not asking for much, just a few extra hundred dollars in their paychecks next year, yet they are holding their breath tonight because those on the other side of the aisle are holding middle class tax relief hostage in favor of tax cuts for millionaires, holding off providing tax relief to the middle class at a time when it is so desperately needed.

Tonight, the retirees in my district and all across America worry that their needs are going unnoticed by Congress. Already just today in the United States Senate Democratic efforts to provide some measure of benefit to seniors who have now gone 2 years in a row without a cost of living adjustment to their Social Security even as their costs go up every single year, efforts to provide them with just a payment to help them through these difficult times were cut off as a result of this partisanship.

Come January, if the Republicans have their way, health care reform will be repealed and the donut hole will be reopened, saddling seniors with massive prescription drug bills. In short, political posturing is threatening to reverse the progress that this Congress has made, and more importantly, at this difficult time it is political posturing that threatens to hold up the

middle class tax cuts, that threatens to hold up an extension of unemployment benefits even as 2 million Americans are starting to see their benefits end, and it is indeed this posturing that will make things exceedingly more difficult for our seniors.

So instead of giving middle class Americans some peace of mind this holiday season—which is what we absolutely ought to be doing—the Republicans in Congress are demanding another \$700 billion for those who don't need that tax cut right now. At least if there is to be a debate, a further debate on the merits of that tax cut, let's do what everyone wants, what everyone knows is necessary, and provide that tax relief to the middle class, and let's do it now.

Now nothing drove home some of these misplaced priorities—placing profits all too often ahead of people, and more importantly and obviously these past few days, putting partisan gain ahead of old-fashioned compromise, compromise that Americans want us to make—nothing drove that home for me more than a recent letter I received from a dear friend, a mother with a child who needed some medical care. I would like to read this letter on the floor of the House of Representatives today because I would like to give voice to the millions of mothers and fathers across America who have felt the anxiety and the powerlessness that comes when a child is sick and a health insurance company denies a claim.

The letter reads as follows by my friend Amy. She said, "Losing control was a luxury that I didn't have. And yet my hands were shaking uncontrollably as I held the letter from the insurance company about my 6½ year old son's third open heart surgery. 'Patient. Date of birth. Description of surgery: Replacement of aortic valve. Elective.'

"Elective? Oh, that's right, we were electing to save my little boy's life. I felt myself about to explode, literally explode. Blood and guts and that second bowl of pasta that I should never have eaten anyway would be splattered all over the over-priced Turkish rug on our bedroom floor. Three, two, one, and then I held it in because I am a mommy, and I had to keep it together for my three young, beautiful, willful boys, one a kindergartner with congenital heart disease whose heart happened to be failing again, and who just the other day asked, 'Mommy, if I have to go to heaven early, will you go with me?'

"I glanced up from the letter at my husband who had handed it to me moments ago, my sweet, it-will-all-work-out husband who right now looks so small and tired and helpless, and I said with all the conviction of a mother who's got nothing to lose and everything to fight for, 'I'm going to bomb them.' He burst out laughing. 'No, seriously. I'm going to the store to buy vinegar and dish soap and pop rocks—or whatever you're supposed to mix together.'

□ 1930

"More uproarious laughter that quickly trailed off when he realized I wasn't laughing, too. 'You are joking, right?'

"And that's when I understood them: those crazy people on the news who sometimes just snap. I got how someone could wake up one day and just lose it and how that someone could be me. I defiantly told my increasingly worried looking husband that the insurance companies should not mess with the mommy species. When I told one friend about my violent thought, she offered, 'I'll come light the fuse.' Another said if I was sent to prison, she would go with me in solidarity. Plus, I could stand to go on a bread and water diet if I'm ever going to fit into my jeans.

"Truth is," my friend writes, "there's not a single mommy I know who wouldn't go to jail to protect her kids. Certain things in life just are not a choice. They are a given. Like," she wrote, "my son's upcoming surgery. I looked down at the letter and felt another wave of anger overtake me," she writes. "I mean, I had my issues with our Nation's health care, but even I didn't think it had gone that far astray. And yet, how dare they, them in that office building so far removed from anything our family was going through, call our son's being hooked up to that damn heart-lung machine for 7 hours . . . elective?"

"Here are some of the only things that I deem elective about fixing my son's heart:

"After his last open-heart surgery, when he started slipping into a coma, I elected to kick the nurses and doctors in the Cardio-Thoracic Intensive Care Unit out of his room and screamed at my son—yes, I literally yelled at the poor beautiful boy lying there with breathing and chest tubes and other grotesque wires spilling out of him. 'This is your mommy talking, you hear? Wake up, dammit. Don't you even think about leaving me. You're just a kid—you don't even know how to swim.'

"Twenty minutes later he miraculously woke up, and we're still working on the swimming.

"Recently, soon after we had to quarantine our son so that he would be germ-free for this latest operation, I elected to have Botox injected over my eyebrows," she writes. "I wanted to make myself look perkier so no one would think that I was worse for the wear from this ordeal and, God forbid, feel sorry for me.

"When a child died somewhere in the Midwest, his parents elected to sign the organ donor form so that my son could have his valve to save his own life. There are not enough benefits in the world assigned to that kind of heroism.

"But what of the insurance letter in my hand? 'I'll call them tomorrow,' my husband said. 'We'll straighten it out.' And then more uproarious laughter.

This time it wasn't my husband laughing, but our three willful boys who just that second ran into our room shooting one another with Nerf guns.

"I got Evan on the butt," Noah screamed, exhilarated. "So what? That tickled." Evan recoiled on the floor with laughter, but not before he nailed Benjamin with three foam darts in the back of his head.

"Yes, technically the family rule is not to shoot at a person, but who were we were to interfere with this kind of unbridled frivolity? That was something that we would never elect to do."

I would like to thank my friend, Amy, for allowing me to share her story tonight.

It was horror stories like these that propelled this Congress to move forward on health care reform, to reform a system so that no family is put into a situation where life-saving surgery can be deemed elective.

And as we stand here at this holiday season, the Members of this Congress, the Members of this House of Representatives, all 435 of them, the Members of the United States Senate, all 100 of them, all 535 of us who are employed, who have the benefit of working for the citizens of the United States, have a duty to those citizens, at this time of year in particular, to ensure that those who don't have jobs don't see their benefits cut off so that they're not cast aside at this holiday season unable to pay their mortgage, unable to afford a gift for their children.

We spend a lot of time on the floor of this House debating the grand issues of the day, and I look forward to coming back here in January in the new Congress and having great debates about the future of our education system, about the war in Afghanistan, about the best ways to reduce our deficit, about how we reduce our dependence on foreign oil. These are important debates that we need to have. But how can we let partisan gridlock, let the obstructionism that we've seen these past few days, how can we see that stand in the way of extending unemployment benefits to those who desperately need it, stand in the way of middle class tax cuts for those whose wages have been stagnant for so long, and stand in the way of providing just a little bit for the seniors who are struggling as well in this terribly difficult economic time?

I heard a lot about what people expect we should learn from the outcome of this election. And the one thing that's perfectly clear to me, and should be clear to all of us, is that the American people want a Congress that works for them, that does their business, and that puts the Americans' interests ahead of the political interests of those of us who are privileged to serve here.

When we come back next week, let us resolve to do what needs to be done at this difficult moment to ensure that those who don't have work can get by, that those who have been getting by can get the benefit of a tax break, and

that those seniors who have given so much for so long can receive the benefit of a payment in lieu of two straight years without a cost of living adjustment.

Madam Speaker, I look forward to coming back to perform that work. I look forward to casting those votes, and I look forward to having those debates. The days in this 111th Congress are short, but the people want us to get this done. It is time that we remember why it is that we have been sent here. Working together, we have to provide what everyone knows needs to be provided and to take those first steps as soon as we can upon our return.

Madam Speaker, that's what's at stake right now. Let us not get so caught up in this holiday season to think that the joy that so many of us feel is felt all around the country—not when things are so difficult for so many. Let us be thankful for what we all have, but let us work to ensure that everyone has at least a bit of joy this holiday season.

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

#### HONORING IKE SKELTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. LANGEVIN) is recognized for 5 minutes.

Mr. LANGEVIN. Madam Speaker, I rise tonight with a heavy heart to pay tribute to someone who has been a valued adviser and a dear friend to me in my 10 years in this House.

Congressman IKE SKELTON has served the Fourth District of Missouri and the Nation with honor and integrity for 34 years. And let me just say that his presence will certainly be missed by me and by so many others.

