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House of Representatives

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

PRAYER

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

During the Advent season, compromised by darkness and deprived of natural light, we know how to flick a switch and make a difference.

But how different it is, Lord, when the darkness is ignorance and we just do not know how to motivate our young or reshape the unemployed; or stop the drainage of poverty and the falling worth of the land upon which we have built our security.

Lord, lead us to the foundation of renewed faith and gift us with hope that we may be ready to encounter You, our God, cloaked in our humanity, now and in the days to come. Amen.

NOTICE

If the 111th Congress, 2d Session, adjourns sine die on or before December 23, 2010, a final issue of the *Congressional Record* for the 111th Congress, 2d Session, will be published on Wednesday, December 29, 2010, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–59 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Wednesday, December 29. The final issue will be dated Wednesday, December 29, 2010, and will be delivered on Thursday, December 30, 2010.

None of the material printed in the final issue of the *Congressional Record* may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

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By order of the Joint Committee on Printing.

CHARLES E. SCHUMER, *Chairman.*

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 Florida (Mr. BUCHANAN) come forward and lead the House in the Pledge of Allegiance.

Mr. BUCHANAN led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

☐ 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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H.R. 4337. An act to amend the Internal Revenue Code of 1986 to modify certain rules applicable to regulated investment companies, and for other purposes.

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

S. 3167. An act to amend title 13 of the United States Code to provide for a 5-year term of office for the Director of the Census and to provide for the authority and duties of the Director and Deputy Director of the Census, and for other purposes.

The message also announced that pursuant to Public Law 106–398, as amended by Public Law 108–7, and upon the recommendation of the Majority Leader, in consultation with the Chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, the Chair, on behalf of the President pro tempore, appoints the following individual to the United States-China Economic Security Review Commission: C. Richard D'Amato of Maryland for a term beginning January 1, 2011 and expiring December 31, 2012 vice Peter Videnicks of Virginia.

The message also announced that pursuant to Public Law 106–398, as amended by the Public Law 108–7, and upon the recommendation of the Republican Leader, in consultation with the Ranking Members of the Senate Committee on Armed Services and the Senate Committee on Finance, the Chair, on behalf of the President pro tempore, reappoints the following individuals to the United States-China Economic Security Review Commission.

Robin Cleveland of Virginia for a term expiring December 31, 2012.

Dennis C. Shea of Virginia for a term expiring December 31, 2012.

ANNOUNCEMENT BY THE SPEAKER

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

ISRAEL'S FIRE

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

Mr. QUIGLEY. Madam Speaker, in the wake of the worst fire in Israel's history, I want to commend USAID and the U.S. Forest Service for leading America's vital effort to help extinguish the flames.

Now that the fires are out, the hardest work begins. The U.S. Forest Service will work closely with the Jewish National Fund and the State of Israel's national foresters to rebuild the destroyed forest.

Their first order of business will be assessing the damage and creating a plan for the long-term renewal of the historically significant Carmel Forest. The Mount Carmel region in Israel is rich in biblical history, most famous as the site of Elijah's battle with the prophets of Baal.

The coordinated efforts of the JNF and the U.S. Forest Service will ensure this precious area is restored and maintained for generations. The partnership of the U.S. Forest Service and the Jewish National Fund is yet another reminder of the strong ties between the United States and Israel.

I urge my colleagues support the efforts of the JNF as it works to restore and rebuild this beautiful and ancient region of Israel.

AMAZON.COM WELCOMED TO SOUTH CAROLINA

(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, Lexington County, South Carolina, received great news this week as Amazon.com announced plans to open a distribution center in Cayce. This will bring 1,200 jobs to the Midlands, and I truly thank Amazon.com for their economic commitment to our State.

The Lexington County Council, with the Central Carolina Alliance, put together a positive incentives package, promoted by Economic Development Manager Chuck Whipple.

Joe Taylor, Secretary of the South Carolina Department of Commerce, has proven his success of creating long-term private sector jobs. Under Secretary Taylor's leadership, the Department of Commerce has recruited 82,695 jobs and $16.7 billion in capital investment. As a result of local leaders like Secretary Taylor, the future is looking bright for South Carolina. His proven successor is BMW executive Bobby Hitt, named by Governor-Elect Nikki Haley.

In conclusion, God bless our troops, and we will never forget September 11th in the global war on terrorism. Welcome back to Washington Adjutant General-elect Bob Livingston, America's only elected adjutant general.

HUMAN RIGHTS DAY

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to recognize Human Rights Day.

Today, people around the world recognize the human rights violations that continue to occur in so many countries like Vietnam and China. It is also a day where we honor the men and women who sacrifice their freedom in order to fight for human rights.

At this moment, there are three individuals imprisoned in Vietnam for exercising their rights of free speech and expression: Tran Khai Thanh Thuy, Le Thi Cong Nhan and Pham Thanh Nghien are three women democracy activists who have been denied their basic human rights by their own government, Vietnam.

The people of America enjoy the freedom to speak and worship freely, but it is important for us to remember those who do not have the same freedoms as we do. So, today, let's remember all those freedom fighters and let's work together in the coming year to ensure that people like these three women are allowed to express themselves.

OUT-OF-CONTROL SPENDING

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

Mr. BUCHANAN. Mr. Speaker, our national debt is quickly approaching $14 trillion. Yesterday, Congress approved another trillion dollars, funding government next year, without making the necessary cuts.

This spending bill does nothing to reverse the out-of-control spending of the last 2 years. Instead, it continues this incredible growth of borrowing and spending that puts our country on the track to bankruptcy. In the past 50 years, we have only balanced the budget five times.

This has to change. During my first week, I introduced the constitutional balanced budget amendment that says simply we don't spend more than we take in.

We need to pass the constitutional budget amendment, and we need to pass it today.

CUTTING TAXES FOR MILLIONAIRES AND BILLIONAIRES

(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, my colleagues on the other side of the aisle have said over and over again that cutting taxes for millionaires and billionaires will create jobs. It simply has not.

Albert Einstein once described insanity as doing the same thing over and over again and expecting different results. That is why I rise today to ask, where are the jobs? Where are they? It is time we restore sanity to the discussion on tax cuts.

Tax cuts for millionaires and billionaires do not create jobs. They are also not supported by the general public. In fact, according to a CBS poll from last week, only 26 percent of Americans support millionaire tax breaks and only 46 percent of Republicans support millionaire tax breaks.

So I ask, who are my Republican friends listening to? Is it the average family or small business in their district, or is it Wall Street CEOs and an army of special interest lobbyists?

The trickle-down effect has not worked. As any farmer will tell you, you fertilize a plant from bottom up, not top down, because if its roots are strong, the plant will be strong. Our country's roots are the middle class, and it's time we give them nutrients to thrive.

TIME TO EXPAND AMERICAN ENERGY EXPLORATION

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

Mr. SMITH of Nebraska. Mr. Speaker, American families are preparing for the holiday season and doing so by paying the highest fuel prices in 2 years.

In addition to gasoline, heating oil and diesel prices are expected to increase year over year for the first time since 2008, and analysts are predicting oil will hit $100 a barrel very soon. At a time when our economy is struggling to recover, such skyrocketing energy prices could be catastrophic.

This is why it makes no sense the administration recently announced plans to cancel further energy exploration and development in deep offshore areas. These sources of American energy are known to contain more than 86 billion barrels of recoverable oil.

This decision to prevent energy development hurts our economy and costs American jobs. Let's give Americans what they deserve. The time is now to expand exploration of American energy resources.

STOP SHOOTING CHILDREN

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

Mr. BAIRD. My colleagues, it is time to call on our allies in the State of Israel to stop shooting children.

Since March of this year, 17 children have been shot by Israeli snipers near the border of Gaza, shot for the crime of picking up small pieces of rock to use for aggregate because the Israeli blockade is preventing construction materials from coming into Gaza. Seventy percent of these children were shot while doing this activity beyond the 300-meter unilaterally imposed security zone. Young children and adults are picking up small pieces of gravel because they cannot import concrete to rebuild schools, hospitals, clinics and water treatment facilities without it.

Let us call upon our allies in the State of Israel to stop shooting children, to prosecute those who have shot children, and to lift the blockade to allow raw materials in and economic prosperity to succeed.

On this Human Rights Day it's the least we can do.

□ 1010

SUPPLY AND DEMAND

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, a recent headline in the Atlanta Journal-Constitution talked about the scarcity of heating fuel, which sent prices through the roof. By contrast, the Philadelphia Inquirer reported on a drop in utility bills in the area due to Marcellus Shale drilling in Pennsylvania. Both are classic examples of such supply and demand.

Heating fuel in Atlanta is fed, in great part, by the production of offshore oil and natural gas reserves from the Gulf of Mexico. Unfortunately, last week vast amounts of our own oil and natural gas reserves off the Atlantic and Pacific coast were placed off limits by the White House, limiting production and, as a result, supply.

Secretary of the Interior Salazar, through regulation, not legislation, removed nearly all of our vast offshore oil and natural gas reserves from the production process. The result, not one barrel of oil or cubic foot of natural gas owned by other citizens will be produced until at least 2022.

In Pennsylvania, recent development of Marcellus Shale natural gas has brought the opposite effect. A lower rate from the Philadelphia Gas Works will save the average customer almost $15 per month.

The solution is obvious, and Congress should reclaim its jurisdiction over our energy future.

THE DREAM ACT

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

Mr. SCHIFF. Mr. Speaker, for the past three Congresses, I've been an enthusiastic cosponsor of the DREAM Act, which I see as an essential component of comprehensive immigration reform.

No child raised in America should be permanently penalized for the immigration status of their parents. The DREAM Act gives young people a chance to contribute to the United States, often the only country they know. I've heard from many high school students in my district who have done everything right, but discover when they apply to college that they are not a citizen, that the doors of education and a better life they have worked for so hard are closed to them.

The U.S. has a proud tradition of welcoming immigrants who want to work hard and play by the rules and build a better life for themselves and their families. The DREAM Act comes from that tradition. It will make our economy, military, and Nation stronger.

Yesterday evening I was proud to cast an ''aye'' vote on the rule to bring the DREAM Act to the floor. I was not on the floor later that night and missed the final vote on the act. Had I been present, I would have enthusiastically voted ''aye,'' and I urge my Senate colleagues to take up the legislation in the remaining days of the 111th Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ALTMIRE). 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.

MEDICARE AND MEDICAID EXTENDERS ACT OF 2010

Mr. STARK. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 4994) to amend the Internal Revenue Code of 1986 to reduce taxpayer burdens and enhance taxpayer protections, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Medicare and Medicaid Extenders Act of 2010''.

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

Sec. 1. Short title; table of contents.

TITLE I—EXTENSIONS

Sec. 101. Physician payment update.
Sec. 102. Extension of MMA section 508 reclassifications.
Sec. 103. Extension of Medicare work geographic adjustment floor.
Sec. 104. Extension of exceptions process for Medicare therapy caps.
Sec. 105. Extension of payment for technical component of certain physician pathology services.
Sec. 106. Extension of ambulance add-ons.
Sec. 107. Extension of physician fee schedule mental health add-on payment.
Sec. 108. Extension of outpatient hold harmless provision.
Sec. 109. Extension of Medicare reasonable costs payments for certain clinical diagnostic laboratory tests furnished to hospital patients in certain rural areas.
Sec. 110. Extension of the qualifying individual (QI) program.
Sec. 111. Extension of Transitional Medical Assistance (TMA).
Sec. 112. Special diabetes programs.

TITLE II—OTHER PROVISIONS

Sec. 201. Clarification of effective date of part B special enrollment period for disabled TRICARE beneficiaries.
Sec. 202. Repeal of delay of RUG–IV.
Sec. 203. Clarification for affiliated hospitals for distribution of additional residency positions.
Sec. 204. Continued inclusion of orphan drugs in definition of covered outpatient drugs with respect to children's hospitals under the 340B drug discount program.
Sec. 205. Medicaid and CHIP technical corrections.
Sec. 206. Funding for claims reprocessing.
Sec. 207. Revision to the Medicare Improvement Fund.
Sec. 208. Limitations on aggregate amount recovered on reconciliation of the health insurance tax credit and the advance of that credit.
Sec. 209. Determination of budgetary effects.

TITLE I—EXTENSIONS

SEC. 101. PHYSICIAN PAYMENT UPDATE.

Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended by adding at the end the following new paragraph:

''(12) UPDATE FOR 2011.—

''(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), (9)(B), (10)(B), and (11)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2011, the update to the single conversion factor shall be 0 percent.

''(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2012 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2012 and subsequent years as if subparagraph (A) had never applied.''.

SEC. 102. EXTENSION OF MMA SECTION 508 RECLASSIFICATIONS.

(a) EXTENSION.—

(1) IN GENERAL.—Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), and sections 3137(a) and 10317 of the Patient Protection and Affordable Care Act (Public Law 111–148), is amended by striking ''September 30, 2010'' and inserting ''September 30, 2011''.

(2) SPECIAL RULE FOR FISCAL YEAR 2011.—

(A) IN GENERAL.—Subject to subparagraph (B), for purposes of implementation of the amendment made by paragraph (1), including (notwithstanding paragraph (3) of section 117(a) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), as amended by section 124(b) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275)) for purposes of the implementation of paragraph (2) of such section 117(a), during fiscal year 2011, the Secretary of Health and Human Services shall use the hospital wage index that was promulgated by the Secretary of Health and Human Services in the Federal Register on August 16, 2010 (75 Fed. Reg. 50042), and any subsequent corrections.

(B) EXCEPTION.—Beginning on April 1, 2011, in determining the wage index applicable to hospitals that qualify for wage index reclassification, the Secretary shall include the average hourly wage data of hospitals whose reclassification was extended pursuant to the amendment made by paragraph (1) only if including such data results in a higher applicable reclassified wage index. Any revision to hospital wage indexes made as a result of this subparagraph shall not be effected in a budget neutral manner.

(3) ADJUSTMENT FOR CERTAIN HOSPITALS IN FISCAL YEAR 2011.—

(A) IN GENERAL.—In the case of a subsection (d) hospital (as defined in subsection (d)(1)(B) of section 1886 of the Social Security Act (42 U.S.C. 1395ww)) with respect to which—

(i) a reclassification of its wage index for purposes of such section was extended pursuant to the amendment made by paragraph (1); and

(ii) the wage index applicable for such hospital for the period beginning on October 1, 2010, and ending on March 31, 2011, was lower than for the period beginning on April 1, 2011, and ending on September 30, 2011, by reason of the application of paragraph (2)(B);

the Secretary shall pay such hospital an additional payment that reflects the difference between the wage index for such periods.

(B) TIMEFRAME FOR PAYMENTS.—The Secretary shall make payments required under subparagraph (A) by not later than December 31, 2011.

(b) CONFORMING AMENDMENT.—Section 117(a)(3) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) is amended by inserting ''in fiscal years 2008 and 2009'' after ''For purposes of implementation of this subsection''.

SEC. 103. EXTENSION OF MEDICARE WORK GEOGRAPHIC ADJUSTMENT FLOOR.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(E)) is amended by striking ''before January 1, 2011'' and inserting ''before January 1, 2012''.

SEC. 104. EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking ''and ending on'' and all that follows through ''2010'' and inserting ''and ending on December 31, 2011''.

SEC. 105. EXTENSION OF PAYMENT FOR TECHNICAL COMPONENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106–554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w–4 note), section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w–4 note), section 104 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), section 136 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), and section 3104 of the Patient Protection and Affordable Care Act (Public Law 111–148) is amended by striking ''and 2010'' and inserting ''2010, and 2011''.

SEC. 106. EXTENSION OF AMBULANCE ADD-ONS.

(a) GROUND AMBULANCE.—Section 1834(l)(13)(A) of the Social Security Act (42 U.S.C. 1395m(l)(13)(A)) is amended—

(1) in the matter preceding clause (i), by striking ''2011'' and inserting ''2012,''; and

(2) in each of clauses (i) and (ii), by striking ''January 1, 2011'' and inserting ''January 1, 2012'' each place it appears.

(b) AIR AMBULANCE.—Section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), as amended by sections 3105(b) and 10311(b) of Public Law 111–148, is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(c) SUPER RURAL AMBULANCE.—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)) is amended by striking ''2011'' and inserting ''2012''.

SEC. 107. EXTENSION OF PHYSICIAN FEE SCHEDULE MENTAL HEALTH ADD-ON PAYMENT.

Section 138(a)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), as amended by section 3107 of the Patient Protection and Affordable Care Act (Public Law 111–148), is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

SEC. 108. EXTENSION OF OUTPATIENT HOLD HARMLESS PROVISION.

Section 1833(t)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)), as amended by section 3121(a) of the Patient Protection and Affordable Care Act (Public Law 111–148), is amended—

(1) in subclause (II)—

(A) in the first sentence, by striking ''2011''and inserting ''2012''; and

(B) in the second sentence, by striking ''or 2010'' and inserting ''2010, or 2011''; and

(2) in subclause (III), by striking ''January 1, 2011'' and inserting ''January 1, 2012''.

SEC. 109. EXTENSION OF MEDICARE REASONABLE COSTS PAYMENTS FOR CERTAIN CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED TO HOSPITAL PATIENTS IN CERTAIN RURAL AREAS.

Section 416(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395l–4), as amended by section 105 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395l note), section 107 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (42 U.S.C. 1395l note), and section 3122 of the Patient Protection and Affordable Care Act (Public Law 111–148), is amended by striking ''the 1-year period beginning on July 1, 2010'' and inserting ''the 2-year period beginning on July 1, 2010''.

SEC. 110. EXTENSION OF THE QUALIFYING INDIVIDUAL (QI) PROGRAM.

(a) EXTENSION.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking ''December 2010'' and inserting ''December 2011''.

(b) EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g) of such Act (42 U.S.C. 1396u-3(g)) is amended—

(1) in paragraph (2)—

(A) by striking ''and'' at the end of subparagraph (M);

(B) in subparagraph (N), by striking the period at the end and inserting a semicolon; and

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

''(O) for the period that begins on January 1, 2011, and ends on September 30, 2011, the total allocation amount is $720,000,000; and

''(P) for the period that begins on October 1, 2011, and ends on December 31, 2011, the total allocation amount is $280,000,000.''; and

(2) in paragraph (3), in the matter preceding subparagraph (A), by striking ''or (N)'' and inserting ''(N), or (P)''.

SEC. 111. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA).

Sections 1902(e)(1)(B) and 1925(f) of the Social Security Act (42 U.S.C. 1396a(e)(1)(B), 1396r–6(f)) are each amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

SEC. 112. SPECIAL DIABETES PROGRAMS.