As a freshman member of the House Armed Services Committee in 2001, I looked to IKE, then our ranking member, as a mentor and a guide on so many critical and complex issues facing the committee. Later, as the chairman of the House Armed Services Committee, his commitment to our troops and our security truly set the standard for all of us on the committee. And the example he set helped to bridge the partisan, geographical, and personal differences that have too often plagued us and stood in the way of progress.

□ 1940

IKE SKELTON has truly made a profound difference in advocating for and leading on behalf of our men and women in uniform to make sure that they always had the tools and the resources that they needed to do their job, do it well, and to come home safe.

Of course, as much as I have admired him as a leader on national security, let me just say that I have also felt a very separate and even more personal connection to IKE as well. IKE SKELTON, like me, has for many years lived his life with his own disability. And from those experiences, both of us have

learned at a young age that life often takes a very unexpected path. That path has led us both to a career that neither of us could have ever imagined or expected, lying in a hospital bed all those years ago and contemplating what the future might hold for us.

But clearly, IKE SKELTON overcame his own physical challenges and made a difference for others. And now, as his long and inspiring career in Congress nears its end, I wanted to offer Chairman IKE SKELTON my deepest and most profound gratitude for his leadership, his wisdom, and for his friendship.

IKE, it has been a true honor to serve with you. I thank you for the decades that you have dedicated to this House. I thank you for the difference that you have made in fighting on behalf of our soldiers, our men and women in uniform, fighting for them to make sure that they always had what they needed to continue to serve and be effective. This country and this House have been a better place because of your service.

Thank you, and God bless, and God-speed.

#### PEAK OIL—THE GROWING GAP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes.

Mr. BARTLETT. Madam Speaker, I have come to this floor nearly 50 times to talk about an energy subject. The last time that I was here in the well addressing this subject was about 2 years ago. During those nearly 50 appearances, I came here as a prophet. And now I return to the floor as a historian, because the event that I was concerned about and predicting has in fact occurred.

Let me explain. In the middle of the last century, two speeches were given by men just about a year apart. I am not sure they even knew each other. They both talked about the same subject. The first of those speeches was given in 1956. It was, I think, the most important speech of the last century. It was given by an oil geologist to a group of oil men in San Antonio, Texas, in 1956. At that time, the United States was king of oil. We produced more oil, we exported more oil, we used more oil than any other nation in the world.

M. King Hubbert predicted to that audience that in just 14 years the United States would reach its maximum oil production. That would be in 1970. And then we would produce less and less each year after that. Remember the context. The United States is in 1956 the largest oil producer in the world, the largest oil exporter in the world, the largest oil user in the world. This was an absolutely preposterous prediction. And so M. King Hubbert was relegated to the lunatic fringe.

Just a year later, about a year later, the father of our nuclear submarine

gave a speech in 1957, May 15, I believe, in St. Paul, Minnesota, to a group of physicians. The audience is irrelevant. You can Google and get this speech. It was found a few years ago, and it's now on the Internet. If you Google for "Rickover and energy speech" it will come up. His speech had nothing to do with the audience that he was talking to, because he could have been talking to any audience.

Hyman Rickover noted that we lived in what he called this golden age of oil. We had been about 100 years into that age of oil. And he noted how much of the quality of life that we enjoyed then was a result of having discovered how to exploit this resource that we found under the ground.

Every barrel of oil—and when I first heard this statistic I was unbelieving; how can it be?—every barrel of oil has the energy equivalent of 25,000 man hours of effort. That means when oil was \$12 a barrel, that wasn't all that long ago, you could buy the energy-enhancing qualities of a person working for you all year long, and you could buy it for \$1. Because there are 12 man-years of effort in a barrel of oil.

When I first heard that statistic, when I first read it, I thought, gee, that can't be true. And then I thought: I drive a Prius car, and it gets an honest, if you are careful the way you drive, about 50 miles per gallon, a little less in the winter. With the winter blends you don't get quite the same mileage. And you know, if I pushed my Prius 50 miles I could do that, but it would take me a long time to pull and push my Prius 50 miles. And just one gallon of oil, one out of the 42 gallons in a barrel of oil, will take my Prius 50 miles. So I thought, well, gee, that's probably true, isn't it, that there are 25,000 man hours of effort in one barrel of oil.

Hyman Rickover made what I think was an obvious statement. He was a scientist, of course, and he made what I think was an obvious statement, and that was that oil would not last forever. And he said that in the 8,000-year recorded history of man that the age of oil would be but a blip. He had no idea how long the age of oil would be. When he spoke, we were about 100 years into the age of oil. He did not know how long it would last, but he was certain that in the 8,000-year recorded year history of man it would be but a recorded blip.

We now know how long the age of oil will last. By the way, he made several very meaningful statements. One of them was that how long it lasted was important in only one regard. The longer it lasted, the more time we would have to plan an orderly transition to other sources of energy. Of course, we have done none of that.

We now know how long the age of oil will be. We are now about 150 years into the age of oil, and we are not going to run out of oil for a while. But what we are running out of is our ability to produce oil as fast as we would like to use it.

Back to M. King Hubbert and his speech just the year before Hyman Rickover gave his speech in St. Paul, Minnesota. Fourteen years elapsed; and sure enough in 1970, and we didn't know it in 1970 because we had to look back a few years after that to see that was it really true. But in 1970, we indeed did reach our maximum oil production in the United States. If you look back now at the oil production, it's very obvious that that was true.

By 1980, it was conspicuously true. We were really, really now moving down the other side of what is frequently called Hubbert's Peak. And so I tell audiences that we have now blown 30 years when we knew of an absolute certainty that M. King Hubbert was right about the United States: we did peak in oil production in 1970. And he predicted that the world would be peaking about now.

Now, it's very rational that the United States would be a microcosm of the world. And if he was right about the United States peaking in 1970, shouldn't we have had some concern that he might just be right about the world peaking about now?

□ 1950

We peaked in oil production in spite of the fact that we have found oil in Alaska and the Gulf of Mexico that M. King Hubbert did not include in his prediction. And in spite of the fact that we have now drilled more oil wells than all of the rest of the world put together, not only have we peaked in oil production, but we have slid so far down the other side of Hubbert's Peak that we now produce just about half the oil that we produced in 1970.

As a matter of fact, we have only 2 percent of the known reserves of oil in the world, and we use 25 percent of the world's oil. We really know how to pump oil because with that 2 percent of the world's reserves of oil, we pump 8 percent of the world's oil.

What that means, of course, is that on the average, our wells are going to run dry sooner than the average well around the world, because we are pumping our oil four times faster than the average well in the world.

I have some charts here that may illuminate what we have been talking about. I have not seen the sequence of these charts, and so we will just speak to them as they come up.

The first chart is what is known as the oil chart, "Peak Oil, the Growing Gap." If you had but a single chart to look at to tell the story of where we have come from and where we are going, this, I think, would be the chart.

As you can see it, it's a little out of date, because we were predicting the future back there in, what, about '05 and now we are at 2010. And when we get to that part of the chart, we will see how very correct this chart was in its prediction.

The vertical bars here are the discoveries of oil and when we discovered it, and notice that back in the late 1930s

and 1940s there were some meaningful discussion and, boy, they just crescendoed through the 1960s and the 1970s and some in the 1980s.

Now, this solid black line here is our consumption of oil. And, of course, the area under that curve indicates the total consumption of oil up to that time. So you can see, up until the 1980s, we were discovering oil faster than we were using it. So we were accumulating an ever bigger and bigger reserve of oil. That's all of this oil above that use line.

It's a production line and a use line. We didn't store any. We used it as we produced it, so it's both the pumping of oil and the consumption of oil.

Now, since the 1980s we have had to dip into these reserves because our discovery of oil has fallen down and down and down since the 1980s. As a matter of fact, we now find only about one barrel for every four or five or six barrels of oil that we pump.

Now, you can make some predictions about the future from this oil chart, how much oil would we be using. This is the world, by the way, oil production, and world use of oil and how much reserves do we have left and how long will they take us. You can make some guesses about how much more oil we will find, and we are now finding some meaningful reservoirs of oil. We may find a reservoir of oil that has 10 billion barrels of oil. Wow, that sounds like a lot of oil, doesn't it?

And maybe our concerns about the future of oil go away when we find 10 billion barrels of oil. We use 84 million barrels of oil a day in the world, and it's pretty simple arithmetic to figure out how many times 84 million goes into a billion, and it's a bit less than 12. What that means is that in less than 12 days the world uses a billion barrels of oil. What that means is when they tell you that we have discovered a field of 10 billion barrels of oil, that will last the world 120 days.

Now, how much more oil will we find? Much of the oil that we are finding now we are not pumping because you can't even develop those fields at, what, \$85, \$90 a barrel, wherever we are today with oil, because it has got to be more expensive than that before you can afford to develop these fields and pump the oil.

And, also in these new fields, which are generally very deep, maybe under 7,000 feet of ocean and 30,000 feet of rock—as some of the big finds in the Gulf of Mexico were—oil has to be a bit higher than it is today before you can afford to develop these fields and then one never knows how much oil you are going to get, in fact, from those fields.

Well, back to the oil chart here. If you look at, oh, here's the 1970s, remember the Arab oil embargo and the big shocks that we had in the 1970s? That produced some traumatic and very fortunate changes in the world, and its use of oil.

Notice, notice this exponential curve up to the 1980s, to the Arab oil embargo, the 1970s and 1980s. Had that continued, had that exponential curve continued, it would be now off the top of the charts. That was a real shock to the world's economy and to our country, and we developed some more efficient ways of using energy. So now with more people living better, the slope now is very much lower than that previous slope.

I just want to pause and reflect for a moment on this exponential function because it is a poorly understood function. When someone tells you that there is enough coal, for instance, to last us 250 years at current use rates, be careful to note that at current use rates.

Now the National Academy of Sciences says, in fact, we probably don't have 250 years of coal at current use rates. It's probably closer to 100 years of coal at current use rates because we haven't really looked at those reserves since the 1970s.

But let's say that we had 250 years of coal at current use rates, and we are going to increase its use only 2 percent. Now, that's not much. As a matter of fact, our stock market doesn't like an economy that's growing at only, at only 2 percent. But if we increase the use of oil just 2 percent, the 250-year supply drops to 85 years. You see, just 2 percent increase in growth doubles in 35 years; it's four times bigger in 70 years; it's eight times bigger in 105 years; it's 16 times bigger in 140 years.

There is a very interesting story about the exponential function. I don't know whether it's true or not, but it's a nice story.

Chess was invented in an ancient country, and the king was so impressed with the contribution that he told the inventor of the chess game that he would give him anything he wished up to half his kingdom. And the inventor of the chess game said I am a very simple man, I have simple needs. If you will just take my chess board and put a grain of wheat on the first block and two grains on the second and four on the third and eight on the fourth and just continue doubling those grains of wheat until you have reached the last of those, what, 64 blocks on the chess board, that will be adequate, sir.

□ 2000

The king thought to himself, silly fellow. I would have given him anything up to half my kingdom, and all he asked for is a few grains of wheat on his chess board.

Had he been able to make that contribution, of course, it would have consumed all, it would have consumed more than a decade of all the world's production of wheat. This is the exponential function, doubling it. So whenever you hear somebody say, we have so much of gas or coal or oil or whatever it is at current use rates, please calibrate that. What does it mean if we increase its use? And by the way, we

are going to be needing to use coal for things other than just coal and stoking a furnace and making electricity. We would like to make some oil out of it as Germany did during World War II and South Africa did. And you can make some gas out of coal. And if you use some of the energy from coal to convert it to a gas or a liquid, if you have this 250 years—which we don't—and it drops to 85 years at only 2 percent growth rate, it then drops to 50 years if you use some of the energy and divert it to gas or liquid.

And then there's another very interesting reality that you will deal with whether you like it or not. You will share your oil with the world. You can't avoid it because if you were using the oil you've produced from your coal, someone else will be buying the oil from Saudi Arabia that you might have bought. So the reality is that you will share it with the world. Since we use one-fourth of the world's oil, 4 goes into 50  $12\frac{1}{2}$  times. What that means is that now this 250 years of coal, reduced to 85 years with only 2 percent growth, reduce to 50 years if you use some of its energy to convert it to a gas or a liquid, and then it shrinks to  $12\frac{1}{2}$  years as you share it with the world, as you must, because there is no alternative if you use oil produced from your coal; someone else will buy the oil you might have bought from Saudi Arabia or some other oil-producing country.

Well since the 1980s we have been consuming some of the reserve because we've not found enough oil to meet our needs. Now this chart, as you can see, the actual known amounts, ended in about 2005. And then you see the lighter shaded part on the other side where it shows their prediction. And they predicted that oil production worldwide was going to peak in about 2010. Here we are. Now I think a little later we will have some charts that show, in fact, that that was true.

Now what happens from now on? You can make your own guesses as to what is going to happen from now on, you can make your own assumptions. We have still much of this reserve left that we can pump, fortunately. This amount we've pumped here is just about this amount. So we have about this whole amount here covered by my hand that we can yet pump.

Now we're going to find some more oil. The chart here shows an orderly downward progression because the more you find, the less there will be to find in the future, so the less you are going to find in the future. It will not be like that. It will be up and down like this, but it is going to be down and down because most of the large fields that will be found have been found. So you can make your own assumptions about where this is going in the future by assuming how efficient can we get, how much conservation are we going to do, how much more oil will we find. But from this oil chart, you can do a lot of predicting about what the future is going to look like.

This next chart is a quote from Admiral Hyman Rickover in this talk that I mentioned that he gave to this group of physicians in 1957. There is nothing man can do to rebuild exhausted fossil fuel reserves. They were created by solar energy 500 million years ago. It took eons to grow to their present volume. In the face of the basic fact that fossil fuel reserves are finite, the exact length of time these reserves will last is important in only one respect—the longer they last, the more time that we have to invent ways to live off renewable or substitute energy sources and to adjust our economy to the vast changes which we can expect from such a shift.

Now, of course, we have done none of that. We and the world in general have behaved as if all you need to do to find more oil is to go look for more oil and it will just be there if the market incentives are appropriate.

I love this next paragraph: Fossil fuels resemble capital in the bank. A prudent and responsible parent will use his capital sparingly in order to pass on to his children as much as possible of his inheritance. A selfish and irresponsible parent will squander it in riotous living and care not one whit how his offspring will fare.

This is Hyman Rickover's statement. One might conclude looking at the behavior of our civilization that this is precisely what we have done. I have 10 children, 17 grandchildren, and two great grandchildren. Would it be okay if I wanted to leave them a little oil? We are leaving them a huge debt. And wouldn't it be nice if they had some oil, gas and coal? Now they will have some. But as we will see in future charts, it will not be what they would like to have.

This is a fairly new chart, and it shows what I predicted. I said that I was a prophet because nearly 50 times I came to the floor, the last time about 2 years ago, then I was predicting that conventional oil was going to peak. And here they show it. This is the dark blue. Look at it. 2010, it's peaked. And they recognize that the world situation will not be meaningfully different from that in the United States, that it's going to go down, down, down. And here it goes.

Now they're making an assumption here that you may or may not agree with. I hope they are right. I doubt that they are right, because what they say here, and this is crude oil fields yet to be developed, and this red is crude oil fields yet to be found. And they believe that by 2030, that's not very far in the future, that by 2030, about two-thirds of all the oil that we will be using will have come from fields yet to be developed and fields yet to be found.

Now there are many experts in oil that will tell you that this is a happy dream, that there is little chance that that is going to happen. Now we have some other sources of oil. We have natural liquids, and they see those growing. We have nonconventional oils, and

they will grow somewhat. These are heavy, sour oils, for instance, the kind that we get from Venezuela. It's the oils that we get from the oil sands in Alberta, Canada, at considerable expense of energy, environment, and so forth. Well this same chart produced 2 years ago would not have looked like this because just 2 years ago, the same people that give you this chart today would have had conventional oil production going up and up. So now there is a recognition that conventional oil production has, in fact, as predicted by M. King Hubbert, peaked in the world. It peaked in our country in 1970.

The next chart shows some detail of that peaking. There are two entities in the world that do a really good job of tracking the production of oil. They do not do as good a job in predicting the future of oil production. They do a very good job in tracking how much oil is being produced. One of those is a part of our Department of Energy, the EIA; the other is a creature of OECD, the IEA, and you see those two curves here, and they both show essentially the same thing, and that is, in the 3 years before the recession, oil production was flat across the world, 84 million barrels, a little over 84, 85 million barrels a day of oil production.

Now, pretty simple economics: With flat production and increasing demand, what happened to the price of oil? Oh, here it is. Now this chart only goes to less than 100. You remember it went to \$147 a barrel a little bit later off this chart? Well now we had the recession worldwide and demand for oil dropped conspicuously.