(1) SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES.—Section 330B(b)(2)(C) of the Public Health Service Act (42 U.S.C. 254c–2(b)(2)(C)) is amended by striking ''2011'' and inserting ''2013''.

(2) SPECIAL DIABETES PROGRAMS FOR INDIANS.—Section 330C(c)(2)(C) of the Public Health Service Act (42 U.S.C. 254c–3(c)(2)(C)) is amended by striking ''2011'' and inserting ''2013''.

TITLE II—OTHER PROVISIONS

SEC. 201. CLARIFICATION OF EFFECTIVE DATE OF PART B SPECIAL ENROLLMENT PERIOD FOR DISABLED TRICARE BENEFICIARIES.

Effective as if included in the enactment of Public Law 111–148, section 3110(a)(2) of such Act is amended to read as follows:

''(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to elections made on and after the date of the enactment of this Act.''.

SEC. 202. REPEAL OF DELAY OF RUG–IV.

Effective as if included in the enactment of Public Law 111–148, section 10325 of such Act is repealed.

SEC. 203. CLARIFICATION FOR AFFILIATED HOSPITALS FOR DISTRIBUTION OF ADDITIONAL RESIDENCY POSITIONS.

Effective as if included in the enactment of section 5503(a) of Public Law 111–148, section 1886(h)(8) of the Social Security Act (42 U.S.C. 1395ww(h)(8)), as added by such section 5503(a), is amended by adding at the end the following new subparagraph:

''(I) AFFILIATION.—The provisions of this paragraph shall be applied to hospitals which are members of the same affiliated group (as defined by the Secretary under paragraph (4)(H)(ii)) and the reference resident level for each such hospital shall be the reference resident level with respect to the cost reporting period that results in the smallest difference between the reference resident level and the otherwise applicable resident limit.''.

SEC. 204. CONTINUED INCLUSION OF ORPHAN DRUGS IN DEFINITION OF COVERED OUTPATIENT DRUGS WITH RESPECT TO CHILDREN'S HOSPITALS UNDER THE 340B DRUG DISCOUNT PROGRAM.

(a) DEFINITION OF COVERED OUTPATIENT DRUG.—

(1) AMENDMENT.—Subsection (e) of section 340B of the Public Health Service Act (42 U.S.C. 256b) is amended by striking ''covered entities described in subparagraph (M)'' and inserting ''covered entities described in subparagraph (M) (other than a children's hospital described in subparagraph (M))''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the enactment of section 2302 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152).

(b) TECHNICAL AMENDMENT.—Subparagraph (B) of section 1927(a)(5) of the Social Security Act (42 U.S.C. 1396r–8(a)(5)) is amended by striking ''and a children's hospital'' and all that follows through the end of the subparagraph and inserting a period.

SEC. 205. MEDICAID AND CHIP TECHNICAL CORRECTIONS.

(a) REPEAL OF EXCLUSION OF CERTAIN INDIVIDUALS AND ENTITIES FROM MEDICAID.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended by striking paragraph (78).

(b) INCOME LEVEL FOR CERTAIN CHILDREN UNDER MEDICAID.—Section 1902(l)(2)(C) of the Social Security Act (42 U.S.C. 1396a(l)(2)(C)) is amended by striking ''133 percent'' and inserting ''100 percent (or, beginning January 1, 2014, 133 percent)''.

(c) CALCULATION AND PUBLICATION OF PAYMENT ERROR RATE MEASUREMENT FOR CERTAIN YEARS.—Section 601(b) of the Children's Health Insurance Program Reauthorization Act of 2009 (Public Law 111–3) is amended by adding at the end the following: ''The Secretary is not required under this subsection to calculate or publish a national or a State-specific error rate for fiscal year 2009 or fiscal year 2010.''.

(d) CORRECTIONS TO EXCEPTIONS TO EXCLUSION OF CHILDREN OF CERTAIN EMPLOYEES.—Section 2110(b)(6) of the Social Security Act (42 U.S.C. 1397jj(b)(6)) is amended—

(1) in subparagraph (B)—

(A) by striking ''PER PERSON'' in the heading; and

(B) by striking ''each employee'' and inserting ''employees''; and

(2) in subparagraph (C), by striking '', on a case-by-case basis,''.

(e) ELECTRONIC HEALTH RECORDS.—Effective as if included in the enactment of section 4201(a)(2) of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), section 1903(t) of the Social Security Act (42 U.S.C. 1396b(t)) is amended—

(1) in paragraph (3)(E), by striking ''reduced by any payment that is made to such Medicaid provider from any other source (other than under this subsection or by a State or local government)'' and inserting ''reduced by the average payment the Secretary estimates will be made to such Medicaid providers (determined on a percentage or other basis for such classes or types of providers as the Secretary may specify) from other sources (other than under this subsection, or by the Federal government or a State or local government)''; and

(2) in paragraph (6)(B), by inserting before the period the following: ''and shall be determined to have met such responsibility to the extent that the payment to the Medicaid provider is not in excess of 85 percent of the net average allowable cost''.

(f) CORRECTIONS OF DESIGNATIONS.—

(1) Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(A) in subsection (a)(10), in the matter following subparagraph (G), by striking ''and'' before ''(XVI) the medical'' and by striking ''(XVI) if'' and inserting ''(XVII) if'';

(B) in subsection (a)(23), by striking ''(ii)'' and inserting ''(kk)'';

(C) in subsection (a)(77), by striking ''(ii)'' and inserting ''(kk)'';

(D) in subsection (ii)(2), as added by section 2303(a)(2) of Public Law 111–148, by striking ''(XV)'' and inserting ''(XVI)''; and

(E) by redesignating subsection (ii), as added by section 6401(b)(1)(B) of Public Law 111–148, as subsection (kk) and transferring such subsection so as to appear after subsection (jj) of that section.

(2) Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(A) in subparagraph (D), as added by section 6401(c) of Public Law 111–148, by striking ''(ii)'' and inserting ''(kk)''; and

(B) by redesignating the subparagraph (N) of that section added by 2101(e) of Public Law 111–148 as subparagraph (O).

SEC. 206. FUNDING FOR CLAIMS REPROCESSING.

For purposes of carrying out the provisions of, and amendments made by, this Act that relate to title XVIII of the Social Security Act, and other provisions of, or relating to, such title that ensure appropriate payment of claims, there are appropriated to the Secretary of Health and Human Services for the Centers for Medicare & Medicaid Services Program Management Account, from amounts in the general fund of the Treasury not otherwise appropriated, $200,000,000. Amounts appropriated under the preceding sentence shall be in addition to any other funds available for such purposes, shall remain available until expended, and shall not be used to implement changes to title XVIII of the Social Security Act made by Public Laws 111–148 and 111–152.

SEC. 207. REVISION TO THE MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1)(B) of the Social Security Act (42 U.S.C. 1395iii(b)(1)(B)) is amended by striking ''$550,000,000'' and inserting ''$275,000,000''.

SEC. 208. LIMITATIONS ON AGGREGATE AMOUNT RECOVERED ON RECONCILIATION OF THE HEALTH INSURANCE TAX CREDIT AND THE ADVANCE OF THAT CREDIT.

(a) IN GENERAL.—So much of section 36B(f)(2)(B) of the Internal Revenue Code of 1986 as precedes clause (ii) thereof is amended to read as follows:

''(B) LIMITATION ON INCREASE.—

''(i) IN GENERAL.—In the case of a taxpayer whose household income is less than 500 percent of the poverty line for the size of the family involved for the taxable year, the amount of the increase under subparagraph (A) shall in no event exceed the applicable dollar amount determined in accordance with the following table (one-half of such amount in the case of a taxpayer whose tax is determined under section 1(c) for the taxable year):

''If the household income (expressed as a percent of poverty line) is:	*The applicable dollar amount is:*
Less than 200%	*$600*
At least 200% but less than 250%	*$1,000*
At least 250% but less than 300%	*$1,500*
At least 300% but less than 350%	*$2,000*
At least 350% but less than 400%	*$2,500*
At least 400% but less than 450%	*$3,000*
At least 450% but less than 500%	*$3,500''.*

(b) CONFORMING AMENDMENT.—Section 36B(f)(2)(B)(ii) of such Code is amended by inserting ''in the table contained'' after ''each of the dollar amounts''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

SEC. 209. DETERMINATION OF BUDGETARY EFFECTS.

(a) IN GENERAL.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

(b) EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.—In the House of Representatives, this Act, with the exception of section 101, is designated as an emergency for purposes of pay-as-you-go principles.

Amend the title so as to read: ''An Act to extend certain expiring provisions of the Medicare and Medicaid programs, and for other purposes.''.

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

The Chair recognizes the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Speaker, I rise in support of H.R. 4994, the Medicare and Medicaid Extenders Act, a bill that was passed by unanimous consent in the Senate yesterday because of the critical importance to our senior citizens and military families.

The legislation does the bare minimum of what is needed to ensure that Medicare runs smoothly for the next year. Because the military's TRICARE system operates by many of Medicare's rules, it also protects the health care of our military families.

Importantly, the bill prevents a nearly 25 percent pay cut to Medicare and TRICARE physicians that would otherwise go into effect on January 1, 2011. Giving physicians a year of certainty in their pay is important to protect Medicare beneficiaries' access to their physicians. The bill extends a host of other key policies to protect the health of seniors and people with disabilities.

In the long run, we all know we need to do much better by Medicare than continued 1-year patches on the physician payment formula. The House passed a permanent solution in November of 2009, but the Senate was unable to move it. We need to work together across party lines to reach a permanent solution. In the meantime, H.R. 4994 is the appropriate short-term measure.

I urge my colleagues to join us in protecting the Medicare beneficiaries by voting ''yes.''

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

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

When the Democrats passed their massive health care overhaul, they didn't spend one cent to resolve a longstanding problem and ensure seniors have continued access to their physician. As a result, for the fourth time since Obamacare passed, we are forced to take emergency action to prevent physicians from having their Medicare payments slashed. This time, the looming cut is 25 percent. The brinkmanship where this Democrat Congress has walked physicians up to the cliff, only to back away at the last minute, is unacceptable.

My friends on the other side of the aisle are quick to remind us that they

offered to address Medicare physician payments last fall. This is true. They put a bill on the floor which had already failed to pass the Senate. This bill would have expanded our already record deficit by an astounding $210 billion, a crippling debt load on top of the $1 trillion health bill. Rather than responsibly manage the Medicare program, they chose instead to cut Medicare by one half trillion dollars to fund their government takeover of health care.

The good news is that today we are finally starting to address this problem in a bipartisan way. We're stopping these cuts not for 1 month or 2 months but for a full year. We're ensuring that physicians will be able to keep their doors open and that seniors will have continued access to their doctors. And we are doing this in a fiscally responsible manner without adding a dime to the deficit. We are doing it by taking aim at the irresponsible overspending that was created by the new health care law.

Let it be known on this day, in the people's House, that dismantling of Obamacare begins. Once the House passes this bill and the President signs it into law, we will have landed the first blow to the Democrats' massive health care overhaul. Today we begin by removing $19 billion from their risky $1 trillion experiment; a risky experiment that CBO predicts will force health insurance premiums for millions of families to increase by $2,100 in 2016 alone; a risky experiment that the Obama administration predicts could force 117 million Americans out of their health plans; a risky experiment that Medicare officials have repeatedly warned could jeopardize seniors' access to care; a risky experiment that Medicare officials predict will force millions of seniors out of their current Medicare and retiree health coverage; a risky experiment that increases taxes by more than one-half trillion dollars at a time when unemployment is nearly 10 percent.

□ 1020

A risky experiment that would spend an additional $1 trillion on health care when every respective economist tells us in order to improve our country's fiscal health, we must get control of health care spending.

My friends on the other side of the aisle repeatedly said a doctor's fix couldn't be paid for, that it shouldn't be paid for. Yet with bipartisan work, we have before us a fully offset bill that gives physicians 1 year of certainty while Congress works to reform physician payments in a fiscally responsible manner once and for all.

So here we are today, Mr. Speaker, pulling at the thread that will begin to unravel ObamaCare. Rest assured, America, we are taking $19 billion today, but we will continue to fight to get the rest next year.

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

GENERAL LEAVE

Mr. STARK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this matter.

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

There was no objection.

Mr. STARK. I would like to remind my distinguished friend that health reform was 100 percent paid for, and the party that wants to spend $700 billion on the richest Americans for their tax cuts certainly shouldn't lecture anyone on the deficit.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, first of all let me say, as I did the other day, as you know, about a week ago we passed an extension to eliminate the cut in the SGR, the doctor's fix, until the end of this month. This bill before us today would take this for another year, until the end of December of 2011.

And at the time, the gentleman from California (Mr. HERGER) also got on the floor and made statements which I think totally do not represent what we were doing. First of all, I would say with regard to the doctor's fix, nobody wants a 25 percent cut in doctor's reimbursement rate, and that is why we were here last week for the extension to eliminate that cut until the end of this year, and that is why we are today, to eliminate that cut until the end of 2011.

But the fact of the matter is it is the Republican Party and it is the party of the gentleman from California (Mr. HERGER) in the House that refused to vote for a permanent fix when we passed it in the Democratic majority over a year ago. As I said that day, only one person, Dr. BURGESS who is a physician on our committee, voted with the Democrats for the permanent fix. It is as a result of the inability and the unwillingness of the Republicans to do anything about this doctor's cut or reimbursement cut that we had to pass, I guess, five different short-term fixes.

Now granted today we are going to have a year extension, and I am certainly happy that the Republicans have agreed to a year extension, but they still have not come along to a permanent fix and they have not helped us in our efforts to achieve a permanent fix. So for the gentleman to suggest that somehow the Republicans have been helpful and they wanted to deal with this problem is, in my opinion, simply not accurate.

Now, let me dispel another thing. There is nothing in this bill that would in any way disrupt or repeal the health care reform, the landmark legislation that the Democrats passed again this year without any support from the other side of the aisle. If there was any remote suggestion that we were repealing or this was the beginning of the repeal, as the gentleman suggested, of the health care reform, not one Democrat would support that; and I certainly would not.

The fact of the matter is that the health care reform was fully paid for. And the fact of the matter is that it did not in any way affect Medicare beneficiaries. We actually improved benefits for Medicare beneficiaries in the health care reform. We basically filled up and eliminated the doughnut hole. We also provided more money for copays so seniors who are poor or lower income would not have to do copays for preventative care. And the list of additional benefits for Medicare beneficiaries under the larger health care reform goes on and on. I could list more.

So the suggestion that we somehow were cutting Medicare benefits is simply not true. The fact of the matter is that benefits were increased; the bill was paid for; and this bill today in no way takes away from that larger health care reform.

Now we have paid for the health care reform. We have paid for the doctor's fix for an additional year in this legislation by making sure that people who were going to get a subsidy and who didn't qualify would have to pay it back. That is the only change. That is the way it is paid for here today.

I just want to say, Mr. Speaker, this is a very important bill. It is a vital piece of legislation for America's seniors, persons with disabilities, and military families. Without this legislation, physician fees in Medicare and TRICARE would be reduced by 25 percent on January 1, just 3 weeks from now, and that kind of cut would threaten the ability of enrollees in Medicare and TRICARE to see their doctors. We can't allow that to happen.

As I mentioned before, we have passed some short-term fixes. This is another short-term fix. But, thankfully, it is at least for another year until we can work out a permanent solution. The Democrats already passed that permanent solution without Republican help; but, unfortunately, therefore, it did not become law and we will have to address it again.

The bill also provides help in 2011 to low-income Medicare beneficiaries in paying their part B premiums which are nearly $100 per month for many people. The legislation extends several important Medicare policies, including an exceptions process for therapy caps that allows Medicare beneficiaries to access medically needed therapy treatment. And it extends an important program that helps Medicaid beneficiaries work more hours without losing their Medicaid benefits.

It is completely paid for over 10 years. It moved through the Senate by unanimous consent. It is really not controversial at all, and so I urge Members of the House to vote ''yes'' on this bill that provides stability to the Medicare program.

Mr. HERGER. Mr. Speaker, I yield the balance of my time to the ranking

member of the Energy and Commerce Committee, the gentleman from Texas (Mr. BARTON).

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

There was no objection.

Mr. BARTON of Texas. I thank the gentleman from California for his courtesy.

I would ask the Chair how much time I have remaining.

The SPEAKER pro tempore. The gentleman has 15 minutes remaining.

Mr. BARTON of Texas. May I ask the Chair how much time my friends on the majority have remaining?

The SPEAKER pro tempore. The gentleman from California (Mr. STARK) has 13 minutes remaining.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

The Republicans do rise in support of this 1-year fix for the reimbursement rate for physicians. Having said that, I think I was able to listen to some of what my distinguished subcommittee chairman of the Energy and Commerce Committee, Mr. PALLONE, was saying as I was waiting for the tram to come over here. It is time, Mr. Speaker, for Members on both sides of the aisle to put aside partisan politics and in the upcoming year or years, if it takes more than 1 year, sit down and let's really come up with a new formula to fix permanently how we pay our physicians.

The current formula is based on an index that is based on inflation; and under the score keeping, any year in which medical expenses go up more rapidly than the general inflation rate, I am simplifying the index but this is the basic part of it, you have to find savings in that particular year or there is a negative balance created in the physician reimbursement fund. The current system is not sustainable. It doesn't work. It doesn't reflect the practice of medicine. But because of our score keeping, we keep getting further and further behind and so each year the 1-year cut gets bigger and bigger. This year it would be 25 percent.

Now obviously when most of our physician community claims, and I think with justification, that they are not being adequately reimbursed for treating Medicare patients, you have the situation as you have in my district, and I am sure each of us can say in our own districts, in their districts, physicians are not taking Medicare patients. In my home county of Ellis County, the county seat is a community of about 30,000, Waxahachie, Texas. The mayor of Waxahachie is a personal friend of mine, and I have known him for over 20 years.

□ 1030

His existing doctor retired. He is on Medicare. He is over 65. He went to find a new doctor who would treat him, and he couldn't find a doctor. Here is the mayor of Waxahachie, Texas, who at least temporarily cannot find a Medicare doctor who will accept him as a patient. That doesn't make sense. You can have the best health care system in the world, and if you don't have the doctors to implement it, you don't have a health care system.

So it is my strong recommendation that Republicans—the current minority, soon to be majority—vote for this 1-year fix, knowing that it is really not a fix, that it is another kick-the-can, kick-the-problem down the road. But in this case, at least it is for a year.

In the upcoming Congress and when the majorities switch, I am going to be a member of the committee of primary jurisdiction, the Energy and Commerce Committee. It will be my strong recommendation to our new chairman, FRED UPTON of Michigan; to our new Speaker, Mr. BOEHNER of Ohio; and to our new majority leader, Mr. CANTOR of Virginia, that we sit down with our stakeholders and with our friends on the soon-to-be minority side of the aisle to come up with a system that adequately reflects the will of both parties, that also gets buy-in from the stakeholders and reflects the cost of practicing medicine as it is today.

I know it is going to be expensive. I know it is going to be difficult, but it will be possible, and I hope that we can do that. I would ask for a ''yes'' vote when it comes time to vote for this under the suspension calendar.

I reserve the balance of my time.

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

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FARR).

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

Mr. FARR. Thank you very much for yielding.

Mr. Speaker, I rise in support of this bill but with real dismay.

First, it is ludicrous that Congress continues to pass the SGR instead of to fix it once and for all. This bill, though necessary, doesn't fix what is broken, and we will just find ourselves back here again next year, trying to find a way forward. It is time to ''repeal and replace'' the doctor payment formula and to come up with something new.

Second, this bill contains special ''pork'' favors for certain Midwest Senators which will pay their doctors more than the doctors in other parts of the country—in particular, my State of California.

Section 103 of this bill provides an arbitrary ''floor'' for certain doctors' payments in Iowa and in other Midwest States that will boost their Medicare reimbursements, but this provision does not extend to all doctors in the United States. Iowa will get an additional $17 million in FY 2011, on top of regular Medicare reimbursements, which other States will not get. Over the 2-year cycle of FY 2010–2011, Iowa doctors will be reimbursed over $34 million because of this special ''floor'' in payments inserted by Senator GRASSLEY and by others in that body.

In a bill that is supposed to be ''clean'' and that is supposed to simply advance a moratorium on reductions in the sustained growth rate, section 103 is an abomination. It is plain unfair to doctors in other States.

My doctors in California and especially in my district have suffered for more than a decade under a misaligned doctor payment formula due to outdated geographic locality designations. Despite numerous government reports by the GAO and CMS and despite numerous times that the House has passed legislation to fix this problem, the Senate has refused to accept the fix in favor of tipping the scales in order to satisfy Senator GRASSLEY's whims.

If Congress really wants to do right by doctors, it needs to do right by all doctors. This bill does not do that.

Mr. BARTON of Texas. Mr. Speaker, I yield 3 minutes to a distinguished member of the Energy and Commerce Committee and of the Health Subcommittee, the current ranking member of the Oversight and Investigations Subcommittee, Dr. MICHAEL BURGESS of Lewisville, Texas.

Mr. BURGESS. I thank the gentleman, my ranking member, for yielding.

Mr. Speaker, this is an important bill that is going to be before us today. Ordinarily, I would not support something this large being done on a suspension calendar, but this truly is an emergency for our Nation's patients and for our Nation's physicians.

I support the passage of this bill. It does also give us some time in this body and in the other body to work on a permanent solution. There is plenty of blame to go around on both sides of the aisle and in both Houses of this Capitol as to why we are in this fix.

The fact is that it began back in 1998 with the Omnibus Budget Reconciliation Act. It was extended under the Republican watch for 12 years. Now we have had 4 years under the Democrats, and it has not been fixed. In fact, most of the doctors you talk to have just come through the worst year ever in trying to manage their practices.

Stop and think about it for a minute.

You've got a small medical practice of two, three, four, five doctors. They don't do all Medicare work—maybe it's only 5 or 10 percent of their actual book of business. But in April and in June, we asked the administrator of the Centers for Medicare and Medicaid Services to hold the checks for a few weeks until Congress could get back from a recess and take up yet another fix for this problem.

The practical effect of doing this was that we cut 10, 15 percent off of the operating budget for every small practice that did Medicare, that saw our Medicare patients in this country that we asked them to see. Most physician offices run very close to the margin

every month. The consequence of this was that they had to go out and borrow the money to meet cash flow in April and in June. I dare say most of those practices have not yet fully recovered from that insult to the cash flow that occurred.

So it is extremely important for us to pass a 1-year extension that gives them the stability to be able to plan, that gives patients the ability to be able to find doctors under the Medicare system and that gives physician offices the ability to plan for the future.

Now, during this year that comes up, we are obligated—both sides of the aisle and both Houses in this Capitol—to fix this problem. Shame on us if it continues after this fix has expired. There is the political will to do it. We have heard it this morning from both sides. I will commit myself to working with, yes, my side, with the other side of the aisle and with the other House in this Capitol to work on a permanent solution to this. It is out there. It depends on how we want it to look. It depends on where we are going to get the pay-fors.

One of the most egregious things in this health care bill that the President signed last March was, even though you took $500 billion out of the Medicare system, you used that to fund a new entitlement for the middle class in subsidies in the exchange. Not one dime—not one dime—was sequestered to pay down the problem that we have with the sustainable growth rate formula.

Here is the real bad news.

The Independent Payment Advisory Board is coming up in 2015, also part of the health care bill that was signed into law last March. Doctors now, perhaps, face double jeopardy from cuts in the sustainable growth rate formula and from cuts within the Independent Payment Advisory Board.

The time to fix it is now. It stretches out ahead of us for 12 months. We've got time to do it. Let's dedicate ourselves to getting this done for our Nation's seniors.

Mr. PALLONE. I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I think all that needs to be said has been said; so let me simply say that this is a problem that needs to be dealt with.

I compliment those who negotiated the 1-year fix. Hopefully, in the next Congress, we will work together—and I mean that seriously—in a bipartisan fashion to replace the existing formula with one that doesn't have to be updated and fixed in every session of Congress. Yet, for today, I would urge all of those in the current minority to vote for the bill under suspension.

I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, let me associate myself completely with the remarks that the gentleman from Texas just made.

I do think that it is significant that we are able to negotiate on a bipartisan basis a 1-year extension to avoid these cuts to the doctors, and I do believe we need to work together on a bipartisan basis to achieve a permanent fix in the next Congress.

Ms. JACKSON LEE of Texas. Mr. Speaker, today I rise in support of the Senate amendment to H.R. 4994, the "Medicare and Medicaid Extenders Act," which makes certain that our seniors and military families are able to continue seeing their doctors.

Scheduled for January 1 and through 2011, this bipartisan legislation stops the 25 percent cut in Medicare payments to doctors. This very important legislation protects and supports our doctors who are serving Medicare recipients and active duty military, their families, the Reserve members and military retirees whose access to healthcare is tied to Medicare through the TRICARE system. If we fail to pass this legislation we are doing an extreme injustice to numerous Americans who depend on these doctors and this Congress for their healthcare.

In my Congressional District, Riverside General Hospital (RGH), a member of the TRICARE network can ensure military families will be able to continue to see their doctors. Riverside General Hospital, formerly The Houston Negro Hospital was erected in 1926 in memory of Lieutenant John Halm Cullinan, 344th FA., 90th Div. AEP.

St. Joseph Medical Center, in Houston, Texas, in my district, the only hospital in the inner city of Houston, can now continue to provide access to Medicare beneficiaries to Houston's most needy patient population as a result of this legislation in its current form. Currently, St. Joseph's provides $14 million in uninsured care in the Houston Market.

St. Joseph Medical Center provides a full range of comprehensive medical and surgical services, such as, cardiology, cancer care, behavioral health, intensive care/critical care, emergency care, neurosurgery, orthopedics and pediatrics. St. Joseph Women's Medical Center, Houston's only full service women's hospital attached to a general acute care hospital, provides women's medical and surgical services, a family birthing center for moms and newborns, labor/delivery/recovery suites and a neonatal intensive care unit for premature or seriously ill newborns. The Level III Neonatal Intensive Care Unit is staffed by the Small Wonders Team of specially trained doctors, nurses and staff who provide the smallest patients with the best chance at life. Specialty services provided by St. Joseph include an advanced wound care center, behavioral medicine, blood conservation and management services, occupational medicine, sports medicine and rehabilitation, inpatient and outpatient diagnostic imaging, and Corporate Healthcare Connection, a partnership with Houston's corporate businesses that provides expedited care to their employees. A Houston institution for 120 years, St. Joseph Medical Center is also a major provider of psychiatric beds as it currently operates 102 of the 800 licensed beds in Houston.

For an entire year, this legislation provides thousands with a practical, invaluable, and stable solution for deserving patients and doctors. These doctors deserve payment for the aid they render and we would be doing an intensely unjust service to them by not ensuring their repayment. Furthermore, we would be building a shaky platform for our constituents by not ensuring healthcare and medicine to the elderly, unfortunate, or those who so altruistically serve or served our country.

Moreover, the bill is fully paid for according to the Congressional Budget Office. Furthermore, the CBO reports that it would serve to reduce the deficit by $2.8 billion over the next 10 years if the bill is passed. This is made possible by modifying the Affordable Care Act in the area of overpayments of tax credits to help individuals afford insurance. It is important to note that this bill's provision will in fact protect income based tax credits. Specifically, this provision would change the way individuals pay back overpayments when they receive a larger tax credit than they were eligible for based on their actual income for the year. Also, this legislation is highly supported by AARP and the American Medical Association.

Other extensions include:

The Transitional Medical Assistance (TMA), which allows low-income families to keep their Medicaid coverage as they move into employment and their income increases. Which is extremely important for those who are struggling to get on the their feet and make a way for themselves and their families. If we take away their assistance just as they are beginning to earn more money then we force those individuals to struggle to pay for more costly healthcare they cannot afford subsequently reducing their total income.

Extension of the Qualifying Individual (Q1) Program which allows Medicaid to pay the Medicare premiums for those with incomes 120–135 percent below the poverty line who are Medicare recipients.

Mr. Speaker, I urge my colleagues to support the passage of H.R. 4994, which greatly assists our countrymen and helps those who are elderly, poverty stricken, and those brave individuals who serve and served in our armed forces and their family members.

Further, however the major component to keeping our health care system working is to not reduce doctors' payments from medicare by 25% as of January 1, 2011. This bill will fix that inequity and extend current medicare payments to doctors. Until December, 2012.

This is good advice. I urge a "yea" vote.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in support of the Senate amendments to H.R. 4994.

I continue to believe that we need to make permanent reforms to Medicare's physician payment rules. Senior citizens and persons with disabilities need to know that they will be able to get high quality and timely care and that their doctors will be paid fairly and in a timely fashion. There is never really any question that Congress will act to prevent double-digit cuts in Medicare and TRICARE physician payments, but we should not have to debate these issues on a monthly basis.

The bill before us today does not provide a permanent solution as I would like, but it does provide a one-year fix, eliminating the confusion and concern that is created by very short-term measures to prevent cuts. I am pleased that it also includes an extension of the Medicare physician payment add-on for mental health, since we know that access to mental health services continues to be a problem in our communities.

While much of the focus has been on the physician payment issue, there are other provisions in the Medicare and Medicaid Extenders Act that will improve access to care

through December 31, 2011. Those include an extension of the exceptions process for Medicare therapy caps so that individuals who need additional services will not be forced to go without. It extends the Special Diabetes Programs, which are so important in dealing with the impacts of this terrible disease. The bill clarifies that orphan drugs are included in the 340B drug discount program for children's hospitals. It continues Medicare's Quality Individual program to help pay for Medicare Part B premiums for low-income seniors and people with disabilities and it extends Transitional Medical Assistance so low-income families don't lose critical Medicaid coverage as they move into employment.

Passage of the Medicare and Medicaid Extenders Act will make sure that the end of this year won't bring with it cutbacks in access to health care for millions of Americans. It gives us all of 2011 to make these year-long extensions permanent, and I will work hard to make sure that we use next year to do so.

Mr. WAXMAN. Mr. Speaker, I speak today in support of H.R. 4994, the ''Medicare and Medicaid Extenders Act of 2010.''

This legislation blocks a 25 percent fee cut that is scheduled for Medicare physician payments on January 1, 2011. A cut of that magnitude would jeopardize the access of seniors and people with disabilities to their doctors.

Likewise, military families who rely on TRICARE need this legislation, because TRICARE uses Medicare rates and would also face a huge fee cut on January 1.

The recent practice of Congress to legislate on physician payments several times per year needs to stop. Upon enactment, this will make the fifth SGR bill Congress has passed in 13 months.

I am pleased that this legislation, unlike other recent SGR bills, would address the problem for an entire year.

However, a 1-year solution is far less than the Medicare program ultimately needs. Congress must eventually confront the SGR permanently. The House has previously passed a permanent solution to the SGR problem. I hope that the next Congress is able to follow up on that work and fix this problem once and for all.

This bill also ensures the continued ability of Medicare beneficiaries to access therapy benefits to help them recover from illness. And it contains other important technical changes to maintain the smooth functioning of the Medicare and Medicaid programs.

Other provisions of this bill help low income Medicare and Medicaid beneficiaries. One provision helps low-income Medicare beneficiaries cover the cost of their Medicare Part B premiums. Another extends the transitional medical assistance program to help Medicaid beneficiaries as they work more hours and increase their earnings.

This legislation is completely paid for, and it is necessary. It passed the Senate by unanimous consent, and I hope that all Members of the House will support it as well.

One further note for purposes of interpretation. Section 204 of this bill contains a technical amendment to Section 340B of the Public Health Services Act. This language corrects an error in P.L. 111–152, the Health Care and Education Reconciliation Act of 2010, that inadvertently caused children's hospitals to lose access to orphan drugs at 340B prices. The language in Section 204 restores full access to orphan drugs at 340B prices for these hospitals. This amendment is retroactive as if included in P.L. 111–152. The intent of this retroactivity is to clarify congressional intent that there be no discontinuity in access to orphan drugs at 340B prices for childrens' hospitals. To the extent that drug manufacturers have not provided these discounts at any point between the enactment of P.L. 111–152 and the enactment of this legislation, they should do so retroactively, subject to HRSA or any other compliance and enforcement authority.

Mr. CONYERS. Mr. Speaker, I rise today in support of Senate amendments to H.R. 4994, the Medicare and Medicaid Extenders Act.

One of the most important priorities of Congress, regardless of our current economic downturn, is the financial well-being of our nation's hospitals, and the ability of patients to have access to medically necessary care when they need it.

Passage of the Senate amendments to H.R. 4994 accomplishes both goals by blocking a scheduled 25 percent cut in Medicare payments to doctors and extending current Medicare payment rates through December 31, 2011. Passage of the bill today by the House will send this legislation to the President's desk for his signature.

In order to have world class hospitals in the United States, we must have the needed funding to ensure that our nation's hospitals can provide the highest quality care possible. Passage of the Senate amendments to H.R. 4994 will help strengthen our hospitals, especially those located in our inner cities and rural areas. These hospitals are experiencing serious funding shortages, and are at risk of losing much needed doctors and medical staff.

This bill is fully paid for, and according to CBO, the bill would reduce the deficit by $2.8 billion over the next 10 years. This legislation also helps to protect access to doctors for Medicare beneficiaries and military families, given that payment rates for doctors in TRICARE, the health care program for active-duty servicemembers, National Guard and Reserve members, military retirees, and their families are tied to Medicare rates. Passage of the Senate amendments to H.R. 4994 is a good example of how Members of Congress working together in a spirit of bipartisan unity can improve the health and well being of all Americans.

I do want to raise some concerns with the way this bill is going to be paid for, which is to decrease the affordability credits for Americans that are needed to defray the costs of purchasing private insurance under the soon to be established health exchanges in 2014. I believe that this is tantamount ''to robbing Peter to pay Paul.'' This Congress should not get into the habit of viewing future benefits for low-income Americans as a source of funding for today's legislative initiatives. There are other more fair minded and progressive offsets which could have been utilized for this payment fix—such as taxing Wall Street or our nation's billionaires.

If we are going to make sure that Medicare doctors and hospitals are reimbursed at an appropriate rate over the next several years, we are going to have to be more serious and pragmatic about how to implement efficiencies in the Medicare program.

Medicare is a highly successful and efficient program, but it can't keep feeding the ''corporate medical monster'' forever. The time has come for the Federal Government to rein in the costs of for-profit hospital care by taking a more serious look at how we can reduce the costs of prescription drugs and medical technology—two of the most costly expenditures for hospitals and doctors.

Furthermore, we must pass H.R. 676, ''The U.S. National Health Care Act,'' so that all Americans can enjoy the benefits of a universal single payer system, which has successfully worked in every major industrialized country to contain the rising costs of health care and provide quality health care for all. If we created this system, then we would be able to pay our nation's physicians at optimal levels and provide America's hospitals and clinics with a more financially stable, predictable, and efficient health care payment system for years to come.

In the meantime, today's physician payment bill will allow today's Medicare beneficiaries to enjoy the care they have earned. I urge my colleagues to support the bill.

Mr. PALLONE. 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. STARK) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 4994.

The question was taken.

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

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

The yeas and nays were ordered.

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

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 41 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1245

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ALTMIRE) at 12 o'clock and 45 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

Motion to concur in Senate amendments to H.R. 4994, by the yeas and nays;

H.R. 6412, de novo.

The first electronic vote will be conducted as a 15-minute vote. The second

electronic vote will be conducted as a 5-minute vote.

MEDICARE AND MEDICAID EXTENDERS ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendments to the bill (H.R. 4994) to amend the Internal Revenue Code of 1986 to reduce taxpayer burdens and enhance taxpayer protections, and for other purposes, 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. STARK) that the House suspend the rules and concur in the Senate amendments.

The vote was taken by electronic device, and there were—yeas 409, nays 2, not voting 22, as follows:

[Roll No. 626]

YEAS—409

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
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
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
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
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Stutzman
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Yarmuth
Young (AK)
Young (FL)

NAYS—2

Baird
McClintock

NOT VOTING—22

Berry
Blunt
Boehner
Boucher
Boyd
Cohen
Delahunt
Fallin
Flake
Granger
Griffith
Linder
Marchant
McMorris Rodgers
Meek (FL)
Moran (KS)
Putnam
Radanovich
Shuler
Skelton
Watson
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1309

Messrs. FRANK of Massachusetts and DAVIS of Tennessee changed their vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. GRANGER. Mr. Speaker, on rollcall No. 626 I was absent from the House. Had I been present, I would have voted "yes."

QUESTION OF PERSONAL PRIVILEGE

Ms. WATERS. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER pro tempore. The Chair has been made aware of a valid basis for the gentlewoman from California's point of personal privilege.

The gentlewoman from California is recognized for 1 hour.

Ms. WATERS. To the Members, I will only take about 7 or 8 minutes. I know that they are anxious to go home.

On Tuesday, I introduced a privileged resolution that calls for a bipartisan task force to investigate the disciplinary action taken against two professional staff members of the Ethics Committee. Since then, I have had a chance to speak with dozens of Members regarding concerns about the ethics process and the impact it has on this institution.