□ 2010

The price of oil momentarily dropped from \$147 a barrel to less than \$40 a barrel. The world's economy has begun to recover now, and the price of oil is slowly inching up. It is \$85, near \$90 a barrel.

I am reading a book brought to me by an oil scientist, an engineer from Canada, and he makes a prediction that I have been making, so I have some additional confidence that I can restate that prediction. It is that unless we do something really serious about conservation and about efficiency and about husbanding the fossil fuels that we have remaining, that the next recovery will be short lived; because as the world recovers, it will demand more oil and there will not be more oil because we have plateaued, and so the price will go from \$100 to \$150 to \$200 a barrel and the economy will be squelched.

Four years ago I led a codel of nine Members of Congress to China to talk about energy. I was stunned. They began their discussion of energy by talking about "post oil." Now, in our country and in the Congress here we have a lot of trouble thinking beyond the next election because it is really important that you get yourself re-elected. And our businesspeople have trouble thinking beyond the next quar-

terly report because, gee, that better look good or the stockholders are really unhappy and the board of directors may replace you if that doesn't look good. So it came as quite a surprise to me that here are people who are looking a long way down the road. We are not post oil yet.

By the way, I say we know how long the age of oil will be, and it will be about 300 years. Hyman Rickover said that in the 8,000-year recorded history of man, the age of oil would be but a blip. He had no idea how long it would be in 1957 because we were there on the ascending part of Hubbert's peak. But he knew that it was finite and he knew that it couldn't last forever and knew that in the 8,000-year recorded history of man that the age of oil—the golden age, he called it—would be but a blip. We now know how long the age of oil will be. It will be about 300 years.

We are about 150 years into the age of oil, and we are not running out of oil. There is a lot of oil left out there; at least as much more oil to pump as we have pumped in the last 150 years. But for the future, that oil will be ever harder and harder to get and more and more expensive. We are now slipping down the other side of Hubbert's peak.

We have talked a lot about Hubbert's peak, and here is some old data on Hubbert's peak. It went up in 1970, and then down. You see where we are today. The actual is the green squares there. We now are down to less than half the oil that we have produced in 1970. That is, again, from drilling more wells than all the rest of the world put together, from finding oil in Alaska and the Gulf of Mexico, which we didn't expect to find.

There are two other interesting things on this chart. Hubbert's prediction was the little yellow triangles here. The actual production from the lower 48 is the green. If you add the oil we found—and remember the huge find of oil in Canada and Alaska, and I have been there. I have been at the beginning of that 4-foot pipeline. It was just a blip in the downward slope of Hubbert's curve. Now, there are those who would like to convince you that Hubbert didn't know what he was talking about because there is a huge difference, they will tell you, between his actual prediction and those green rectangles.

Now, I think the average person looking at that would say, gee, he got it pretty close, didn't he. Now a statistician looking at it might say he kind of missed it. He predicted that we would peak in 1970. We peaked in 1970. We are now about half of what we were producing in 1970.

I mentioned, when we put our first chart up, that if you had only one chart, that would be it. I think if you were allowed a second chart to give you some idea of the challenges we face, this would probably be that second chart.

This is the world according to oil. This imagines a world in which the sur-

face area of a country is relative to how much oil the country has. So the more oil the country has, the bigger it appears on this map; and the less oil a country has, the smaller it appears on this map. And then the things are colored. The coloring is who uses the oil. Well, you can't read this, but yellow is the biggest users of the oil. That shouldn't surprise you. That is us. The blue is the next biggest users, and green next down the line.

Well, look at this chart. Saudi Arabia is pretty big. As a matter of fact, it is 22 percent of all of the land mass in all the world if the surface area of a country is relative to how much oil it had.

And look at little Kuwait there. It looked like a little province on the corner of Iraq to Saddam Hussein when he wanted to claim it. Wow, look at how much oil it has—just about as much Iraq has. And Iraq and Kuwait and Iran are big oil producers.

By the way, look at Iran there. It is a pretty big oil producer, and notice its color. It is blue. It uses a lot of oil. Not nearly as much as we use, but it uses a lot of oil. The truth is that, within a decade, Iran will be an oil importer if their domestic use continues at its present rate and they do not increase their production.

Just looking at production in these OPEC countries, back when the world could produce more oil than it might use, if they produced extra oil, it simply drove the price of oil down. Remember when OPEC got together and decided to reduce the production of oil so we can keep the price up. And then they said the amount of oil that you can pump is a certain percentage of your reserves of oil. So OPEC countries that wanted to pump more oil, they just suddenly had bigger reserves of oil without finding any new oil. They just said they looked at it again, the statistics, and they had more oil than they thought. Well, having said that, they could then pump more oil. So we really aren't sure what the size of these countries are, but they are big. But we aren't sure how big, because we are not sure how truthful they were in what they said about their reserves.

By the way, they pumped oil for 10 years, and they still had as much oil to pump as they had 10 years ago, without finding any new oil. So there is a lot of suspicion about how much oil is really there. But there is a lot of oil there, and the size of the countries, the oil reserves are relatively what is shown here.

Our biggest importer of oil is Canada. Until a bit ago, our second largest importer of oil was Mexico. That has been replaced now by Saudi Arabia.

Look at Canada and Mexico. They don't probably have much more oil than we have. Canada has way less than we have, maybe half to a third, yet they are our biggest importer. They can do that because they don't have very many people in Canada to use the oil.

Mexico, which has two-thirds as much as we, they were our biggest exporter of oil. We got the second largest amount of oil from Mexico until recently. They have a lot of people, but they can't afford to buy the oil, so they are exporting the oil.

□ 2020

The second-largest oil field in the world was the Cantarell oil field in Mexico. This was an interesting field. There was a Mexican fisherman by the name of Cantarell, who brought his fishing nets in, because they were fouled with oil, and took them up to Pemex, which is the national oil company in Mexico. If your fishing nets are fouled with oil, you know who to go to because all of the oil is owned by the national company there.

So they finally said, Gee, where are you finding all this oil? We didn't know we'd spilled that much oil.

He said, Come. I'll show you.

He showed them, and it was kind of bubbling up out of the ocean, and they had drilled there.

For a number of years, it was the second-largest oil field in the world. The largest, of course, is the huge Ghawar oil field in Saudi Arabia. The Cantarell oil field in Mexico is now in rapid decline, falling about 20 percent a year.

Look at Venezuela. Wow, it dwarfs us, doesn't it? Venezuela has—what?—two, three times the amount of oil that we have.

See if you can find Europe on this map. Here they are. They're tiny, tiny little countries. Lots of people. Little oil. Dependent on somebody else.

The really remarkable thing, though, is China. It is blue over there. It's getting close to yellow. Just a few months ago, China surpassed us as the largest CO<sub>2</sub> emitter in the world. There are 1.3 billion people in China.

Look at India. Dwarfed. Dwarfed by China. Here it is. There are a billion people in India. Through the miracle of communications, these people know the benefits of an industrialized society, and they are demanding of their leadership those benefits, so there is a huge, huge demand for energy in China and India, and they have very little.

Russia. I think Russia is now the largest exporter of oil in the world. They don't have the most oil, not by a long shot, and most Russians are too poor to use much oil. They are very aggressively developing their oil fields, and so Russia is now a major exporter of oil. But note the relative size of Russia. I would think Kuwait is probably larger than Russia, isn't it?

Well, you can imagine all of the geopolitical frictions that are going to occur in the future as the availability of oil becomes less and less, as it is harder and harder to get and as its price goes up and up. What do you think will happen with the demands and the tensions in the world?

Well, as I've said, if you had two charts to look at, the oil chart—the first one we showed, I think—would be

the first one. This would be the second one because there is an awful lot that you can conclude and surmise from this chart.

Now, this chart was implicit in the last chart that we showed you, but this shows it more dramatically. This left-hand bar is the top 10 oil and gas companies on the basis of oil production in 2004. That was a few years ago, and it would be a bit different now.

Gee, here are the big boys, those huge corporations that can have a \$1 billion profit, which is not excessive because it's a lesser percentage than the smaller, profitable, little company. Here they are: Exxon Mobil, Royal Dutch Shell, BP. They have only 22 percent of the top 10 production. Seventy-eight percent of that is all in country-owned oil facilities. Look at them: Saudi Arabia, Iran, Mexico, Venezuela, and so forth.

Now, the picture is even more distorted if you look at the right-hand bar. These are the top 10 oil and gas companies on the basis of oil reserves in 2004. The big actors in our country don't even show up on that chart. They own so little oil that they're not even among the top 10. They don't even exist on that curve. There is only one that is only kind of not national, and that's Lukoil, in Russia, which is 2 percent. Otherwise, all of the reserves, the top 10 largest reserves—all of those—are owned by countries rather than companies.

I mentioned that I went to China. I led a CODEL there—there were nine of us—to talk about energy. They began their discussion of energy by talking about "post oil." That kind of blew me away that they were thinking this far ahead. Then they had a five-point program, and everybody knew it. It wasn't just the people concerned about energy. Everybody we talked to in China was tuned into this five-point plan:

Conservation. You know, there is a lot of conservation back in the Arab world.

Do you remember the van pools? We didn't have any cell phones then and no Internet, but we had 1-800 numbers, and you were encouraged to get in van pools.

Do you remember the little decals over the light switch? Don't be foolish—turn out the light when you're not in the room. Do you remember the decals over the thermostat? Turn it up in the summertime and down in the wintertime. Do you see any of those things now?

We knew then it was only temporary. I am having a lot of trouble understanding our collective response to these two situations. Back then, we knew it was temporary. We didn't have enough oil because the Arabs wouldn't sell us the oil. They had plenty of oil to sell. They just were unhappy with us for the moment, and they wouldn't sell us the oil. Yet we did rational things in conservation: We got more than one person in a car. We, you know, turned off the light switch. We turned up the

thermostat in the summertime and down in the wintertime.

I have no idea why, collectively now, we don't have this kind of a response when oil is more than \$80 a barrel and when there is a growing recognition that the world has reached its maximum production of conventional oil, and we will be more than lucky if we can find enough unconventional oil, or new oil, to make up for the loss that we are going to have in conventional oil as we slide down the other side of Hubbert's peak.

Conservation, what is it? Conservation is using a Prius instead of a gas-guzzling SUV. That's efficiency, I guess, too. If you put two people in it, then it's really conservation, isn't it?

I remember driving down the road, with two of us in our Prius, and we passed an SUV. I thought, gee, we're getting—what?—six times the miles per gallon, per person, in this Prius at 50 miles per gallon than that one person is getting in that SUV. We could almost immediately, if we had to, if we had the will to, drastically cut our use of energy for transportation. Drive down the road, and see how many people are in the HOV lane. Look at how many of our people are driving with one person in a pickup truck or an SUV.

A bit ago, I was in France, and I was looking at how many people were driving pickup trucks and SUVs for personal transportation. On that trip, I did not see a single SUV. On the trip before, I saw one. They weren't driving it. It was parked in the parking lot up at that church up on the hill. I don't know how long it had been there. As far as I can see, they don't even make in Europe the equivalent of our passenger pickup trucks. They have some little trucks that are about the size of ours, but they aren't vanity kinds of trucks. They are ugly, little things that are really utilitarian. They carry stuff around. It's not something you would buy to carry yourself back and forth to work.

There are enormous opportunities for conservation. This is where China says it begins.

Then they say: Domestic sources of energy and diversify as much as you can. That's what everybody is trying to do, and many of those domestic sources will be alternative sources of energy.

Then the fourth one is very interesting: Be kind to the environment. They recognize that they are a huge polluter, but they have 900 million people in rural areas who, through the miracle of communications, as I mentioned, know the benefit of an industrialized society.

They're asking, Hey, what about us?

□ 2030

And China, I believe, understands that if they can't meet the needs of those people, that they may see their empire begin to unravel the way the Soviet empire unraveled. So they understand that although there is a huge

environmental consideration, there is an even bigger consideration on their part to supply energy for these 900 million people in rural areas. So they build a coal-fired power plant, about one a week—I forget the number, a fairly large number of nuclear power plants that are presently under construction.

The fifth part of this is a really interesting one, international cooperation. They know that there is nothing really meaningful that any single country can do, and so they plead for international cooperation. I was so impressed in that picture when they looked back over their shoulder on their way to the Moon, and you saw this little spaceship that we call Earth, and that's it, that's all there is, and there's nearly 7 billion of us living on it.

And so they recognize that this has got to be a global, international cooperation; or it's going to be really tough. But while they plead for international cooperation, they plan in the event that there won't be any.

Here is a chart, a world energy picture in January—this is '05, so they would have acquired some more oil since then—and you can see the little symbol here for Chinese investment in oil and gas. They are buying oil and gas all over the world. And I asked the State Department, why would they do this because today it doesn't make any difference who owns the oil. We own only 2 percent of the oil, and we use 25 percent of the oil; that's because we go to what is in effect a global market for oil and we bid and we get 25 percent of the oil. So today there is no advantage in owning oil. So why would the Chinese be going around the world aggressively buying oil and gas? By the way, they almost bought an oil company in our country. You remember all the furor over that when they almost bought that oil company here.

Well, at the same time China is buying gas and oil around the world, they are also buying goodwill. What do you need, an airport? Hospital? Soccer fields? Roads? Watch the newspapers at what China is doing as they go around the world buying this gas and oil.

Well, at the same time they are buying gas and oil around the world, they are very aggressively building a blue water navy. Now a major concern of China is Taiwan, a little country the size of Maryland, 23 million people—we have about 5 or so—three-fourths uninhabited because it's mountainous. Oh, gee, you can inhabit mountains. But I went to Taiwan. You don't inhabit those mountains. They are really, really steep.

China has 1.3 billion people. Why are they so concerned about Taiwan? I had the privilege of spending about an hour and a quarter, an hour and a half or so and we explored that. The concern of course is that if Taiwan can declare its independence, so can a number of other provinces; and they see their empire unraveling. And so I hope, pray, please,

tonight that we can resolve Taiwan issues through diplomacy rather than war.

Well, at the same time they are buying all this gas and oil and buying goodwill around the world, they are also aggressively building a blue water navy. They don't need a blue water navy to protect their interests in Taiwan; a brown water navy will be just fine there, thank you. I believe—I hope I'm wrong—I hope I'm wrong about a lot of things, by the way—every time I came to the floor, just about 50 times, and talked about peak oil I said I hope I'm wrong, because if I'm not wrong, the world faces some real challenges. By the way, that's not all bad. There is nothing so exhilarating as meeting and overcoming a big challenge, and the energy future that we face is a huge challenge. So I find it exhilarating.

Remember the exhilaration of putting a man on the Moon? We need to have that same kind of exhilaration. What are we going to do so we can continue—not just us, but my 10 kids, my 17 grandkids and my two great-grandkids, so that they can live as well as we're living? We're going to have to be very creative and innovative, and we can do that in our country.

I hope that the day does not come when China says, gee, guys, I'm sorry, but it's our oil and we can't share it because we don't have enough for our people, and we have a navy big enough to say that we're not going to share it. I hope that day doesn't come.

There are three groups that have common cause in solving three very different problems with exactly the same remedy, and these three groups are forever harping at each other, criticizing each other's premise instead of locking arms and marching forward, because the solution to three very different problems is just about exactly the same solution.

One of those groups is the group that these statistics identify that are really concerned about our national security. We have 2 percent of the oil reserves in the world. We pump that oil, I mentioned earlier, really fast. We produce 8 percent of the oil. We have only 5 percent, a little less than 5 percent, of the world's population and we consume 25 percent of the world's oil, importing about two-thirds of what we use.

Now what is the solution to this? The solution to this is to develop more of our own oil if we can, but that's really tough because we are now really down the other side of Hubbert's Peak. So the ultimate solution to that is alternatives. So those who are concerned about national security want to free ourselves from dependency on foreign oil by using alternatives because of national security interests.

A second group we've been talking about all evening are those that are concerned that it just is not going to be there. Of course, the solution to diminishing supplies of fossil fuels is to supplement them with alternatives.

And there is a third group that we haven't talked about yet—and I am

kind of a card-carrying member in all three of these groups—and that is a group that's concerned about climate change. Now, I don't know if they're right or wrong, but what I do know is that what they want to do about that is exactly the right thing to do from a national security perspective.

It's exactly the right thing to do, if you believe in climate change or peak oil. These three groups all have exactly the same solution to very different agendas. What we ought to be doing is stop harping at each other's premise and simply lock arms, because whether you believe that the excessive use of fossil fuels is changing the climate or not is irrelevant because excessive use of fossil fuels is certainly diminishing their supply. And from our perspective, a national security perspective, we don't have enough of them. So the solution to all three of these problems is more dependency on alternative fuels.