Regardless of region or political ideology, they all agreed that we must take every opportunity we can to improve the ethics process and, by extension, increase the faith of the American people in our ability to uphold the highest standards of ethical conduct.

We now have such an opportunity.

There have been press reports of misconduct by the committee attorneys responsible for handling my case, which has been with the committee for almost 1½ years. Although we do not know the circumstances surrounding their conduct nor the disciplinary action taken against them, we can all agree, as Majority Leader HOYER stated last week, that the developments are ''troubling.''

To be sure, this issue is of great concern to me. However, after talking to Members, I have confirmed that it is also of great concern to you—my colleagues and friends—because the issue of transparency and fairness in the ethics process is one that transcends any individual.

What is at stake is the integrity of this institution that we all cherish and of which we are privileged to be a part.

If information regarding this matter is not made public, we will continue to see press reports and commentators across the political spectrum publicly criticizing the ethics process. Allow me to read you some of the press quotes on this issue.

''You have ethics issues in the Ethics Committee. These two attorneys are left on the government payroll. We still don't even know why they dismissed them.'' This is from ''The Willis Report,'' Fox Business, 12/1/10.

''Can you imagine, in a court of law, if the prosecutor basically got completely taken off of the case, and suddenly the defense lawyer walked in, and there was somebody new? It's like bells and whistles would go off.'' This is from ''AC 360,'' which is Anderson Cooper, CNN, 12/1/10.

''I am confident some of the folks on the committee are more political than anything else.'' That is from someone who has been very critical of me, Melanie Sloan of CREW, quoted in Talking Points Memo, 12/1/10.

''Rarely has the ethics process looked worse.'' This is by Dana Milbank, Washington Post, 12/4/10.

Unfortunately, if a resolution like the one I noticed passed, its authority, like the authority of the investigation against me, would expire at the end of this Congress, which could come as early as next week. The investigation and report called for by the resolution would have to be completed immediately, which apparently is not feasible now given the calendar.

Many colleagues who share the concerns I have raised about the disciplinary action of the committee are also concerned that a task force established now would have insufficient time to finish its work.

I share that concern and have been working with my colleagues over the last few days to find an alternative that would allow for the exploration of this important topic without further undermining the process by not allowing for adequate time and resources. Because news about the committee's activities just came to light last week, the options seem to be limited.

We all know how a vote on a privileged resolution plays out. The leadership, for reasons which are both practical and political, would use a parliamentary procedure, either a motion to table or a motion to refer, to essentially kill the bill.

This maneuver is not unique to this resolution. It is, as history shows us, seemingly standard practice. Functionally, that would be the end of this particular resolution, and it could have the unintended consequence of suggesting falsely to the public that the House as a whole is not concerned with the integrity of the ethics process.

In fact, during those conversations with colleagues, Members have come alive, and the basic concepts of justice and fairness have permeated every conversation. They have suggested that this issue is one that should be explored willingly, not just by the force of a vote by the whole House, and that parliamentary procedure should not thwart transparency.

Let me note that, while they expressed concern with some of the events that have occurred as related to my case and the implications for the broader institution, Members also indicated they believe that our colleagues who lead the Ethics Committee—ZOE LOFGREN and JO BONNER—fundamentally share our commitment to justice and fairness despite the circumstances which have led us here today.

This is a view that I share as well.

Although the committee is built on secrecy and confidentiality, it should have the ability to be flexible and provide transparency in extraordinary circumstances. This is one such extraordinary circumstance when the House as a whole and the public need the committee to reveal information so we can have confidence in the process.

Those who know me know that I am aggressive by nature and philosophy. I believe that it is important that we be relentless about our constant search for truth and justice.

But here, upon the advice of my colleagues whom I trust and admire, I am not pushing for a vote on this resolution today. In doing so, however, I am requesting that the committee set the record straight, on its own accord, in a bipartisan manner, with a joint statement signed by the chair and ranking member, as provided by its rules, which both protects the confidentiality required by the committee and respects the public's and this body's right to know the circumstances of the events that led to the discipline of the two attorneys leading the case against me.

Today, I will again notice the House with my privileged resolution. I am hopeful it will not be necessary to take it up, because the Ethics Committee will, indeed, set the record straight.

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

ACCESS TO CRIMINAL HISTORY RECORDS FOR STATE SENTENCING COMMISSIONS ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 6412) to amend title 28, United States Code, to require the Attorney General to share criminal records with State sentencing commissions, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill.

The question was taken.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 371, nays 1, not voting 61, as follows:

[Roll No. 627]

YEAS—371

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Austria
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Cole
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves (GA)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (IA)
Kingston
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peterson
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
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
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Scalise
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (VA)
Sensenbrenner
Serrano

Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stearns
Stupak
Stutzman
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—61

Arcuri
Baca
Bachus
Berry
Blunt
Boyd
Buyer
Cardoza
Carnahan
Clyburn
Coble
Coffman (CO)
Cohen
Connolly (VA)
Crenshaw
Davis (CA)
DeGette
Delahunt
DeLauro
Driehaus
Ellsworth
Fallin
Flake
Fudge
Gallegly
Granger
Graves (MO)
Griffith
Hill
Kind
King (NY)
Kirkpatrick (AZ)
Linder
Marchant
Markey (CO)
McKeon
McMorris Rodgers
Miller, Gary
Miller, George
Moran (KS)
Myrick
Napolitano
Olver
Peters
Petri
Pingree (ME)
Putnam
Radanovich
Sarbanes
Schmidt
Scott (GA)
Shuler
Skelton
Speier
Stark
Tiahrt
Tiberi
Wamp
Watson
Welch
Wu

□ 1338

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following vote. If I had been present, I would have voted as follows: Rollcall vote 627, On Motion to Suspend the Rules and Pass—H.R. 6412, Access to Criminal History Records for State Sentencing Commissions Act of 2010—I would have voted "aye."

ADJOURNMENT TO MONDAY, DECEMBER 13, 2010

Mr. JACKSON of Illinois. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Monday next; and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, December 14, 2010, for morning-hour debate.

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

There was no objection.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Ms. WATERS. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Authorizing and directing the Speaker to appoint a bipartisan task force to investigate the circumstances and cause of the decision to place professional staff of the Committee on Standards of Official Conduct on indefinite administrative leave, and for other purposes.

Whereas the Constitution of the United States authorizes the House of Representatives to ''determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member'';

Whereas in 1968, in compliance with this authority and to uphold its integrity and ensure that Members act in a manner that reflects credit on the House of Representatives, the Committee on Standards of Official Conduct was established;

Whereas the ethics procedures in effect during the 111th Congress were enacted in 1997 in a bipartisan manner by an overwhelming vote of the House of Representatives upon the bipartisan recommendation of the ten member Ethics Reform Task Force, which conducted a thorough and lengthy review of the entire ethics process;

Whereas, the Committee on Standards of Official Conduct adopted rules for the 111th Congress;

Whereas rule 6(a) of the Rules of the Committee on Standards of Official Conduct states ''the staff is to be assembled and retained as professional, nonpartisan staff';

Whereas rule 6(c) of the Rules of the Committee on Standards of Official Conduct states ''the staff as a whole and each individual member of the staff shall perform all official duties in a nonpartisan manner'';

Whereas rule 6(f) of the Rules of the Committee on Standards of Official Conduct states ''All staff members shall be appointed by an affirmative vote of the majority of the members of the Committee, Such a vote shall occur at the first meeting of the membership of the Committee during each Congress and as necessary during the Congress'';

Whereas, on November 19, 2010 two members of the professional staff of the Committee on Standards of Official Conduct were placed on indefinite administrative leave;

Whereas, on November 19, 2010 the Committee on Standards of Official Conduct canceled and has not rescheduled the adjudicatory hearing for a Member of Congress, previously scheduled for November 29, 2010;

Whereas all of these actions have subjected the Committee to public ridicule and weakened the ability of the Committee to properly conduct its investigative duties, all of which has brought discredit to the House; now, therefore, be it

Resolved, That—

(1) the Speaker shall appoint a bipartisan task force with equal representation of the majority and minority parties to investigate the circumstances and cause of the decision to place professional staff of the Committee on Standards of Official Conduct on indefinite administrative leave and to make recommendations to restore public confidence in the ethics process, including disciplinary measures for both staff and Members where needed; and

(2) the task force report its findings and recommendations to the House of Representatives during the second session of this Congress.

□ 1340

The SPEAKER pro tempore. The resolution of the gentlewoman from California will appear in the RECORD.

The Chair's customary announcement will also appear in the RECORD.

Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from California will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

ECONOMIC SECURITY FOR SENIORS

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

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in support of H.R. 5987, the Seniors Protection Act. 2011 will mark the first time that Social Security retirees and other beneficiaries will receive no automatic cost of living increase for 2 consecutive years. At the same time, seniors must stretch each dollar further as health care and other costs continue to rise. And in these tough economic times, seniors have even fewer assets to help them make ends meet.

The Social Security program is in its 75th year of helping our seniors, and we must stay true to President Roosevelt's vision of economic security for all of our citizens. This legislation will help more than 4 million seniors in my home State of Florida alone, many of whom struggle to meet their everyday living expenses.

As we move forward, let us rededicate ourselves to strengthening, not weakening, this vital program. I want to thank Congressman EARL POMEROY for sponsoring this much-needed legislation.

THE DREAM ACT AND IMMIGRATION REFORM

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

Mr. SCHRADER. Mr. Speaker, I rise to reaffirm support for the general goals and ideals of the DREAM Act. Unfortunately and ultimately, America will have trouble getting there. But the ambition and hard work of immigrant students earning their degrees and citizenship will benefit our country. However, I voted against the passage of the DREAM Act last night. I believe passing this bill outside of comprehensive immigration reform is ill-advised.

Our immigration system is terribly broken. As a small business owner and farmer, I know the current system does not work for small businesses asked to play the role of Immigration and Customs Enforcement. It also doesn't work

for farmers harvesting their crops, for children raised as Americans, or the many people playing by the rules and seeking United States citizenship because they believe in the promise of America.

Border control, employer verification, exit controls, keeping family units intact, protecting our economy, and many others are tough issues that need to be resolved effectively and fairly. They deserve our time and attention now. I am not interested in just kicking the can down the road by not taking the tough votes on immigration reform. The whole system needs to be fixed, not just part of it.

IN RECOGNITION OF DR. BRIAN MATHIE

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

Mr. BOCCIERI. Mr. Speaker, today I rise in recognition of a man with a dedicated vision not just for himself, but for his life's work. My constituent, Dr. Brian Mathie of Louisville, Ohio, has a commitment to a lifetime of healthy vision for all Ohio residents. He proves why the Ohio Optometric Association named him the 2010 Optometrist of the Year.

For his contributions to preserving the gift of sight for people across our district and all across Ohio, for his mentorship and leadership in our community, I too join in congratulating Dr. Mathie for his service.

Countless times I have relied upon Dr. Mathie and his staff at the Roholt Vision Institute of North Canton to provide care for me. He is dependable, reliable, and accurate. Dr. Mathie is not only a leader in the physician's office, but in the classroom and the community, where he serves as an adjunct faculty member at Ohio State University College of Optometry and participates in the Louisville Community Foundation, Rotary Club, and Cross Eyed Missions.

Dr. Mathie, you are a community leader, one dedicated to public service and good public health. Thank you for your commitment. I wish you success in your profession and your leadership.

SUPPORTING VETERANS, DOCTORS AND SENIORS

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

Ms. JACKSON LEE of Texas. I would like to address a few items for my colleagues. First of all, I am very proud today to introduce H.R. 6510, which will allow Texas veterans to have a Texas military museum. We look forward to this moving through this Congress and saying ''thank you'' to our veterans.

I think it is important that we move quickly to pass the Senior Protection Act of 2010 to get $250 to our seniors. And I rise as well to support H.R. 4994 that we voted on, so that physicians do not get a 25 percent cut in their Medicare payments. That we also are able to provide for Medicare therapy that many of our seniors have. That as well that we will have a mental health add-on that many of my constituents, including MMHRA, will need. And as well that we are providing to make sure that we have enough money to pay for those in poverty to be able to pay their Medicare payments, Medicare Part B.

Mr. Speaker, it is time to address the needs of Americans who have worked, including the veterans who celebrate a veterans museum, including those doctors who work for us, and certainly seniors who need these Medicare benefits. This is a time for us to stand for them.

□ 1350

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from 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.)

COMMENTS ON AFGHANISTAN

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. Mr. Speaker, this past Tuesday I came to the floor to talk about the corruption in Afghanistan and the growing concern of the American people due to the fact that many in both parties have said we need to stay there 4 more years, including the President of the United States.

In November of this year, we had 53 Americans killed in action in Afghanistan and 146 Americans wounded in Afghanistan. Beside me, Mr. Speaker, are the faces of marines who were killed from Camp Lejeune. Too many times, because of the fact that this country does not have a draft, this country seems to put the war in Afghanistan on the second, third, and fourth pages, and that is a tragedy to the families of those young men and women fighting in Afghanistan and to those families who have lost loved ones who have been killed.

I would like to take just a moment to read from the Washington Examiner a couple of comments and also a ''60 Minutes'' segment on November 28 by Anderson Cooper called ''Good Cop, Bad Cop.''

From the Washington Examiner earlier this year: ''The Examiner reported that numerous insurgents captured in Pakistan, including some members of al Qaeda, were returned to Afghanistan upon the request of the Karzai government, and then, according to senior Pakistan officials, 'released back to the Taliban as bargaining chips in negotiations.'

''A marine stationed in southern Afghanistan's volatile Helmand Province told the Examiner that efforts to retaining insurgent fighters are 'worthless.' '' They are worthless.

''Earlier this year, his unit held a man known to be working with the Taliban. The marines had gathered evidence that the man was transporting hundreds of pounds of bomb-making equipment and explosives for the Taliban. But, shortly after they captured him, he was set free.''

That is a tragedy in itself, Mr. Speaker, because our young men and women are over there dying for what, I do not know. In fact, there was an article written in the magazine called The American Conservative by Andrew Bacevich about 6 months ago, and the title of that article was ''To Die for a Mystique.'' He was comparing Vietnam to Afghanistan. Actually, the writer of that article, Andrew Bacevich, fought in Vietnam for this country, and his son died in Iraq for this country.

Let me just briefly read from ''Good Cops, Bad Cops: Afghanistan's National Police.'' This is the ''60 Minutes'' segment:

''We began with the three-star American general now in charge of their training. 'The police have to succeed,' Lt. General William Caldwell told CNN's Anderson Cooper.

'' 'If the Afghan police fail, we fail?' Cooper asked.

'' 'We do,' the general said.

''Caldwell began overseeing training of Afghan security forces last November. 'The sooner we can develop an effective police force, the sooner U.S. forces will be able to have less of an active combat role,' the general said. 'If we had a better-trained Afghan police at this point, that would save American lives,' Cooper said. 'There's no question about that. That is true,' said the general.''

Now, Mr. Speaker, let me tell you just how difficult this job is:

'' 'Not only are most of the police illiterate, but it turns out many of them also have a drug problem. There is one study said 10 to 20 percent use or smoke hash and other forms of drugs,' Cooper told Caldwell, 'and that's probably an accurate statistic based on what we have seen,' he replied.

''Another video taken by members of the 82nd Airborne shows an Afghan policeman smoking marijuana before going out on patrol—evidently not an uncommon ritual.''

Mr. Speaker, it is time that this House and this Senate and this administration understand that it is not worth the lives of our men and women in uniform to keep them in Afghanistan for 4 years. History has proven it is an uncontrolled country. It will never be a nation, it will never have a

successful national government, and it is time that the House and Senate understand that it is not worth one more life of our young men and women to stay in Afghanistan.

Mr. Speaker, before I yield back the balance of my time, I will ask God to please bless our men and women in uniform. I will ask God to please bless the families of our men and women in uniform. I will ask God in his loving arms to hold the families who have given a child dying for freedom in Afghanistan and Iraq. And I will ask God to bless the House and Senate, that we will do what is right in the eyes of God, and God give strength, wisdom and courage to the President of the United States, Mr. Obama, that he will do what is right in the eyes of God. And three times I will close, God please, God please, God please bless America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

(Mr. FRANK of Massachusetts addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

KEEPING OUR PROMISE TO SERVICEMEMBERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, a few weeks ago when we sat down to turkey dinner with our families, we certainly had plenty to be thankful for. Our thoughts, however, were thinking about the men and women of the Armed Forces, both active duty and retired, who have risked life and limb for all of us, and these folks, these troops, were in our prayers of thanks and in our hopes.

But, Mr. Speaker, it is critical that our gratitude to these courageous Americans be expressed not just with kind thoughts around the Thanksgiving table or speeches on Veterans Day. We need to show our thanks with deeds, not words, which is why it was important last week that the House passed the Physician Payment and Therapy Relief Act, ensuring that seniors and military families continue to see their doctors.

But even as we were taking that important step, military health benefits continue to be endangered, because Defense Secretary Gates is considering a proposal to increase the amount that military retirees pay for their health insurance under the TRICARE program.

Let me be clear: I couldn't agree more with Mr. Gates's belief that the Pentagon is overextended. I share his concern about the ''gusher of defense spending,'' as he himself refers to it. If we are having a serious conversation about the bloated DOD budget, then I am all in. In fact, the Congressional Progressive Caucus has proposed $600 billion in cuts, much of it from obsolete, overpriced and untested weapons systems that are doing absolutely nothing to protect America or advance our national security interests.

But with so much waste, fraud and abuse, why in the world would we cut the Pentagon budget by taking it out of the hide of the military families who have already sacrificed so very much? Why should they take the hit, while DOD has historically shown little spending discipline or fiscal responsibility, throwing billions upon billions of dollars at inefficient programs? Instead of targeting affordable health care for the people who have worn the uniform, how about we start by pulling the plug on the V–22 Osprey, notoriously over budget and also responsible for 30 accidental deaths over the years?

Norbert Ryan, Jr., of the Military Officers Association of America, put it well to The New York Times. He wrote: ''Don't ask the folks who have done so much for this country, who have been called to act since 9/11, to be first in line to give some more.''

It is indeed true, Mr. Speaker, that military retirees and their families get a good benefits package. To those who say they should pay more, I say they have already worked for a higher premium in the form of their service and sacrifice than any of us can even imagine. The bottom line is that military retirees have earned the benefits they receive. They deserve them. We owe it to them. It is a promise we must keep to them.

But let me take this argument one step further, Mr. Speaker. I have got a broader solution that attacks the problem two different ways. First, ending the war in Afghanistan will cut military spending dramatically, and it will also mean fewer military retirees requiring fewer health care services, yet another urgent, compelling reason to bring our troops home.