We are near closing time, and I just want to point out—and we'll come back again because there are some wonderful quotes from these five reports—four studies, but two are reports from one study. Your government has paid for four different studies; all of them were prophetic. As I mentioned, we are now historians because peak oil has occurred. But all four of these studies were saying—they were in '05, '06 and '07. And your government didn't like the conclusions of the first one in '05, and so they had another one in '06, another one in '07. They all said the same thing.

□ 2040

The peaking of oil is either present or imminent with potentially devastating consequences. We still aren't paying much attention to this, are we? With the world's economy still floundering and oil already at more than \$80 a barrel, what do you think will happen to the price of oil when the world's economy really starts to come back?

Well, let's end our discussion here tonight. I have been pleased to spend these moments with you talking about something that's very important to me but I think even more important to my 10 kids, my 17 grandkids, and my two great grandkids.

When we come back again, we're going to talk about these reports and what they said, and we'll have some quotes from these reports.

Thank you, Madam Speaker.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HASTINGS of Florida (at the request of Mr. HOYER) for today.

#### 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. SMITH of Washington) to

revise and extend their remarks and include extraneous material.)

Mr. SMITH of Washington, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

(The following Members (at the request of Mr. JONES) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, December 9.

Mr. JONES, for 5 minutes, December 9.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. LANGEVIN, for 5 minutes, today.

#### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 987. An act to protect girls in developing countries through the prevention of child marriage, and for other purposes; to the Committee on Foreign Affairs.

S. 3998. An act to extend the Child Safety Pilot Program; to the Committee on the Judiciary.

#### 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. 4387. An act to designate the Federal building located at 100 North Palafox Street in Pensacola, Florida, as the "Winston E. Arnov Federal Building".

H.R. 4783. An act. This Act may be cited as "The Claims Resettlement Act of 2010".

H.R. 5283. An act to provide for adjustment of status for certain Haitian orphans paroled into the United States after the earthquake of January 12, 2010.

H.R. 5651. An act to designate the Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the "Andrew W. Bogue Federal Building and United States Courthouse".

H.R. 5706. An act to designate the building occupied by the Government Printing Office located at 31451 East United Avenue, Pueblo, Colorado, as the "Frank Evans Government Printing Office Building".

H.R. 5773. An act to designate the Federal building located at 6401 Security Boulevard in Baltimore, Maryland, commonly known as the Social Security Administration Operations Building, as the "Robert M. Ball Federal Building".

#### SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 1338. An act to require the accreditation of English language training programs, and for other purposes.

S. 1421. An act to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp.

S. 3250. An act to provide for the training of Federal building personnel, and for other purposes.

#### BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on November 29, 2010 she presented to the President of the United States, for his approval, the following bills.

H.R. 1722. To require the head of each executive agency to establish and implement a policy under which employees shall be authorized to telework, and for other purposes.

H.R. 5712. An Act to provide for certain clarifications and extensions under Medicare, Medicaid, and the Children's Health Insurance Program.

Lorraine C. Miller, Clerk of the House further reports that on November 30, 2010 she presented to the President of the United States, for his approval, the following bill.

H.R. 5566. To amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes.

#### ADJOURNMENT

Mr. BARTLETT, Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, December 3, 2010, at 4 p.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

10587. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Isoxaben; Pesticide Tolerances [EPA-HQ-OPP-2007-0504; FRL-8845-6] received November 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10588. A letter from the Acting Secretary of the Navy, Department of Defense, transmitting the Secretary's determination and findings that it is in the public interest to use other than competitive procedures for a specific procurement, pursuant to 10 U.S.C. 2304(c)(7); to the Committee on Armed Services.

10589. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Award-Fee Reductions for Health and Safety Issues (DFARS Case 2009-D039) (RIN: 0750-) received November 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10590. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Defense Cargo Riding Gang Members (DFARS Case 2007-D002) (RIN: 0750-AG81) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10591. A letter from the Director, Defense Procurement and Acquisition Policy, De-

partment of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Electronic Subcontracting Reporting System (DFARS Case 2009-D002) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10592. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of General Carrol H. Chandler, United States Air Force, and his advancement on the retired list in the grade of general; to the Committee on Armed Services.

10593. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement Rear Admiral Robert B. Murrert, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

10594. A letter from the Acting Under Secretary, Department of Defense, transmitting the semi-annual status report of the U.S. Chemical Demilitarization Program (CDP) for September 2010; to the Committee on Armed Services.

10595. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Debt Collection (RIN: 2590-AA15) received November 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10596. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Acquisition Regulation: Agency Supplementary Regulations (RIN: 1991-AB91) received November 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10597. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Acquisition Regulation: Socioeconomic Programs (RIN: 1991-AB87) received November 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10598. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program; Withdrawal of Determination of Average Manufacturer Price, Multiple Source Drug Definition, and Upper Limits for Multiple Source Drugs [CMS-2238-F2] (RIN: 0398-AP67) received November 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10599. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; New York, New Jersey, and Connecticut; Determination of Attainment of the 1997 Fine Particle Standard [Docket No.: EPA-R02-OAR-2010-0659; FRL-9225-6] received November 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10600. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Excess Emissions During Startup, Shutdown, Maintenance, and Malfunction Activities [EPA-R06-OAR-2006-0132; FRL-9223-2] received November 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10601. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas;

Emissions Banking and Trading of Allowances Program [EPA-R06-OAR-2005-TX-0012; FRL-9226-3] received November 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10602. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mandatory Reporting of Greenhouse Gases: Petroleum and Natural Gas Systems [EPA-HQ-OAR-2009-0923; FRL-9226-1] (RIN: 2060-AP99) received November 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10603. A letter from the Chief, Policy and Rules Division, OET, Federal Communications Commission, transmitting the Commission's final rule — Improving Public Safety Communications in the 800 MHz Band [WT Docket No.: 02-55] Consolidating the 800 and 900 MHz Industrial/Land Transportation and Business Pool Channels; Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, Including Third Generation Wireless Systems [ET Docket No.: 00-258] Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for use by the Mobile Satellite Service [ET Docket No.: 95-18] received November 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10604. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Amendment to Existing Validated End-User Authorization in the People's Republic of China: Semiconductor Manufacturing International Corporation [Docket No.: 101006492-0494-02] (RIN: 0694-AF02) received November 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

10605. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the FY 2010 annual report Security-Related Assistance Provided by the United States to the Countries of Central Asia; to the Committee on Foreign Affairs.

10606. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report concerning methods employed by the Government of Cuba to comply with the United States-Cuba September 1994 "Joint Communiqué" and the treatment by the Government of Cuba of persons returned to Cuba in accordance with the United States-Cuba May 1995 "Joint Statement", together known as the Migration Accords; to the Committee on Foreign Affairs.

10607. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting response to a letter sent by the Speaker; to the Committee on Foreign Affairs.

10608. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Foreign Affairs.

10609. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-595, "Pre-k Acceleration and Clarification Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

10610. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-160, "Attorney

General for the District of Columbia Clarification and Elected Term Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

10611. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-596, "University of the District of Columbia Board of Trustees Quorum and Contracting Reform Amendment Act of 2010"; to the Committee on Oversight and Government Reform.

10612. A letter from the Secretary, Department of Education, transmitting the sixtieth Semiannual Report to Congress of the Office of the Inspector General for the period October 1, 2009 through March 31, 2010; to the Committee on Oversight and Government Reform.

10613. A letter from the Administrator and Chief Executive Officer, Bonneville Power Administration, Department of Energy, transmitting submission of Bonneville Power Administration's (BPA) 2010 Annual Report, pursuant to Public Law 89-448; to the Committee on Oversight and Government Reform.

10614. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's semiannual report from the Office of the Inspector General during the 6-month period ending September 30, 2010; to the Committee on Oversight and Government Reform.

10615. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Participants' Choices of TSP Funds [Billing Code: 6760-01-P] received November 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

10616. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Travel Regulation (FTR): Terms and Definitions for "Dependent", "Domestic Partner", "Domestic Partnership" and "Immediate Family" [FTR Amendment 2010-06; FTR Case 2010-303; Docket Number 2010-0019, sequence 1] (RIN: 3090-AJ06) received November 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

10617. A letter from the Archivist, National Archives, transmitting Administration's FY 2010 Commercial Activities Inventory and Inherently Governmental Inventory, as required by the FAIR Act and OMB Circular A-76; to the Committee on Oversight and Government Reform.