□ 1400

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.)

LYING IS NOT PATRIOTIC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, WikiLeaks' release of classified information has generated a lot of attention worldwide in the past few weeks. The hysterical reaction makes one wonder if this is not an example of killing the messenger for the bad news.

Despite what is claimed, information so far released, though classified, has caused no known harm to any individual but it has caused plenty of embarrassment to our government. Losing a grip on our empire is not welcomed by the neoconservatives in charge.

There is now more information confirming that Saudi Arabia is a principal supporter and financier of al Qaeda, and this should set off alarm bills since we guarantee its sharia-run government. This emphasizes even more the fact that no al Qaeda existed in Iraq before 9/11, and yet we went to war against Iraq based on the lie that it did.

It has been discharged by self-proclaimed experts that Julian Assange, the Internet publisher of this information, has committed a heinous crime, deserving prosecution for treason, and execution or even assassination.

But should we not at least ask how the U.S. Government can charge an Australian citizen with treason for publishing U.S. secret information that he did not steal? And if WikiLeaks is to be prosecuted for publishing classified documents, why shouldn't the Washington Post, the New York Times, and others that have also published these documents be prosecuted? Actually, some in Congress are threatening this as well.

The New York Times, as a result of a Supreme Court ruling, was not found guilty in 1971 for the publication of the Pentagon Papers. Daniel Ellsberg never served a day in prison for his role in obtaining these secret documents.

The Pentagon Papers were also inserted into the CONGRESSIONAL RECORD by Senator Mike Gravel with no charges being made of breaking any national security laws. Yet the release of this classified information was considered illegal by many, and those who lied us into the Vietnam War and argued for its prolongation were outraged. But the truth gained from the Pentagon Papers revealed that lies were told about the Gulf of Tonkin attack, which perpetuated a sad and tragic episode in our history.

Just as with the Vietnam War, the Iraq war was based on lies. We were never threatened by weapons of mass destruction or al Qaeda in Iraq, though the attack on Iraq was based on this false information.

Any information that challenges the official propaganda for the war in the Middle East is unwelcome by the administration and supporters of these unnecessary wars.

Few are interested in understanding the relationship of our foreign policy and our presence in the Middle East to the threat of terrorism. Revealing the real nature and goal of our presence in so many Muslim countries is a threat to our empire, and any revelation of this truth is highly resented by those in charge.

Questions to consider:

No. 1, do the American people deserve to know the truth regarding the ongoing war in Iraq, Afghanistan, Pakistan, and Yemen?

No. 2, could a larger question be how could an Army private gain access to so much secret information?

No. 3, why is the hostility mostly directed at Assange, the publisher, and not our government's failure to protect classified information?

No. 4, are we getting our money's worth from the $80 billion per year we spend on intelligence gathering?

No. 5, which has resulted in the greatest number of deaths: Lying us into war or WikiLeaks' revelations or the release of the Pentagon Papers?

If Assange can be convicted of a crime for publishing information that he did not steal, what does this say about the future of the First Amendment and the independence of the Internet?

No. 7, could it be that the real reason for the near universal attacks on WikiLeaks is more about secretly maintaining a seriously flawed foreign policy of empire than it is about national security?

No. 8, is there not a huge difference between releasing secret information to help the enemy in a time of declared war, which is treason, and the releasing of information to expose our government lies that promote secret wars, death, and corruption.

No. 9, was it not once considered patriotic to stand up to our government when it's wrong?

Thomas Jefferson had it right when he advised, ''Let the eye of vigilance never be closed.''

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.)

FEDERAL AVIATION ADMINISTRATION'S AIRSPACE REDESIGN PLAN

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. Mr. Speaker, I rise today in strong and continued opposition to the Federal Aviation Administration's airspace redesign plan, and, frankly, it just gets worse and worse and worse. First they say that there will be hundreds of new air flights from Newark Airport flying over my constituents in Rockland County, New York, and now we learn that they have changed the plan and made it even worse. They are now redirecting an additional 100 flights per day from John F. Kennedy International Airport over Rockland County.

The FAA made this decision without consulting me or, to the best of my knowledge, any other elected official whose constituents are affected by the increased air traffic. More so, when we originally requested that the redesign be altered so that the flights would be directed over less populated areas, the FAA had the gall to say that the plan could not be changed because it could then be opened up to lawsuits. Now we find that they have gone and changed the plan anyway to suit their own ends. I find this insulting and hypocritical, typical government agency bureaucracy.

This plan was concocted with zero input from the residents it harms the most, particularly my constituents in Rockland County who would be most adversely affected by the plan. And specifically, in addition to the 300 to 400 planes heading daily to Newark Liberty International Airport, this plan would now direct 100 flights a day from JFK airport. The FAA doesn't seem to mind inconveniencing residents on the ground.

Additionally, there was no consultation or notification to myself or any other elected officials whose constituents are affected by the proposed plan. While several town halls were held throughout the FAA airspace redesign process, they were held throughout the FAA redesign process, a redesign that, again, I strongly oppose. I have not been made aware of any community involvement with this recent decision.

In the past, I was able, after begging, pleading, cajoling and threatening, to get the FAA to hold a town hall meeting in Rockland County, where 1,200 residents attended and spoke in universal opposition to this plan. But, again, the public be damned. The government knows better. The FAA did not listen then, and look where we are now. In this instance, however, we have had no such opportunity.

It's been clear for many years that the FAA has had no intention to listen to the people of Rockland County, and this recent decision only reinforces that. I have spoken to and written letters to the FAA and to Transportation Secretary Ray LaHood asking for reconsideration of their redesign plan, and I am outraged at the decision to direct even more flights over the county. There are other ways to address the problems facing airports and delayed flights without requiring the people of Rockland County to bear this burden.

As my constituents have noted to me, the noise and air pollution in the area will increase. It is unknown how this increase in air pollution will affect a disproportionate rate of childhood asthma in my district.

Another issue not taken into account by the FAA is a lack of preparedness for severe airline emergency in this densely populated area. It is likely that first responders would have to be trained for the event of a catastrophic airplane crash, God forbid, causing added cost to local police, fire, and EMT departments that are already stretched thin.

In addition, while the flight plans will not route commercial aircraft directly over the Indian Point nuclear power plant, the proximity could lead to an extremely dangerous scenario. Over 20 million people live within 50 miles of Indian Point.

I believe it is clear this redirection will cause a significant decrease in the quality of life for my constituents in Rockland County. And what for? The expected result of this scheme is the paltry reduction of delays—an average of 3 minutes per flight.

The modernization of our aviation system is necessary to bring it into the 21st century, to keep pace with the increased number of flights, and to also maintain our technological advancements by implementing new equipment to keep our system the safest in the world. However, there are several alternatives to this new plan, including the redirection of these flights over the underutilized airspace over the Atlantic Ocean.

I am outraged by this decision, and I call on the Department of Transportation and the Federal Aviation Administration to not say one thing only to do another, all to the detriment of my constituents in Rockland County. I am against this new move by the FAA and will continue to fight against its implementation.

□ 1410

The SPEAKER pro tempore (Mr. HEINRICH). 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.)

PARTISAN POLITICS IS NOT THE WHOLE STORY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, over the past couple of weeks, the average American might have gotten the impression that partisan politics is the only force to be reckoned with in Washington, but that is not always the case.

Members of Congress certainly often disagree on how to move our country forward. Nevertheless, I am confident that underscoring our divergent world views is a bedrock desire to see our country thrive, prosper and succeed.

In fact, I've had conversations with outgoing Representatives from parts of the country like Wisconsin and New Jersey who lost elections last month. You know what? The thing they pressed home with me was not bitterness in defeat. No, it was their desire for me and others to lend our support to those who defeated them because they want them to be successful as Representatives of their districts and their country.

Even in defeat, these Members were focused on the betterment of their

communities and the success of America. They entreated me to help their replacements learn the ropes and excel in the House of Representatives.

Such a perspective is not what makes headlines in the media, but it is one that will help us emerge from this difficult economic time stronger and more united. This perspective, the demonstration of deep character in the midst of defeat, serves our Nation well.

While the national media pursued tired story lines about partisan battles and legislative gridlock, I challenge this dull, status quo reporting. The American people deserve to hear that, despite Congress' many flaws and shortcomings, there are people here from all across the political spectrum who love our country and want nothing more than to see us living in prosperity and security.

Mr. Speaker, I want to praise my outgoing colleagues for their public service and their continuing desire for America to be great. We may vehemently disagree on public policy, but that does not keep us from remembering we are privileged to serve the people of the greatest Nation the world has ever known. And I hope no one who serves in the Congress ever forgets that.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

A REASONED CONVERSATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON LEE) is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Speaker, as I indicated, let me thank you for your leadership. I think it is important to always engage our colleagues in reasoned conversation.

Before I begin a reasoned conversation and asking of the hard questions, let me, first of all, add my appreciation to this bipartisan House that saw fit to create opportunities for young, working Americans, and that is by passage of the DREAM Act.

And the only sentence I want to leave with you, beyond the idea of equality and justice, which many times we take lightly, we use it often, but it is very real. It is why so many Americans pledge allegiance to the flag and have an abiding faith and love in this country.

But also, this is an economic engine of investment for those young people who have come to this country, and perpetrated no criminal act of their own, and now will be able to work and contribute to society, serve us in the United States military, perpetuate community service and generally, as we always ask of our young people, to be the kind of citizens that make this country great. Thank you for passing the DREAM Act.

Now we'll have many months to come to renew the effort that I had in Save America Comprehensive Immigration Act, that includes border security and reinforcement of the men and women in Border Patrol and as well, Customs and Border Protection, combined agencies now, but as well, new technology and working to secure America as we should. And so I look forward to that journey again.

However, there are other issues that I believe are enormously important, and many of us have engaged in what has been known to be the providing for middle class, middle-income tax cuts or relief, is what I like to call it. And I believe that there is some value to one's values.

So let me just say to my colleagues and through them, those who they represent, the American people, who are, in fact, our bosses, this is not a class warfare. This is not ''dissing'' one particular group, but it is holding true to what you have asked us to do, bar any political party, and that is to reduce the deficit.

So, my friends, a middle-income tax relief that would include, if you will, a child tax credit, that would include an idea of ensuring that the working Americans who are now, unfortunately, unemployed will have unemployment insurance, that would further include those who have run up against a brick wall, the ''99ers'' as they call them, don't have any more resources but still have mortgages and food to pay for and bills to pay, and they want to pay for it.

A reasoned tax relief legislation will be the real answer, not the answer, if you will, of a huge, ridiculous amount of dollars going to individuals who, of their own voice, have said, we are well. We are well. The economy is turning, the Dow is working.

If you ask our major banks, they have more than $4 billion-plus in some of our major banks in the third quarter in profits. And as well, we see that the economy is moving. In fact, we know that some of the unemployment numbers even went down.

But we need to focus on reducing that deficit, not adding to it by a ludicrous, reordering of even the Bush response to estate tax. And that is, to create a $68 billion, if you will, burden on the American people to give an unusual tax relief to an estate of a magnitude that only fits a small number of people, some 39,000 out of a 300 million-person country.

We're not trying to deny those working family farms, those small businesses that will have an opportunity to benefit again.

But let me remind you there were tax cuts in the stimulus. There were tax cuts in the recent Small Business Jobs Act, some 16 or more tax cuts for small businesses. In addition, there is $30 billion sitting for small businesses in our community banks.

I believe some of the elements of any kind of tax relief should ensure that those who get tax relief, such as major corporations, should have accountability. Yes, they should have profit; but at the same time there should be a linkage to their commitment to retaining jobs and not laying people off.

We want the right kind of relief for the American people, and that's the kind of tax bill that I'll be supporting. And I look forward to my colleagues working with them.

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 Kentucky (Mr. GUTHRIE) is recognized for 5 minutes.

(Mr. GUTHRIE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

FRANK BUCKLES—LONE SURVIVOR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. POE) is recognized for 60 minutes as the designee of the minority leader.

Mr. POE of Texas. Mr. Speaker, they went off to war singing George M. Cohan's song, ''Over there,'' something to the effect that ''Over there, over there, send the word to beware that the Yanks are coming, the Yanks are coming and we won't be back till it's over over there. Those were the World War I doughboys, as they were called in the great World War I.

One of those individuals is Frank Buckles. Frank Buckles is an interesting individual. He was born in 1901, February 1, and he was born in Kansas. And when he was 16, the great World War I had already started. And he was at the Kansas State Fair, and he saw a recruiting poster, ''Uncle Sam Wants You.'' So he went to a local marine recruiter, wanted to join the United States Army to go fight the war to end all wars over there in Europe. The marines wouldn't take him. You're too small and you are not 18 years of age. And he continued to try to get in to the Marine Corps.

□ 1420

Finally, he decided he would try the United States Army. He went all the way to Oklahoma City. Being only 16 as he said later, I decided to really tell them a whopper and tell them I was 21. The Army recruiter said, Okay, we will sign you up. And he joined the United States Army after vigilantly telling people he was 18 when he was only 16, a volunteer to go fight in that war.

He signed up for the ambulance service, and the reason he signed up for the

ambulance service was because he heard that was the quickest way to get to the battlefield to help other young Americans that were already fighting that war to end all wars. And so he went overseas. He served in France. He drove an ambulance. He rescued not only Americans but the other allies that had been wounded and took them back behind enemy lines.

After the war was over with in 1918, having joined in 1917, Frank Buckles continued in Europe until he was discharged, protecting and guarding German prisoners of war. He came back to the United States, and before he was discharged, he was given $143.60 plus a bonus for serving in combat of $60. He came back to America, and of course there were not benefits in those days. There was no VA. You just went back home and started your own life.

In the great World War I, over 4 million Americans served; 117,000 of them died in Europe. Half of those doughboys died from what they obtained, the Spanish flu. Many of them didn't even know it. They got back to America and died from the Spanish flu that they had contacted while serving overseas.

Frank Buckles, being the kind of guy he is, he came back home. He started a new life. He decided to go to sea. He worked on different ships. In 1940, he found himself in the Philippine Islands. And as we all remember from American history, the Philippines were invaded by the Japanese, and there Frank Buckles was captured by the Japanese. And during World War II, he spent 3½ years in a Japanese prisoner of war camp. Having already served in World War I, he lied about his age so he could get in as a volunteer. Now in World War II, 3½ years of his life stolen from him by our enemies. He served in that prisoner of war camp.

He was finally released when Americans liberated the Philippines, came back to the United States and lived in West Virginia until the age of 102, Mr. Speaker, 102. He worked the farm. You know, he chose probably the occupation of America's past, the hardworking individual that works American soil. And that was Frank Buckles. He worked the soil.

Today, Frank Buckles—and here is his photograph, Mr. Speaker—is 109 years old. It is an honor for me to call Frank Buckles my friend. This photograph was taken in front of the D.C. memorial to World War I veterans which I will get to in a minute. So he is 109 years old today. Besides his remarkable life that continues, Frank Buckles is the lone survivor, the last doughboy alive that served in the United States Army and military during World War I.

There are two other survivors. They are both British individuals. They are 109. But he is older than they are. He will soon be 110 in February. So he is the last survivor, the last living doughboy that served our country.

He will soon be 110, Mr. Speaker. You know, 110 is old. To put it in perspective, it is about half of America's history this one person has lived through. He is still the great patriot that he was when he raised his right hand as a 16 year old in 1917 and swore to defend the United States against all enemies, foreign and domestic, the oath he took to uphold the Constitution.

Now, I mention Frank Buckles in his own right because he is the last of this generation, those that lived and fought in World War I. You have to remember who these were; these were the fathers of the Greatest Generation, those individuals that we hold up, people like my dad who is 85 years of age, those who served in the great World War II. Those were the fathers of the Greatest Generation, people like Frank Buckles.

But you see, he still continues to fight for America and really fight for people that served in World War I because when I met Frank Buckles he was here at the Capitol. His mission now is to make sure that we honor as a Nation those who served and came back home in World War I and those that served and are still buried in graves only known by God in Europe, those other doughboys. His goal, and the goal I hope of most Americans now, is to make sure that they are properly honored.

You know, America has moved on since World War I. Not much was said after World War I. The American doughboys came home. They didn't have a whole lot of fanfare. They just merged back into society. Then all of a sudden came the Roaring 20s, the exciting 20s. Then there was the Depression for 10 years. Then all of a sudden we were in World War II. America just sort of moved on and left that generation the way they were when they returned. And I say that to say this: Because you see in this great Capitol, the greatest capitol in the world, the center of democracy, the center of liberty, the center of people who have values like Frank Buckles, we have in my opinion yet to honor these individuals. Let me explain.

Here not far from the Capitol on what we call the Mall, where we have the important memorials to America's past, we have built as a Nation memorials to three of the great wars of the last century. If you wander up and down the Mall, you will see the first memorial that was built. They were built in reverse order of when the wars occurred. The first one that was built is that black marble granite memorial to those young men in Vietnam, the 58,000 that went to Vietnam and came home, or rather did not come home. You remember Vietnam, Mr. Speaker, that was the war when America, we treated our troopers real bad. As a Nation, we treated them real bad when they came home. But we did build them a memorial, and it is not far from here. Today and every day when you go to the Vietnam Memorial, you will see people who put up flags and write notes to those great Americans from Vietnam.

And after that was built, then there is the memorial that was built on the Mall to the Korean war. Some of the politically correct folks still call that a conflict. Well, Americans died in the Korean war. We went over and fought somebody else's war again. That memorial shows that Americans going through a minefield in the snow, a great memorial to those Korean veterans, those that lived and those that died.

And then the most recent one, the one that many Americans are aware of because there was so much political fighting whether or not this memorial should be built, that is the World War II memorial that is built not far from here, that great memorial that honors the Greatest Generation, that shows how important it is for us to remember those individuals. As I mentioned, people like my dad who served as an 18 year old in the United States Army in Europe. Many people didn't want that memorial built on the Mall. You know, it is built on the Mall. They didn't want it built there. Anyway, politics got out of the way and Congress approved that memorial.

But there is no memorial for those who served in the first great war of the last century, and that is the World War I memorial. It is true there is a memorial near the Mall for those that served from Washington, D.C. Here is a photograph of that memorial, and a picture of Frank Buckles in front of it.

□ 1430

This photograph was taken a couple of years ago or, really, a year ago when he was there. This memorial is not even on the D.C. maps. Of all the things to do and see in Washington, D.C., this memorial is not even on there. The only reason I ever saw it is I was running by it one day, and I saw this memorial—or this monument, this structure—over in the weeds. I went over there and started reading it and realized what it was. It is not a fitting memorial but a memorial for the D.C. veterans who lived and died during World War I. You can see that it's cracked and that the stone is bad. It needs a lot of repairs. Finally, the repairs are starting to be made for that.

Make no mistake about it: this is a memorial for those from Washington, D.C. We don't have a memorial on The Mall for those who served from all over the United States, an appropriate memorial that, I think, should be built. The plan is and Frank Buckles' goal and mine and many others is to expand this memorial and to honor all those who served in that Great War, now almost 100 years ago.

There are really no advocates for this. I mean there are no lobbyists. There are no veterans left from World War I. No other veterans' groups have taken this on to encourage our building this memorial for him. An individual by the name of David DeJonge, who is an historian and a photographer, started doing research on the

last survivors of World War I. He has got photographs of all of them, of recent date, of those who have died—some of them have died—and he has done research on all of them. As I mentioned, there are only three from all over the world who fought from all nations, Frank Buckles being one of those. Some other individuals are encouraging Congress to give the authority to build this memorial.

In Kingwood, Texas, which is one of the places I represent down in Texas, there is an educator there by the name of Jan York. Jan York loves America like educators do. She got her Creekwood Middle School kids to do research a couple of years ago on World War I and on its last survivors, and that's when they came up with Frank Buckles. They, too, are passionate about making sure that a memorial is built on The Mall for all who served in World War I. Let me mention this:

There are memorials for the World War I veterans in different places in the United States. There is one in Kansas City. But can we have too many? Should we not have one on The Mall? I mean this is Washington, D.C. When you go through Washington, D.C., you see memorials and monuments for all kinds of people—wonderful people. Some of them aren't even Americans. The memorials and monuments are appropriate. They're needed. But should we not build a memorial on The Mall for all of those who served in World War I—the war that was supposed to end all wars? I think that we should.

Anyway, Jan York has helped her school get involved in this, and the Creekwood Middle School folks and other schools in the country are encouraging Congress to help build a memorial. This memorial is not going to be funded by taxpayer money. Don't get me wrong. This is not something the taxpayers are going to be required to contribute to. All Congress has to do is authorize its being built and there being a commission, and then private funds will be collected from groups like the Creekwood Middle School.

I want to thank Senator ROCKEFELLER, who is down the hall in the Senate. He is helping to promote legislation that will allow us to move forward and have congressional approval to build this memorial on The Mall—this appropriate memorial for people like Frank Buckles, who is the lone survivor.

Mr. Speaker, I think it is imperative that we as a Nation understand our history. Many of us don't think about the past. We only think about the future. We think, unfortunately, many times: What can America give us? What can America do for us? as opposed to: What can we do for America? What can we do for people who have served our great country in the military, and what should we do as a Nation to honor those individuals?

America has always had to defend who we are as a Nation. I carry in my pocket, like maybe most Members of Congress, this little book, the Constitution of the United States, which has not only the Constitution but the Declaration of Independence in it as well.

If we just remember a little bit of history, just a little bit, back in the colonial days, in 1776, there were these Americans who did not like being treated a certain way by the most powerful empire that had ever existed in the history of the world—the British Empire. It was the most powerful empire at the time, and it was led by the most powerful king, King George. They got together, and they said, You know, we are going to liberate ourselves from this type of tyranny, which is how they looked at it. So they came up with this Declaration of Independence.

Now, in legal terms, what that meant was they indicted the King of England for crimes against the United States. Their remedy, the punishment for the King and for England, was to separate. They concluded their Declaration of Independence, that important document that later led to the Constitution, with this phrase:

''And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.''

Then they had to fight for what they believed in—7, 8 years of long war to get this country free. Then it was the War of 1812, the Spanish-American War, the war with Mexico, World War I, World War II, Korea, Vietnam, and we are still engaged in two great wars today.

In all of those wars, Mr. Speaker, it has been America's youth who has gone to war to protect the rest of us. Unlike other countries, it has been said that America goes to war not to conquer but to liberate. That is true. We've got troops fighting right now, not to conquer but to liberate. America goes to battle so that others will live in freedom. Our enemies go to battle so that others will die in tyranny. That is what is happening in Afghanistan and Iraq. It has always been the American warrior who has had to protect this document—people like Frank Buckles.

Today, occasionally, we get to see those great warriors from the current wars. They come back to this Capitol, and we see them. Many Members go visit the wounded warriors. I have had the honor to be in Iraq and Afghanistan and see our military in action. The finest military that has ever existed in the history of the world represents us today.

Yet, to some extent, at home, America is disengaged. We are more interested, unfortunately it seems, in what is in it for us as opposed to what is in it for America. Frank Buckles and the generations before him and after him have always asked: What is in it for America? What can we do for America?—not what America can do for us.

So it seems to me we owe it to Frank Buckles and we owe it to those doughboys who have all died, who have all passed away except him, to build and honor them for what they did for the rest of us—for without them, we certainly would not be here. Without each generation that has been called upon to bear arms to protect our Nation, we would not be here. Many of them died at young ages, including those 600,000 Americans who died in the Civil War, which is when our country went to war within itself.

It would be appropriate that we honor these individuals by approving this memorial on The Mall. It would be equally as important that we remember Frank Buckles, his being the lone survivor. I hope he lives a long time. He told David DeJonge not too long ago, I'm headed to 115.

Well, the way he is, he may get it. He's just that way.

Yet, when he passes away, we should honor him as the last doughboy. He should lie in state here in the Capitol rotunda. He should be buried with full military honors. Our Nation should remember him, as it is important we should remember all those who served throughout the United States, by building and approving the memorial here on The Mall.

□ 1440

You know, when they went overseas, they said they weren't coming back until it was over over there. They did not come back until it was over over there, and they came back victorious. We over here have the obligation and the opportunity to get it right over here. And the way we get it right is to honor Frank Buckles and honor all of those who served in the great World War I, those that served and did not come home and those that served and did come home, to continue the American way of life and preserving this little document called the Constitution of the United States of America.

And that's just the way it is.

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

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the ordering of a 5-minute Special Order speech in favor of the gentleman from Texas (Mr. POE) is vacated.

CONGRESSMAN ETHERIDGE BIDS FAREWELL TO CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 60 minutes as the designee of the majority leader.

Mr. ETHERIDGE. Mr. Speaker, I rise today to address the House. I will be leaving Congress at the conclusion of this term, and I want to take a few minutes to speak to my colleagues and the people of North Carolina's Second

District, the people whose hopes and dreams, whose fears and apprehensions, whose challenges and opportunities have been my first and only priority every day for the past 14 years.

We are joined here today in the gallery by my wife, Faye, who has been the foundation of my world for 45 years. No man has ever been blessed with a finer family, and Faye has been the light of my life for each of those days.

I want to thank Faye. It's not easy being a Congressman's wife. The schedule is never your own; it's constantly shifting. Folks call your house or knock on your door—they have ours—at all hours of the day and night. And unfortunately, this past year brought us ugliness on a scale never seen before. Faye has endured it all and has been for me a constant source of strength, a sounding board of unfailing common sense, and a partner in every sense of the word. Thank you, Faye.

And I want to thank my staff. As Members, we get all the credit and the glory, but it is the folks behind the scenes who do the grunt work that make it all possible. I have always said I have the best staff on Capitol Hill and also the best staff back in my home district, and I believe that's true.

We are joined today—I hope by watching—by Russ Swindell, my chief of staff; Pat Devlin, my D.C. chief; Dr. David Weinreich, Ph.D, my legislative director; senior legislative assistant Chris Medley; legislative assistants La'Tanta McCrimmon and Andrew Dugan; legislative correspondent Mim Williams; press secretary Austin Vevurka; executive assistant Julia Cava; and staff assistant Mollie Jones.

In my Lillington office, district representatives William Munn and Mercedes Restucha. And our Raleigh district staff, representatives Carolyn Smith, Sonia Barnes, and Mike Little; Amy Hornbuckle, who is our district scheduler, a very difficult job; Christy Sandy, our grants coordinator; and Debbie Privette, caseworker and projects coordinator.

We call ourselves ''Team Etheridge,'' and for 14 great years we've been an incredible, effective team. I am proud of each and every member of Team Etheridge, and prouder still of what together we have accomplished for the people of North Carolina and this great country.

As I look back on my service in this body—a body which I am proud to have had the opportunity to serve in—I am reminded of the many great men and women I have had the honor to serve with here in the people's House, folks like DAVID PRICE of North Carolina, and really the entire North Carolina delegation, leaders like STENY HOYER and the entire Democratic leadership who made this session one of historic significance on behalf of the American people.

On the other side of the aisle, I've been proud to have worked with people like my friend JERRY MORAN of Kansas, Ray LaHood, and our former colleague, Bob Riley, now the Governor of Alabama. This body needs more people willing to put partisan differences aside in order to get work done for the greater good of our country.

I have been honored to serve with so many individuals I admire, like JOHN SPRATT of South Carolina, COLLIN PETERSON, IKE SKELTON, JOHN LEWIS, and others far too numerous to mention. Congress may be an imperfect institution, but our Nation is fortunate to have had the benefit of statesmen and patriots serving in this body.

My life has truly been the American Dream. I was raised on a Johnston County tenant farm where neither my mother nor my father owned their home nor the land they farmed. Neither had a high school education, but valued education. Yet, I have been able to serve my country in the United States Army, graduate from college, play basketball, have a successful career in business, be elected to leadership positions at the county, State and Federal levels.

All that was possible by education. Public education is the key to the future because it provides for everyone who is willing to work hard the opportunity to make the most of his or her God-given ability. That is why, for me, all of my years in public life have been about creating a brighter future for our children.

As we look to the future, we can take great pride in the many accomplishments and countless lives that have been touched. Every single day since we opened our doors in 1997, my staff and I have worked hard to provide outstanding constituent services to anyone and everyone who needed our help in the Second District. These are real lives we have changed, from disabled veterans who needed benefits, to senior citizens who needed assistance with Medicare, or a nonprofit requiring a grant to keep serving people in our community; and I am truly proud of my staff for the constituent services they provided in our district.

I know I am biased, and I admit that, but I think we have the staff that is second to none. We have achieved significant policy changes and accomplishments that really are making a difference in people's lives. Our Hometown Heroes Act gives widows and orphans of first responders—and those first responders include rescue squad, firemen, and sworn police officers—who were killed in the line of duty—or lose their life, I should say, in the line of duty—the peace of mind that comes with receiving survivor benefits. Because of this law, those who die of a heart attack or stroke as they protect our communities are recognized in the same way as others who make the ultimate sacrifice to keep us safe.

□ 1450

The other day, a friend of mine sent me a clipping from the Boston Globe about a local firefighter who died on Thanksgiving Day after suffering a heart attack, responding to an emergency call. Now, I've never lived in Boston. I've lived my whole life in North Carolina, except for the time I was away on military service. But because of the work we did on the Hometown Heroes Act, the widow and two young children of that brave firefighter will have the security of the Federal Public Safety Officers' Benefits fund that they would not otherwise have had. That is a story that is replicated across this country thousands of times. That fact gives me a sense of pride and makes my heart glow.

The HIRE Act that was passed into law last year provided tax credits to small businesses that add workers to their payroll. That new law is helping turn the recession into a recovery, and it's replacing unemployment checks with paychecks for the middle class and workers struggling to get into the middle class.

For the first time in history, we had the opportunity to write a farm bill that is about nutrition and energy and provides hope for the future of family farmers and rural communities. And the Etheridge School Construction bonds that I spent more than 12 years working to get passed into law are being put to work now in North Carolina and all across America. All across this country, the Etheridge bonds are creating jobs, building schools, and improving education for our children.

Those are just a few of the examples of a record of accomplishments that I will always be proud of and a legacy of leadership that I hope others will look to follow.

I have approached my role as a Member of this body as representing all the people of the Second District in North Carolina, listening to all sides of an issue and doing right by the people. Sometimes you don't always make everyone happy, but I can rest my head on a pillow at night knowing that I always did what I thought was right for the people that I represent in the Second District of North Carolina.

I have always believed that public office is a public trust. I've worked every day in the people's House, the U.S. House of Representatives, to honor that trust and to earn the faith of the people that I was elected to serve.

As I prepare to leave this office, I do so with my head held high, with my heart filled with gratitude for all the people who have helped me along life's journey. Many of us are disappointed by the outcome of the previous election, none more than I am. But we move forward, knowing that God still has work for us to do. There are many ways to serve the people, and other opportunities to serve will come. And at the end of the day, I will always be a proud North Carolinian, a patriotic American, and a humble public servant.

May God continue to bless the United States of America.

OMISSION FROM THE CONGRESSIONAL RECORD OF TUESDAY, JANUARY 5, 2010 AT PAGE H2

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT PRIOR TO SINE DIE ADJOURNMENT

Lorraine C. Miller, Clerk of the House, reports that prior to sine die adjournment of the First Session, 111th Congress, on December 19, 2009 she presented to the President of the United States, for his approval the following bill and joint resolution.

H.R. 3326. Making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

H.J. Res. 64. Making further continuing appropriations for fiscal year 2010, and for other purposes.

Lorraine C. Miller, Clerk of the House, further reports that on December 23, 2009, she presented to the President of the United States, for his approval, the following bill.

H.R. 4284. To extend the Generalized System of Preferences and the Andean Trade Preference Act, and for other purposes.

BILL AND JOINT RESOLUTION APPROVED PRIOR TO SINE DIE ADJOURNMENT

The President notified the Clerk of the House that on the following dates, he had approved and signed bill and joint resolution of the following titles:

December 19, 2009:

H.R. 3326. An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

December 22, 2009:

H.J. Res. 62. A joint resolution appointing the day for the convening of the second session of the One Hundred Eleventh Congress.

SENATE BILL APPROVED PRIOR TO SINE DIE ADJOURNMENT

The President notified the Clerk of the House that on the following date, he had approved and signed the bill of the Senate of the following title:

December 22, 2009:

S. 1472. An Act to establish a section within the Criminal Division of the Department of Justice to enforce human rights laws, to make technical and conforming amendments to criminal and immigration laws pertaining to human rights violations, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT AFTER SINE DIE ADJOURNMENT

Lorraine C. Miller, Clerk of the House reports that on December 24, 2009, she presented to the President of the United States, for his approval, the following bills:

H.R. 3819. To extend the commercial space transportation liability regime.

H.R. 4314. To permit continued financing of Government operations.

BILLS APPROVED AFTER SINE DIE ADJOURNMENT

The President notified the Clerk of the House that on the following date, he had approved and signed bills of the following titles:

December 28, 2009:

H.R. 3819. An Act to extend the commercial space transportation liability regime.

H.R. 4284. An Act to extend the Generalized System of Preferences and the Andean Trade Preference Act, and for other purposes.

H.R. 4314. An Act to permit continued financing of Government operations.

ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 10 of House Resolution 976, the House shall stand adjourned pursuant to section 2 of House Concurrent Resolution 223.

Accordingly (at 12 o'clock and 5 minutes p.m.), the House adjourned until Tuesday, January 12, 2010, at noon.

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 Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. FRANK of Massachusetts, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. GUTHRIE, for 5 minutes, today.

Mr. POE of Texas, for 5 minutes, December 16.

Mr. JONES, for 5 minutes, December 16.

Ms. FOXX, for 5 minutes, today.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 3789—An act to limit access to Social Security account numbers.

S. 3987—An act to amend the Fair Credit Reporting Act with respect to the applicability of identity theft guidelines to creditors.

ADJOURNMENT

Mr. ETHERIDGE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until Monday, December 13, 2010, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

10757. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Acequinocyl; Pesticide Tolerances [EPA-HQ-OPP-2009-0812; FRL-8851-7] received November 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10758. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Truth in Lending [Regulation Z; Docket No. R-1366] received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10759. A letter from the Secretary, Department of Energy, transmitting the Department's Annual Report for the Strategic Petroleum Reserve covering calendar year 2009, in accordance with section 165 of the Energy Policy and Conservation Act; to the Committee on Energy and Commerce.

10760. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Georgia; Prevention of Significant Deterioration and Nonattainment New Source Review Rules [EPA-R04-OAR-2006-0649-201059; FRL-9229-5] received November 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10761. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New York Prevention of Significant Deterioration of Air Quality and Nonattainment New Source Review [EPA-R02-OAR-2010-0321; FRL-9212-1] received November 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10762. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; State of Colorado; Interstate Transport of Pollution Revisions for the 1997 8-hour Ozone NAAQS: ''Interference with Maintenance'' Requirement [EPA-R08-OAR-2007-1035; FRL-9229-2] received November 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10763. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; State of North Dakota; Interstate Transport of Pollution for the 1997 PM2.5 and 8-hour Ozone NAAQS: ''Interference with Maintenance'' Requirement [EPA-R08-OAR-2009-0557; FRL-9229-1] received November 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10764. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cobalt Lithium Manganese Nickel Oxide; Withdrawal of Significant New Use Rule [EPA-HQ-OPPT-2009-0922; FRL-8853-2] (RIN: 2070-AB27) received November 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10765. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Deadline for Action on the Second Section 126 Petition From New Jersey [EPA-HQ-OAR-2010-0473; FRL-9227-6] received November 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10766. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Mandatory Reporting of Greenhouse Gases: Additional Sources of Fluorinated GHGs [EPA-HQ-OAR-2009-0927; FRL-9226-8] (RIN: 2060-AQ00) received November 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10767. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 29-10 informing of an intent to sign a Memorandum of Understanding with Australia and the United Kingdom; to the Committee on Foreign Affairs.

10768. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 23-10 informing of an intent to sign a Memorandum of Understanding with Israel; to the Committee on Foreign Affairs.

10769. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

10770. A letter from the 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), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Foreign Affairs.

10771. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled ''Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 2nd Quarter of Fiscal Year 2010'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

10772. A letter from the Executive Director, Christopher Columbus Fellowship Foundation, transmitting the Fellowship's Performance and Accountability Report for FY 2010; to the Committee on Oversight and Government Reform.

10773. A letter from the Chair, Election Assistance Commission, transmitting Semiannual Report of the Inspector General for the period April 1, 2010 through September 30, 2010; to the Committee on Oversight and Government Reform.

10774. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's fiscal year 2010 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

10775. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's Performance and Accountability Report for Fiscal Year 2010; to the Committee on Oversight and Government Reform.

10776. A letter from the Chairman, National Endowment for the Humanities, transmitting the Performance and Accountability Report for fiscal year 2010, as required by OMB Circular Number A-11; to the Committee on Oversight and Government Reform.

10777. A letter from the Director, Trade and Development Agency, transmitting the Agency's Performance and Accountability Report including audited financial statements for fiscal year 2010; to the Committee on Oversight and Government Reform.