10618. A letter from the Acting Director, National Science Foundation, transmitting the Foundation's annual report for FY 2009 prepared in accordance with Title II of the Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

10619. A letter from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting the Corporation's annual Management Report for FY 2010, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

10620. A letter from the Secretary of Labor, Pension Benefit Guaranty Corporation, transmitting the Corporation's Semiannual Report from the Office of the Inspector General and the Director's Semiannual Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

10621. A letter from the Chair, Pension Benefit Guaranty Corporation, transmitting

the Corporation's FY 2010 financial statements, annual performance report, independent auditor report, and other documentation; to the Committee on Oversight and Government Reform.

10622. A letter from the Assistant Attorney General, Department of Justice, transmitting the 2009 Annual Report of the National Institute of Justice (NIJ), pursuant to 42 U.S.C. 3766(c) and 3789e; to the Committee on the Judiciary.

10623. A letter from the Corporation Agent, Legion of Valor of the United States of America, Inc., transmitting a copy of the Legion's annual audit as of April 30, 2010, pursuant to 36 U.S.C. 1101(28) and 1103; to the Committee on the Judiciary.

10624. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Thunder on the Bay, Chesapeake Bay, Buckroe Beach Park, Hampton, VA [Docket No.: USCG-2010-0755] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10625. A letter from the Deputy Director, Director Regulations Management, Office of the General Counsel, Department of Veteran Affairs, transmitting the Department's final rule — Supportive Services for Veteran Families Program (RIN: 2900-AN53) received November 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10626. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2010-76] received November 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10627. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Capitalization vs. Repairs Audit Techniques Guide (LB&I-4-0910-023) received November 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10628. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — VERITAS Software Corp. v. Commissioner, 133 T.C. No. 14 received November 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10629. A letter from the Commissioner, Social Security, transmitting a letter for determining whether a cost-of-living adjustment formula can be applied to Social Security and Supplemental Security Income; to the Committee on Ways and Means.

10630. A letter from the Acting Chair, Social Security Advisory Board, transmitting copy of the latest issue brief, Disability Programs in the 21st Century: The Representative Payee Program; to the Committee on Ways and Means.

10631. A letter from the Director, Office of National Drug Control Policy, transmitting 2011 National Drug Control Strategy, pursuant to 21 U.S.C. 1504; jointly to the Committees on Armed Services, Education and Labor, Energy and Commerce, Ways and Means, the Judiciary, Oversight and Government Reform, Transportation and Infrastructure, and Veterans' Affairs.

## 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. OBERSTAR (for himself, Mr. LEVIN, Mr. MICA, Mr. COSTELLO, Mr. PETRI, and Mr. LEWIS of Georgia):

H.R. 6473. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes; to the Committee on Transportation and Infrastructure, 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. considered and passed.

By Mr. KAGEN:

H.R. 6474. A bill to direct the Secretary of the Army to cease construction of a temporary causeway in connection with the project for the Renard Island Confined Disposal Facility, Green Bay Harbor, Wisconsin, until certain conditions are met, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CARNAHAN:

H.R. 6475. A bill to suspend temporarily the duty on certain work footwear for men; to the Committee on Ways and Means.

By Mr. CARNAHAN:

H.R. 6476. A bill to suspend temporarily the duty on certain work footwear for women; to the Committee on Ways and Means.

By Mr. CARNAHAN:

H.R. 6477. A bill to suspend temporarily the duty on certain work footwear for women covering the ankle; to the Committee on Ways and Means.

By Mr. CARNAHAN:

H.R. 6478. A bill to suspend temporarily the duty on certain work footwear for men covering the ankle; to the Committee on Ways and Means.

By Mr. CARNAHAN:

H.R. 6479. A bill to suspend temporarily the duty on certain work boots for men; to the Committee on Ways and Means.

By Mr. CARNAHAN:

H.R. 6480. A bill to suspend temporarily the duty on certain work boots for women; to the Committee on Ways and Means.

By Ms. RICHARDSON (for herself and Mr. THOMPSON of Mississippi):

H.R. 6481. A bill to amend the Homeland Security Act of 2002 to establish the Office of Disability Integration and Coordination within the Federal Emergency Management Agency, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. RICHARDSON (for herself and Ms. MATSUI):

H.R. 6482. A bill to amend the Energy Policy Act of 2005 to reauthorize and modify provisions relating to the diesel emissions reduction program; to the Committee on Energy and Commerce.

By Ms. RICHARDSON:

H.R. 6483. A bill to amend title 23, United States Code, to revise certain infrastructure finance provisions; to the Committee on Transportation and Infrastructure.

By Mr. NUNES (for himself, Mr. RYAN of Wisconsin, and Mr. ISSA):

H.R. 6484. A bill to amend the Internal Revenue Code of 1986 to provide for reporting and disclosure by State and local public employee retirement pension plans; to the Committee on Ways and Means.

By Mr. BISHOP of Utah (for himself, Mr. SIMPSON, Mr. CHAFFETZ, Mr. REHBERG, Mr. LUMMIS, Mr. FRANKS of Arizona, Mr. HERGER, and Mr. HELLER):

H.R. 6485. A bill to provide that the inclusion of the gray wolf on lists of endangered

species and threatened species under the Endangered Species Act of 1973 shall have no force or effect; to the Committee on Natural Resources.

By Mr. BISHOP of Utah (for himself and Mr. CHAFFETZ):

H.R. 6486. A bill to amend the Endangered Species Act of 1973 to provide that inclusion of the gray wolf, or any distinct population segment of gray wolf, in the State of Utah on any list of endangered species or threatened species shall have no force or effect; to the Committee on Natural Resources.

By Ms. CHU (for herself and Mr. POE of Texas):

H.R. 6487. A bill to amend title 28, United States Code, to prevent the proceeds or instrumentalities of foreign crime located in the United States from being shielded from foreign forfeiture proceedings; to the Committee on the Judiciary.

By Mr. DAVIS of Illinois:

H.R. 6488. A bill to amend the Internal Revenue Code of 1986 to coordinate the reduction in the American Opportunity Tax Credit with Federal Pell Grants, to the extent such grants are attributable to expenses not eligible for such credit; to the Committee on Ways and Means.

By Ms. HIRONO:

H.R. 6489. A bill to amend title XIX of the Social Security Act to provide 100 percent reimbursement for medical assistance provided to Native Hawaiians through a Federally-qualified health center or a Native Hawaiian health care system; to the Committee on Energy and Commerce.

By Mrs. LUMMIS (for herself and Mr. WU):

H.R. 6490. A bill to amend the Soda Ash Royalty Reduction Act of 2006 to extend the reduced royalty rate for soda ash; to the Committee on Natural Resources.

By Mrs. MALONEY:

H.R. 6491. A bill to authorize appropriations for the purpose of establishing an office within the Internal Revenue Service to focus on violations of the internal revenue laws by persons who are under investigation for conduct relating to the promotion of commercial sex acts and trafficking in persons crimes, and to increase the criminal monetary penalty limitations for the underpayment or overpayment of tax due to fraud; to the Committee on Ways and Means.

By Mr. POE of Texas (for himself, Mr. MCKEON, Mr. PITTS, Mr. GOHMERT, Mr. SAM JOHNSON of Texas, Mr. GINGREY of Georgia, Mr. SHADEGG, Mr. KING of Iowa, Mr. KINGSTON, Ms. FOX, and Mr. CULBERSON):

H.R. 6492. A bill to amend the Help America Vote Act of 2002 to require that States certify that aliens are prohibited from voting in elections for State or local office as a condition of receiving funds under such Act, and for other purposes; to the Committee on House Administration.

By Mr. SALAZAR:

H.R. 6493. A bill to establish the boundary of the Curesanti National Recreation Area, and for other purposes; to the Committee on Natural Resources.

By Mr. TAYLOR (for himself, Mr. AKIN, Mr. BARTLETT, Mr. WITTMAN, Mr. KAGEN, Mr. BONNER, and Mr. STUPAK):

H.R. 6494. A bill to amend the National Defense Authorization Act for Fiscal Year 2010 to improve the Littoral Combat Ship program of the Navy; to the Committee on Armed Services.

By Mr. HOEKSTRA (for himself, Mr. GALLEGLY, Mr. THORNBERRY, Mr. ROGERS of Michigan, Mrs. MYRICK, Mr. BLUNT, Mr. MILLER of Florida, Mr. CONAWAY, and Mr. KING of New York):

H. Res. 1749. A resolution requesting the President to transmit to the House of Representatives all documents in the possession of the President relating to a review being conducted by the Office of the Director of National Intelligence described in a document dated December 1, 2010; to the Committee on Intelligence (Permanent Select).