10778. A letter from the Chief, Branch of Endangered Species Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Georgia Pigtoe Mussel, Interrupted Rocksnail, and Rough Hornsnail and Designation of Critical Habitat [Docket No.: FWS-R4-ES-2008-0104] [MO 92210-0-0008-B2] (RIN: 1018-AU88) received Novmeber 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10779. A letter from the Chief, Listing Branch, U.S. Fish & Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for Bull Trout in the Coterminous United States [Docket No.: FWS-R1-ES-2009-0085] [MO 92210-0-0009] (RIN: 1018-AW88) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10780. A letter from the Assistant Attorney General, Department of Justice, transmitting a copy of a report required by Section 202(a)(1)(C) of Pub. L. 107-273, the ''21st Century Department of Justice Appropriations Authorization Act'', related to certain settlements and injunctive relief, pursuant to 28 U.S.C. 530D Public Law 107-273, section 202(a)(1)(C); to the Committee on the Judiciary.

10781. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Truth in Lending [Regulation Z; Docket No. R-1378] received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10782. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 767-200, -300, and -300F Series Airplanes [Docket No.: FAA-2010-1036; Directorate Identifier 2009-NM-247-AD; Amendment 39-16480; AD 2010-22-01] (RIN: 2120-AA64) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10783. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company (Cessns) Models 336, 337, 337A (USAF 02B), 337B, M337B (USAF 02A), T337B, 337C, T337C, 337D, T337D, 337E, T337E, 337F, T337F, 337G, T337G, 337H, P337H, T337H, T337H-SP, F 337E, FT337E, F 337F, FT337F, F 337G, FT337GP, F337H, and FT337HP Airplanes [Docket No.: FAA-2010-1013; Directorate Identifier 2010-CE-048-AD; Amendment 39-16478; AD 2010-21-18] (RIN: 2120-AA64) received November 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10784. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No.: FAA-2010-1037; Directorate Identifier 2010-NM-202-AD; Amendment 39-16481; AD 2010-22-02] (RIN: 2120-AA64) received November 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10785. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30749; Amdt. No. 3396] received November 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10786. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Charleston, SC [Docket No.: FAA-2010-0817; Airspace Docket No. 10-ASO-31] received November 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10787. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Jeannette, PA [Docket No.: FAA-2010-0052; Airspace Docket No. 10-AEA-19] received November 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10788. A letter from the Administrator, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting the Corporation's annual financial audit and management report for the fiscal years 2009 and 2010, in accordance with OMB Circular A-136; to the Committee on Transportation and Infrastructure.

10789. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Water Quality Standards for the State of Florida's Lakes and Flowing Waters [EPA-HQ-OW-2009-0596; FRL-9228-7] (RIN:2040-AF11) received November 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10790. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 263A Safe Harbor Methods for Motor Vehicle Dealerships (Rev. Proc. 2010-44) received November 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10791. A letter from the Director, Office of National Drug Control Policy, transmitting the report entitled the National Southwest Border Counternarcotics Strategy Implementation Update; jointly to the Committees on Armed Services, Homeland Security, Oversight and Government Reform, Energy and Commerce, the Judiciary, and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 476. A bill to authorize funds to prevent housing discrimination through the use of nationwide testing, to increase funds for the Fair Housing Initiatives Program, and for other purposes; with an amendment (Rept. 111–678). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. RICHARDSON:

H.R. 6508. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize the Attorney General to provide

grants to States and units of local government for the video recording of custodial interrogations; to the Committee on the Judiciary.

By Ms. RICHARDSON:

H.R. 6509. A bill to designate a portion of Interstate Route 710 located in Los Angeles County, California, as the ''Jenny Oropeza Highway''; to the Committee on Transportation and Infrastructure.

By Ms. JACKSON LEE of Texas (for herself, Mr. MARIO DIAZ-BALART of Florida, Mr. POE of Texas, Ms. ROS-LEHTINEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HALL of Texas, and Mr. GONZALEZ):

H.R. 6510. A bill to direct the Administrator of General Services to convey a parcel of real property in Houston, Texas, to the Military Museum of Texas, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. POE of Texas (for himself, Mr. AKIN, Mr. BURTON of Indiana, Mr. MCKEON, Mr. PITTS, Mr. THOMPSON of Pennsylvania, Mr. HARPER, Mr. LAMBORN, Mr. GOHMERT, Mr. SAM JOHNSON of Texas, Mrs. BLACKBURN, Mr. COLE, Mr. GINGREY of Georgia, Mr. KING of Iowa, Mr. SHADEGG, Mr. SHIMKUS, Mr. OLSON, Mr. POSEY, Mr. BARTLETT, Mr. WILSON of South Carolina, Mrs. LUMMIS, Mrs. SCHMIDT, Mr. HERGER, and Ms. FOXX):

H.R. 6511. A bill to prohibit funding for the Environmental Protection Agency to be used to implement or enforce a cap-and-trade program for greenhouse gases, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SPACE (for himself, Mr. AUSTRIA, and Mr. WILSON of Ohio):

H.R. 6512. A bill to amend title XVIII of the Social Security Act to prevent the catastrophic loss of wage index reclassification; to the Committee on Ways and Means.

By Mr. FORTENBERRY:

H.R. 6513. A bill to amend title 38, United States Code, to allow for the transfer of educational assistance under the Post-9/11 Educational Assistance Program to certain dependents to be used for special education; to the Committee on Veterans' Affairs.

By Mr. LATTA (for himself and Ms. JENKINS):

H.R. 6514. A bill to prohibit the use of certain stimulus and disaster relief funds for business relocation incentives; to the Committee on Oversight and Government Reform, and in addition to the Committees on Transportation and Infrastructure, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LINDA T. SÁNCHEZ of California:

H.R. 6515. A bill to amend the Internal Revenue Code of 1986 to modify the energy credit for microturbine property; to the Committee on Ways and Means.

By Mr. CARTER:

H.J. Res. 103. A joint resolution disapproving a rule submitted by the Department of Health and Human Services relating to ''Health Insurance Issuers Implementing Medical Loss Ratio (MLR) Requirements Under the Patient Protection and Affordable Care Act''; to the Committee on Energy and Commerce.

By Mr. CARSON of Indiana (for himself, Mr. FILNER, Mr. CONYERS, Mr. ELLISON, Mr. HONDA, and Ms. JACKSON LEE of Texas):

H. Res. 1758. A resolution expressing the Nation's sincerest appreciation for the service of Muslim American veterans; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 268: Mr. BILIRAKIS.
H.R. 442: Mr. LEE of New York.
H.R. 2103: Mr. POE of Texas.
H.R. 2262: Mr. MARKEY of Massachusetts.
H.R. 2365: Ms. HIRONO.
H.R. 3286: Mrs. CHRISTENSEN.
H.R. 5305: Mr. TONKO.
H.R. 5510: Ms. NORTON.
H.R. 5926: Mrs. CHRISTENSEN.
H.R. 5982: Mr. COSTELLO.
H.R. 5983: Mr. SCOTT of Georgia.
H.R. 6334: Mr. FATTAH.
H.R. 6355: Mr. CAPUANO and Mr. POLIS.
H.R. 6415: Mr. REED.
H.R. 6487: Mr. WEINER.
H.R. 6496: Mr. GONZALEZ, Mr. MCGOVERN, Ms. NORTON, and Mr. BARTLETT.
H.R. 6502: Mr. CUELLAR.
H.R. 6507: Ms. TITUS and Mr. HIGGINS.
H. Res. 1722: Mr. FRANK of Massachusetts.
H. Res. 1725: Mr. GALLEGLY.
H. Res. 1743: Ms. BORDALLO and Ms. SPEIER.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, THURSDAY, DECEMBER 9, 2010 No. 162

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God of time and eternity, source of all life and fountain of all blessings, accept our thanksgiving and praise. Today, be a shepherd to our lawmakers, enabling them to lie down in the green pastures of Your providence and to walk beside the calm waters of Your blessings. Inspire them to dedicate themselves to speak for life, to act for justice, to work for peace, and to strive to serve You with faithfulness. May they respond to Your abiding love with grateful service.

Lord, be merciful to all who labor for liberty. Bless them. Look on them with kindness so that they may know Your will.

We pray in Your merciful Name. Amen.

NOTICE

If the 111th Congress, 2d Session, adjourns sine die on or before December 23, 2010, a final issue of the *Congressional Record* for the 111th Congress, 2d Session, will be published on Wednesday, December 29, 2010, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–59 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Wednesday, December 29. The final issue will be dated Wednesday, December 29, 2010, and will be delivered on Thursday, December 30, 2010.

None of the material printed in the final issue of the *Congressional Record* may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerk.house.gov/forms. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT–59.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the *Congressional Record* may do so by contacting the Office of Congressional Publishing Services, at the Government Printing Office, on 512–0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

CHARLES E. SCHUMER, *Chairman.*

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 9, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, Senator DURBIN will be recognized to speak for 10 minutes. Following his remarks, the Senate will resume consideration of the motion to proceed to the DREAM Act. The time until 11 a.m. will be equally divided and controlled between the two leaders or their designees.

At 11 a.m., the Senate will proceed to a series of two to three rollcall votes. The first vote will be on the motion to invoke cloture on the motion to proceed to the DREAM Act. If cloture is not invoked, the second vote would be on the motion to invoke cloture on the motion to proceed to H.R. 847, the James Zadroga 9/11 Health and Compensation Act. If cloture is not invoked on the 9/11 bill, I may move to reconsider the previously failed cloture vote on the motion to proceed. And then, of course, we have—what I have said here, Madam President, is if we do not invoke cloture on the 9/11 bill, I will likely move to reconsider that vote, so we can move to that at some subsequent time. And I also will likely sometime today move to reconsider the previously failed cloture vote on the motion to proceed to the Defense authorization bill.

Several Senators will deliver their farewell speeches to the Senate today. Senator BENNETT of Utah will deliver his remarks following the votes this morning. Senator BUNNING will speak at 1 p.m. today, and Senator DORGAN will deliver his remarks at 2 p.m. this afternoon.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—S. 3992

Mr. REID. Madam President, we have a piece of legislation that passed last night in the House of Representatives. I received a call last night, I guess around 9:30 or 10 o'clock, from both the majority leader and the Speaker that the so-called DREAM Act had passed in the House. That changes things over here. It changes things because we had been toiling on this for a long time, and now that it has passed the House, the appropriate way to proceed would be to have a vote on that matter, because if we are able to pass it, it goes directly to the President.

Having said that, I think it would be futile for us to have a vote on a motion to invoke cloture on a bill we know will not matter. So what we will do is, I am going to ask consent to vitiate the vote that is scheduled for 11 o'clock on the DREAM Act, and to alert everyone, we have not given up on the DREAM Act. Quite the opposite. It having passed the House gives us more energy to move forward on this most important piece of legislation.

The stories that relate to this DREAM Act are compelling to me, of these young men and women who want to be able to complete their education, want to be able to go into the military and serve their country and, in the process, they are not guaranteed citizenship, they are guaranteed that they will not be arrested or deported. They will be given a green card to prove that they are eligible for citizenship. So we are going to proceed and do everything we can to pass what the House did.

Having said that, Madam President, I ask unanimous consent that the vote scheduled on the DREAM Act at 11 o'clock be vitiated.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Georgia.

Mr. ISAKSON. Madam President, on behalf of our leadership, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Madam President, it is my understanding Senator DURBIN is to be recognized at this time for up to 10 minutes.

The ACTING PRESIDENT pro tempore. That is correct.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

Under the previous order, the Senator from Illinois is recognized to speak for up to 10 minutes.

Mr. DURBIN. Thank you, Madam President.

DREAM ACT

Mr. DURBIN. Madam President, 10 years ago, I received a telephone call in my Chicago office that I have recounted on this floor many times. But it started me on a journey that resulted in where we stand today on the passage of the DREAM Act. It was a phone call from a Korean-American mother with an amazing daughter who was a musical prodigy who had been accepted at the Juilliard School of music in the Acting President pro tempore's home State of New York.

This excited young woman, in filling out the application, came to the question about her citizenship and nationality and turned to her mother and said: What do I put here? And her mother had to tell her the sad news that when that young girl was brought to America from Korea, at the age of 2, the mother did not file any papers and so that young girl was literally undocumented, literally illegal in the eyes of some.

She asked us for help. What can we do to help in this situation? Here was a bright young woman, with a bright future, who had done everything right and excelled in so many ways. We contacted the Immigration Service and they said: It is too bad. Under American law, this young girl—who never consciously did anything wrong in her life—was a person without a country. Her only recourse at the age of 18 was to return to Korea—a country she had no knowledge of, could not speak the language, and had never visited anytime in her life.

When I heard about that, I thought that was fundamentally unfair. This young woman did nothing wrong. The mother made the mistake. The mother did not file the papers. And now her life was in shambles, and uncertain because of it.

So I put in a bill which basically said: If you are in that situation, where you were brought to America at a young age, and then proceed to do the right thing with your life—go to school, make certain you were a good member of your community—we will give you a chance when you have graduated from high school, a chance to prove yourself, that you were going to be a good citizen in America.

You could prove it one of two ways. You could do a noble act for America, stand up and volunteer to serve in our Armed Forces, literally prepared to risk your life for this great Nation—and if you did that, then we would put you on the path to legalization—or if you didn't choose the military service, you could prove it by your educational achievement.

Now, most of the people we are talking about are not Korean or Polish or Filipino. They are Hispanic, and the numbers tell us the odds are against the young people we are talking about. Half of them don't finish high school. Only 5 percent of these undocumented students end up going into a college of any kind. Think about those odds: 50–50 that you will finish high school and 1 out of 20 that you will even enter college.

So we put up a high wall and said: You have to clear this wall to prove that you are not only a good person but that you desperately want to be part of America's future. That is the DREAM Act.

In the process we said: We are going to ask you more questions than we ask of a Congressman or a Senator. We are going to ask questions about your background, your moral character, your knowledge of English. We are going to follow you closely and carefully, and if you stumble along the

way, we can't help you. It is a very strict standard we impose, but it is one that these young people are anxious to meet.

These young people who will be affected by the DREAM Act are some of the most amazing, inspiring people I have ever met. From the Presiding Officer's home State of New York, as a young man, Cesar Vargas—I told his story on the Senate floor yesterday—came to America from Mexico at the age of 5. He went through school. Then, on 9/11, he was so angry about what happened in the Presiding Officer's city of New York, he went to the recruiter and said: I want to enlist in the military. I want to serve and defend this country against terrorism.

They said: Mr. Vargas, you can't because you are undocumented. You can't join because, you see, our military has not waived the requirement of legal status for those who want to enlist. So he continued his education. He is now in his second or third year at the New York University Law School. I have met him. He is an extraordinary man. He speaks five languages. As the Presiding Officer knows, he could be a catch for a law firm—this young man, with all of these skills and all that drive. That is not his goal. He wants to be a part of our military still, to be a lawyer in the military today. That is his ambition.

He is a DREAM Act young man. Why would we say no to him? Why would we turn our backs on him and say: We don't need you. We know better. The Secretary of Defense, Robert Gates, has said: Yes, we need him and many more like him who can come into our military and make a better and stronger and more diverse military and build up a tradition of service in the military which will extend for generations forward. Secretary Gates knows the DREAM Act is in the best interests of the defense of America.

Secretary Arne Duncan, our Education Secretary, appeared with me yesterday and said these young people who have overcome the odds and finished high school and want to go to college and be lawyers and engineers and doctors and teachers are the people who can build our base of success in the future. Why would we turn them away? At a time when we are debating about importing talent from other countries to meet our needs in America, why would we turn away the talent in America, those who are here today and only asking for a chance?

Last night, in the House of Representatives, there was an amazing vote, an incredible vote, passing the DREAM Act. I believe it is the first time it has passed the House of Representatives. I want to credit my colleague and great friend, Congressman LUIS GUTIERREZ, who worked night and day, and I also wish to thank the men and women of the House who showed the courage to vote for it. One of them called me late last night and was emotional about this decision, wondering if it would have a long-term impact on his political career. But that Congressperson had the courage to step up and do it.

Now the question is, Will we have the courage to do the same? Our leader, Majority Leader REID, has asked to vitiate the rollcall vote this morning, which is basically putting it aside, because he believes the bill is not a bill that is viable under the circumstances now that the House bill has passed. The minority leader, Senator MCCONNELL, has come to the Senate floor repeatedly and said we should not be having these so-called symbolic votes, even on the DREAM Act. This morning, Senator REID said: Let's take a symbolic vote off the calendar and wait until we receive the House message. There was an objection from the Republican side so, clearly, they are arguing it from both sides.

Be that as it may, we owe it to the young men and women whose lives will be affected, we owe it to America who needs their service in the military and needs their skill in building our economy to honestly address this issue and ask Members of both sides to sit down, pause, and reflect as to whether we can afford to say to these talented young men and women: There is no place in America for you.

There is a place. There is a place for them, as there was a place for my mother, who came to this country at the age of 2 as an immigrant, whose mother and father could barely speak the English language but who eventually gave birth to a son who stands here today as the Senator from the State of Illinois. My story is an American story, and the story of these DREAM Act students is an American story of fighting against the odds, of coming from other places, determined to be a part of this great Nation and making a contribution that makes a difference.

I pray my colleagues will reflect on what happened last night—the historic vote of passing the DREAM Act—and that before this Congress packs up and leaves, we will address this issue and pass it too.

I see the minority leader is on the floor.

Madam President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

TRIBUTES TO RETIRING SENATORS

SAM BROWNBACK

Mr. MCCONNELL. Madam President, I rise in tribute to my good friend and distinguished colleague, Senator SAM BROWNBACK, or I could also say Governor-elect SAM BROWNBACK of the great State of Kansas.

SAM promised his constituents that he wouldn't run for more than two full 6-year terms in the Senate, and SAM has honored that pledge.

Let me just say at the outset that SAM has been an outstanding Senator and an example of principled leadership to all of us. He has served the people of Kansas with great distinction and honor, and I am certain he will continue to do so as he takes on new challenges in Topeka.

SAM is a born leader. He was raised in the small town of Parker, KS, where his mom and dad still live and farm today, and his many talents were evident early on. In high school, he was State president of the Future Farmers of America. As an undergraduate at Kansas State University, he was elected president of the student body, and he was elected class president in law school, too, at the University of Kansas. After law school, SAM worked as a lawyer in Manhattan, KS, for 4 years before being appointed as the secretary of the Kansas Board of Agriculture.

From 1990 to 1991, SAM was accepted as a White House fellow under President George H.W. Bush, where he worked for the U.S. Trade Representative. Three years after that, he ran for Congress as part of the Republican revolution and was overwhelmingly elected to Kansas's Second District. It was the first time in SAM's life that Republicans had the majority in the Congress, and he was a part of it. He planned to make the most of it by focusing on limiting the size and reach of the Federal Government.