By Ms. SLAUGHTER (for herself, Ms. BERKLEY, Mrs. CAPPS, Ms. DELAURO, Mr. FARR, Mrs. LOWEY, Mr. GRIJALVA, Mr. HINCHBY, Ms. MATSUI, Ms. MOORE of Wisconsin, Ms. SCHAKOWSKY, Mr. STARK, Ms. WASSERMAN SCHULTZ, and Mr. WAXMAN):

H. Res. 1750. A resolution recognizing the 20th anniversary of the National Institutes of Health Office of Research on Women's Health and its continuing leadership and achievements in conducting and supporting biomedical research to improve women's health; to the Committee on Energy and Commerce.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

- H.R. 571: Mr. HOLT.  
 H.R. 891: Mrs. MALONEY.  
 H.R. 1460: Mr. CRITZ.  
 H.R. 1646: Ms. HERSETH SANDLIN, Mr. PASCRELL, and Ms. MOORE of Wisconsin.  
 H.R. 1751: Mr. HIMES and Mr. SCOTT of Virginia.  
 H.R. 2275: Mr. DENT and Mr. CRITZ.  
 H.R. 2412: Mr. AUSTRIA.  
 H.R. 2839: Mr. HASTINGS of Florida.  
 H.R. 3118: Mr. TONKO.  
 H.R. 3401: Mrs. CHRISTENSEN.  
 H.R. 3441: Ms. SUTTON.  
 H.R. 3718: Mr. HASTINGS of Florida.  
 H.R. 4116: Ms. ZOE LOFGREN of California.  
 H.R. 4241: Mr. BISHOP of Utah.  
 H.R. 4278: Mr. LANCE, Mr. HOLT, Mr. DUNCAN, and Mr. GRIJALVA.  
 H.R. 4555: Mr. BOREN.  
 H.R. 4689: Mrs. CHRISTENSEN.  
 H.R. 4746: Ms. FOX, Mr. MCKEON, Mrs. BIGGERT, and Mr. LUETKEMEYER.  
 H.R. 4993: Ms. TSONGAS.  
 H.R. 5034: Mr. SHERMAN.  
 H.R. 5117: Ms. SUTTON.  
 H.R. 5191: Mr. WU.  
 H.R. 5309: Mr. HOLT.  
 H.R. 5549: Mr. BOREN.  
 H.R. 5575: Mr. DEFazio.  
 H.R. 5643: Mr. KILDEE.  
 H.R. 5746: Ms. SUTTON, Mr. ACKERMAN, Ms. BALDWIN, Mr. ANDREWS, Mr. MCDERMOTT, Mr. COSTELLO, Mr. WEINER, Mr. GONZALEZ, Mr. OLVER, Ms. LINDA T. SANCHEZ of California, Ms. JACKSON-LEE of Texas, Mr. SPACE, Mr. RUSH, Ms. HIRONO, Mr. Schauer, and Mr. JACKSON of Illinois.  
 H.R. 5944: Mr. BRALEY of Iowa.  
 H.R. 6072: Mr. TIERNEY.  
 H.R. 6112: Mr. CASSIDY and Mr. MILLER of Florida.  
 H.R. 6139: Mr. REED.  
 H.R. 6199: Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. FUDGE.  
 H.R. 6205: Mr. REED.  
 H.R. 6240: Mr. GOODLATTE.  
 H.R. 6265: Mr. JONES.  
 H.R. 6268: Mr. COHEN and Mr. FILNER.  
 H.R. 6334: Ms. NORTON, Mrs. CHRISTENSEN, Mr. DELAHUNT, Ms. FUDGE, Ms. LEE of California, Mr. HONDA, and Mr. GRIJALVA.  
 H.R. 6355: Mr. FRANK of Massachusetts and Mr. CUMMINGS.  
 H.R. 6415: Mr. CHAFFETZ, Mr. PITTS, Mr. STUTZMAN, and Mr. THOMPSON of Pennsylvania.  
 H.J. Res. 74: Mr. OLVER.

H.J. Res. 96: Mr. COLE, Mr. BILIRAKIS, and Mr. THOMPSON of Pennsylvania.  
 H.J. Res. 97: Mr. LINDER.  
 H.J. Res. 102: Mr. CHAFFETZ.  
 H. Con. Res. 200: Ms. EDDIE BERNICE JOHNSON of Texas.  
 H. Con. Res. 267: Mr. WAXMAN, Mr. WILSON of South Carolina, and Mr. MICA.  
 H. Con. Res. 316: Ms. EDDIE BERNICE JOHNSON of Texas.  
 H. Con. Res. 331: Mr. COHEN and Ms. HARMAN.  
 H. Con. Res. 333: Ms. WATERS and Mr. ENGEL.  
 H. Res. 111: Mr. UPTON.  
 H. Res. 200: Mr. PENCE.  
 H. Res. 764: Ms. WOOLSEY and Mr. FRANK of Massachusetts.  
 H. Res. 1531: Mr. REICHERT, Mr. PASCRELL, and Ms. DELAURO.  
 H. Res. 1532: Ms. SUTTON and Mrs. MCCARTHY of New York.  
 H. Res. 1621: Mr. LEWIS of Georgia, Mr. WILSON of South Carolina, Mr. SNYDER, Mr. EDWARDS of Texas, Ms. WOOLSEY, Mr. BACA, Mr. SALAZAR, Ms. JACKSON LEE of Texas, Mr. DAVIS of Illinois, Mr. BRADY of Pennsylvania, Mr. THOMPSON of California, Mr. CONNOLLY of Virginia, Mr. KAGEN, Mr. TIERNEY, Ms. PELOSI, Mr. PETERS, Mr. HALL of New York, Mr. OBERSTAR, Mr. MOLLOHAN, Ms. SPEIER, Mr. PASTOR of Arizona, Mr. MORAN of Virginia, Mr. MCDERMOTT, Mr. CRENSHAW, Ms. ROS-LEHTINEN, Ms. LORETTA SANCHEZ of California, Mr. GARAMENDI, Mr. KENNEDY, Mr. FARR, Mr. ISRAEL, Mr. HIGGINS, Mr. LANCE, Mr. WEINER, Mr. ELLISON, Mr. WATT, Mr. CARSON of Indiana, Mr. GUTIERREZ, Mr. MCNERNEY, and Mr. LINCOLN DIAZ-BALART of Florida.  
 H. Res. 1717: Mr. MCINTYRE.  
 H. Res. 1725: Mr. POE of Texas and Mr. KING of New York.  
 H. Res. 1734: Mr. KLEIN of Florida, Mr. ROONEY, Mr. BUCHANAN, and Mr. MCCLINTOCK.  
 H. Res. 1743: Mr. MEEKS of New York, Ms. GIFFORDS, Ms. NORTON, Mr. ELLSWORTH, Ms. HERSETH SANDLIN, Mr. ISRAEL, Mr. HODES, Mr. KLEIN of Florida, Mr. COOPER, Mr. SHULER, Mr. BACA, Mrs. MALONEY, Mr. MINNICK, Mrs. KIRKPATRICK of Arizona, Mr. MCMAHON, Mr. TANNER, Mr. WAXMAN, Ms. HARMAN, Mr. NYE, Mr. SCHIFF, Ms. SCHAKOWSKY, Mr. HOLDEN, Mr. LEVIN, Ms. SHEA-PORTER, Mr. GARAMENDI, Mr. ADLER of New Jersey, Mr. CARNEY, Mr. BOREN, Mr. MOORE of Kansas, Mr. SCHAUER, Mr. MATHE-SON, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mr. RYAN of Ohio, Mr. POLIS, Mr. HASTINGS of Florida, Mr. CROWLEY, Mr. LYNCH, Mr. HALL of New York, Mr. ENGEL, Mr. PERLMUTTER, Mrs. DAHLKEMPER, Mr. SALAZAR, Mr. HINOJOSA, Mr. BOYD, Mr. KIND, Mr. TIERNEY, Mr. WILSON of Ohio, Mr. GONZALEZ, Mr. RODRIGUEZ, Mr. PASTOR of Arizona, Mr. REYES, Mr. ETHERIDGE, Mr. ORTIZ, Mr. GENE GREEN of Texas, Mr. LUJÁN, Mr. THOMPSON of California, Mr. PRICE of North Carolina, Mr. GORDON of Tennessee, Ms. BEAN, Ms. DEGETTE, Mr. LARSON of Connecticut, Mr. PETERS, Ms. KILROY, and Mr. NADLER of New York.