But SAM's tenure in the House was brief. In 1996, just 2 days after Senator Dole announced his plan to resign from the Senate to run for President, SAM announced he would seek the Republican nomination in a special election to serve out the final 2 years of Dole's term. SAM handily defeated the former Lieutenant Governor who had been appointed to fill Senator Dole's seat earlier that spring.

In the general election, SAM's campaign message was simple. He called it the three Rs: reduce, reform, and return:

> Reduce the size of and scope of the Federal Government. Reform Congress. Return to the basic values that had built the country: work and family and the recognition of a higher moral authority.

SAM's message resonated with the people, many of whom feared their government had become, as SAM stated, ''their master, not their servant,'' and easily defeated his opponent with 54 percent of the vote. SAM would go on to be reelected to full terms in 1998 and 2004, capturing an astounding 65 and 69 percent of the vote.

While in the Senate, SAM has been a leader among his peers. He has been outspoken and has fought hard for the people of Kansas and for the underprivileged around the world.

SAM is an ardent defender of life and of the protection of the unborn. ''I see it as the lead moral issue of our day,''

SAM said, ''Just like slavery was the lead moral issue 150 years ago.'' SAM opposes Roe v. Wade, has a 100-percent pro-life voting record, and sponsored numerous bills in support of the unborn.

In 1995, SAM was diagnosed and treated for melanoma and it had a profound effect on his life. SAM said:

With the cancer, I did a lot of internal examination. My conclusion was that if this were to be terminal, at that point in time I would not be satisfied with how I had lived my life. I had tried to be a Christian, but I had failed. . . .

Surviving cancer, SAM found out just how precious life was, and with his new lease on life, SAM began to devote his life and work in the Senate to humanitarian causes around the world. SAM has actively fought to bring awareness to the genocide in Darfur. SAM supported the Sudan Peace Act of 2002 and the Darfur Peace and Accountability Act of 2002. In 2004, SAM visited Darfur to see violence and suffering firsthand, and that same year he supported the Congressional Declaration of Genocide.

In addition to his advocacy work on Sudan, SAM has worked on numerous other humanitarian challenges throughout the world, including Iran, Afghanistan, Uganda, the Congo, Pakistan, Ukraine, China, North Korea, and Vietnam. The Weekly Standard wrote:

Arguably no Senator has done more to press for human rights and democracy or to confront the spread of deadly disease, such as malaria, which kills 800,000 children in Africa every year.

In the Senate, SAM has crusaded for his humanitarian causes in a bipartisan fashion, including cosponsoring the Iran Democracy Act with Senator EVAN BAYH, cosponsoring the North Korea Human Rights Act with the late Senator Ted Kennedy, and what SAM calls his greatest achievement, cosponsoring the Trafficking in the Victims Protection Act with the late Senator Paul Wellstone.

Another one of SAM's passions was his role as chairman of the Senate Values Action Team. The group, consisting of outside organizations, met weekly to discuss matters of faith, family, and religious freedoms. Over the years, they worked together to strategize on efforts to protect the sanctity of life, school choice, and much more. SAM devoted countless hours to this organization and rarely missed a meeting.

In the Senate, I relied heavily on SAM's expertise and his leadership. He was always someone I looked toward, whether it was for guidance or perspective on many different issues. SAM served on numerous committees, including the Appropriations Committee, the Joint Economic Committee, the Senate Committee on Commerce, Science, and Transportation, and the Senate Special Committee on Aging, as well as the Senate Committee on Energy and Natural Resources.

In 2008, SAM announced he would honor his pledge to only serve two terms in this Chamber. SAM will be missed, but his service to Kansas will continue. Last month, SAM was elected Governor of Kansas with 63 percent of the vote, winning 103 of the 105 counties. I wish to congratulate SAM on his impressive victory, and I cannot think of a better public servant or leader than SAM BROWNBACK for the people of Kansas.

On top of all of SAM's accomplishments, he is a loving husband to Mary. They met in law school and have been married for 27 years. Together, Mary and SAM have five children, including one adopted from Guatemala and one adopted from China. SAM said:

My family has been personally touched by adoption. My wife and I adopted our two youngest children, and I continue to experience joy from the relationships we have built through our adoption experience.

I think right there tells us all we need to know about the type of character and person SAM BROWNBACK is.

SAM, this Chamber honors you today for your service to this Nation, to the State of Kansas, and to the millions around the world who dream of a better life. Thank you from all of us, and good luck in the next chapter of your life.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS ACT OF 2010—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. The Senate will resume consideration of the motion to proceed to S. 3992, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 663 (S. 3992) to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

Mr. LEVIN. Madam President, I ask unanimous consent that I be allowed to proceed as in morning business for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEFENSE AUTHORIZATION

Mr. LEVIN. Madam President, we have enacted the National Defense Authorization Act every year for the last 48 years. We need to do the same thing this year.

This year's bill would continue the increases in compensation and quality of life that our service men and women and their families deserve as they face the hardships imposed by continuing military operations around the world.

For example, the bill would extend over 30 types of bonuses and special pays aimed at encouraging enlistment, reenlistment, and continued service by active-duty and reserve military personnel.

The bill would authorize continued TRICARE coverage for eligible dependents of servicemembers up to the age of 26.

The bill will improve care for our wounded warriors by addressing inequities in rules for involuntary administrative separations based on medical conditions and requiring new education and training programs on the use of pharmaceuticals for patients in wounded warrior units, and it will authorize the service secretaries to waive maximum age limitations to enable certain highly qualified enlisted members who served in Operation Iraqi Freedom or Operation Enduring Freedom to enter the military service academies.

The bill would also include important funding and authorities needed to provide our troops the equipment and support that they will continue to need as long as they remain on the battlefield in Iraq and Afghanistan. For example, the bill would enhance the military's ability to rapidly acquire and field new capabilities in response to urgent needs on the battlefield by expanding DOD's authority to waive statutory requirements when urgently needed to save lives on the battlefield.

The bill will fully fund the President's request for $11.6 billion to train and equip the Afghan National Army and Afghan police—growing the capabilities of these security forces to prepare them to take over increased responsibilities for Afghanistan's security by the July 2011 date established by the President for the beginning of reductions in U.S. forces at that time.

The bill will extend for one more year the authority for the Secretary of Defense to transfer equipment coming out of Iraq as our troops withdraw to the security forces of Iraq and Afghanistan, providing an important tool for our commanders looking to accelerate the growth and capability of these security forces.

The bill also includes important legislative provisions that would promote the Department of Defense cybersecurity and energy security efforts—two far-reaching initiatives that should help strengthen our national defense and our Nation.

If we fail to act on this bill, we will not be able to provide the Department of Defense with critical new authorities and extensions of existing authorities that it needs to safeguard our national security. For example, without this bill, the Department of Defense will either lose the authority it has requested to support counter-drug activities of foreign governments, use premium pay to encourage civilian employees to accept dangerous assignments in Iraq and Afghanistan, and

provide assistance to the Yemeni counterterrorism unit. A failure by the Senate to provide these important authorities could have serious consequences for the success or failure of ongoing military operations around the world.

I recognize this bill includes a handful of contentious provisions on which there is disagreement in the Senate. Some of those provisions I support and others I objected to and voted against in committee.

One of those provisions is the one that would repeal don't ask, don't tell 60 days after the President, the Secretary of Defense, and Chairman of the Joint Chiefs of Staff certify to Congress that implementation of repeal is consistent with the standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention in the Armed Forces.

The Armed Services Committee held two excellent hearings last week to consider the final report of the working group that reviewed the issues associated with the repeal of don't ask, don't tell.

The report concluded that allowing gay men and women to serve in the U.S. Armed Forces without being forced to conceal their sexual orientation would present a low risk to the military effectiveness, even during a time of war, and that 70 percent of surveyed servicemembers believe that the impact on their units would be positive, mixed, or of no consequence at all.

General Casey, Chief of Staff of the Army, testified that the presumption underpinning don't ask, don't tell is that ''the presence of a gay or lesbian servicemember in a unit causes an unacceptable risk to good order and discipline.'' Then he said, ''After reading this report, I don't believe that's true anymore, and I don't believe a substantial majority of our soldiers believe that's true.''

After considering the report, Secretary of Defense Gates urged Congress to pass this legislation this year, so that the repeal of don't ask, don't tell could be implemented in a well-prepared and well-considered manner, rather than by abrupt judicial fiat, which he described as ''by far the most disruptive and damaging scenario [he] can imagine.''

To the extent that some of the service chiefs expressed concern about the repeal of don't ask, don't tell, their concerns focused on the timing of the repeal and adequacy of time to prepare for implementation, rather than on repeal itself. Secretary Gates testified that he ''would not make his certification until [he] was satisfied, with the advice of the service chiefs, that we had in fact mitigated, if not eliminated to the extent possible, risks to combat readiness, to unit cohesion and effectiveness.'' All of the service chiefs testified that they were comfortable with the ability to provide military advice to Secretary Gates and have that advice heard.

The only method of repeal that places the timing of the repeal and the control of implementation in the hands of the military and the Department of Defense is the provision contained in this bill. By contrast, if don't ask, don't tell is repealed by a court decision, the service chiefs will have no influence over the timing of repeal or the implementation of the repeal.

Despite differing views over this and other provisions where there are differences of opinion, we should not deny the Senate the opportunity to take up this bill, which is so essential for the men and women in the military, because we disagree with some provisions of the bill. These are legitimate issues for debate, and I believe the Senate should debate this. But the only way we can debate and vote on these issues is if the Senate proceeds to the bill. The disputed provisions can be addressed through the amendment process.

Madam President, as you well know, this is a crucial matter for resolution. Our Presiding Officer has played an instrumental role in getting the don't ask, don't tell issue before this body and before the country. I commend her for that. We need to resolve it. The only way to resolve it is to get to the bill.

We currently have 50,000 U.S. soldiers, sailors, airmen, and marines on the ground in Iraq and roughly twice that many in Afghanistan. While there are some issues on which we may disagree, we all know that we must provide our troops with the support they need as long as they remain in harm's way. Senate action on the National Defense Authorization Act for fiscal year 2011 will improve the quality of life of our men and women in uniform. It will give them the tools they need to remain the most effective fighting force in the world. Most important of all, it will send an important message that we, as a nation, stand behind them and appreciate their service.

This bill runs some 850 pages. The House bill—the counterpart bill—runs more than a thousand pages. Even if we get 60 votes today to invoke cloture on the motion to proceed to this bill, and even if we are able to consider amendments and pass this bill in a few days, it will be possibly an insurmountable challenge to work out all of the differences with the House. Over the last 10 years, it has taken an average of 75 days to conference the Defense authorization bill with the House after we pass it. If we don't proceed on this bill this week, then invoking cloture sometime next week—even if we can do it—would be a symbolic victory. I don't believe there would be enough time to hammer out a final bill before the end of the session.

I don't believe in symbolic victories. This bill is a victory for the people in uniform. It is essential for the people in uniform. We should not act symbolically in their name and for their sake; we should act in reality. But the only way this will be real, and that the repeal of don't ask, don't tell—assuming we continue to keep it in the bill—will be real is if we proceed to this bill this week. We cannot and should not delay this vote any longer.

I yield the floor and ask unanimous consent that the time on the quorum that I will call for be equally divided between both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCHUMER. Madam President, I rise to speak on a bill that the Chair has spearheaded the charge for—and done it with such hard work and determination and commitment and vigor—and that is the bill to provide health care for our 9/11 heroes, those men and women who at a time of war rushed to danger to save lives and protect our freedom.

We have met with these brave men and women repeatedly. Some of them are suffering already with cancers they acquired for their acts of bravery. Others know it is an almost certainty that they will come down with similar diseases and illnesses that are extremely costly to fight.

Madam President, we have had a grand tradition in America: Those who risk their lives to protect us and volunteer to do it under no compunction, we remember them when they get hurt in that brave endeavors. We do it for our veterans and we should be doing it for our 9/11 heroes—the first responders, the police, the firefighters, the EMT workers, the construction workers, and the ordinary citizens who rushed into danger at a time when no one knew how many people might be living and entrapped in those collapsed towers.

I plead with my colleagues on the other side of the aisle, this should not be a moment of politics. One can come up with reason after reason why not to vote for this bill, and we have heard many and the reasons keep changing. But one fact doesn't change: There are those who need help and who deserve our help—from New York, New Jersey, Connecticut, and from every other State of the Union. To them, a parliamentary decision that we can't vote on this because there is another bill we want to vote on first, because we would change this or that, is going to ring very hollow.

This should not be a partisan issue. This should be an issue where America unites. When it comes to helping our veterans, we are united. That is not a Democratic or Republican issue. That

is not a northeast or southwest issue. It is an issue of being an American. This vote is about being an American because from the days at Bunker Hill, when the patriots put down their plows and took up muskets to defend and create our freedom, we have always tried to take care of them, and we have done it better and better for our veterans. The heroes of 9/11 are no different.

So I beg, I plead, I implore two brave colleagues from the other side to join us. Put aside the political considerations. Remember what these people did for us. You have seen them when they have visited your offices, the suffering, all for an act of voluntary heroism. They are not asking for welfare. They are not asking for a huge handout. They are simply asking that they be able to meet the high health care costs that occur when you develop cancers and other illnesses because particles of glass and cement and other materials get lodged in your lungs or your gastrointestinal tract.

So this is our last call. It is a plea. We will keep at this, but today is the day to step to the plate. I urge my colleagues to please support those brave men and women who were there for us—for America. Do not come up with an excuse as to why you cannot do it. We have marched and marched and marched, and this is the finish line. Help us get over it, please.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I rise to speak on the two pending votes before the Senate. First, I wish to follow my distinguished colleague from New York, whose comments I want to echo regarding the Presiding Officer, who has made this one of her passions. She picked it up when I first introduced the James Zadroga Act and then took it up when she came to the Senate and has done a magnificent job and brought us to this moment.

Jim Zadroga was a New Jerseyan who spent 450 hours at the World Trade Center site—a New York City police officer who simply had a paper mask on as his only protection. He and so many others who answered on that fateful day did not question their personal security, did not give it a second thought. They did not think about their health, did not think about the potential consequences that would flow from the exposure to which they were subjecting themselves. They thought only about responding, saving lives, and meeting the Nation's need—the Nation's need, not New York's need. For Jim Zadroga and so many others, the consequence of that selflessness has been enormous. In many cases, they have died. In other cases, they have serious life-threatening illnesses. In other cases, they have real disabilities as a result of those illnesses.

I remember on that day, after the attacks on September 11, how we came together on the Capitol steps and we declared our commitment of love of country and a commitment to those who died on that fateful day, to their families, and to those who responded. I remember the incredible words—glowing, soaring—that were spoken about the bravery of those men and women who responded from all over the country.

Those who are the victims of the exposure they received on the ground on September 11 come from every State in the Union. This is not simply a New York issue or a New Jersey issue, where so many of our first responders came from. These are individuals who came from across the country, who came together as Americans to respond on that fateful day. This requires each and every one of us in the Senate to respond to all of those Americans from every State who ultimately find themselves, through their selflessness, exposed to life-threatening illnesses. A grateful nation not only joins together in commemoration on September 11 of each year but a grateful nation shows its gratitude to those who answered the call without concern for their well-being by how we take care of their health care, how we take care of their disabilities, and how we take care of the families of those who ultimately lost their lives in service to the country.

This is no different than the men and women who wear the uniform of the United States and go abroad to defend the Nation. These men and women wore uniforms too. Some of them wore the uniform of a police officer, some of them wore the uniform of a firefighter, some wore the uniform of emergency management personnel. Some of them, ultimately, were first-aid squads. But all of them on those fateful days wore a uniform that served the Nation. How can the Nation forget them now? That is what this vote is all about.

I cannot accept as a moral equivalent that some oath not to vote on those who serve the country, risk their lives, cannot take place because of some vote on some tax issue. No one in the Nation would believe that it is OK to say: I will not vote to give relief to the health of those individuals who sacrificed their health on September 11 and the days after because I have to wait for some pending tax vote.

Go back to the men and women who serve this country and look at them in their eyes and tell them it is some vote that we are waiting for on taxes that determines whether their health needs will be responded to. Shameless. I can't wait to see, when one of us stands for one of those pictures on the commemoration of September 11, the comments about how heroic those individuals were but cannot cast a simple vote.

THE DREAM ACT

Finally, I want to move to the question of the DREAM Act. On the DREAM Act, the House of Representatives took a critical step yesterday in making a reality of the dreams and hopes and aspirations of young people who know nothing but this country as their country. They made no choices in their lives to come to the United States. Those choices were made by their parents. All they know is that they stand every day as young students and pledge allegiance to the flag of the United States of America. All they know is the national anthem of the United States. All they know is they worked hard and became salutatorians, valedictorians, and done everything we expect of any one of us, particularly of our children, to try to excel and exceed. Overwhelmingly, they have excelled and exceeded. Yet their dream of being able to continue to exceed and excel on behalf of the Nation is blunted by the fact that they have an undocumented status in this country through no fault of their own.

The DREAM Act says if you are willing to wear the uniform and serve in the Armed Forces of the United States, and you serve honorably for 2 years, we will give you a pathway toward permanent residency. If you go to college—assuming that you ultimately qualify, that you are accepted, and that you do well—we will give you a pathway to permanent residency. We will adjust your status and permit that dream to take place.

This is not amnesty. Amnesty—which I have heard some of my colleagues use, and they will use it on anything that is immigration related. Right away they roll out the word ''amnesty.'' Amnesty is when you get something for nothing; when you did something wrong and you have to pay no consequence. In this case I believe wearing the uniform of the U.S. Armed Forces, risking your life for your country, maybe losing that life before you achieve your goal and your dream, is not amnesty. I believe working hard and being educated so you can help fuel the Nation's prosperity and meet its economic challenge, that is not amnesty. That is paying your dues on behalf of the country. For if you do all of that, you still have to wait a decade before your status can be adjusted to permanent residency. So you have to be an exemplary citizen, you have to do everything that is right, everything we cherish in America. That is what the DREAM Act is all about and that is why the Secretary of Defense has come out in strong support of the DREAM Act. That is why Colin Powell came out in support of the DREAM Act. That is why the Under Secretary, Personnel and Readiness at the Department of Defense during the Bush administration, David Chu, came out and said this is, in essence, the very effort we would like to see.

> [For] many of these young people . . . the DREAM Act would provide the opportunity of serving the United States in uniform.

Moreover, university presidents, respected education associations, leading Fortune 500 businesses, such as Microsoft, also support this legislation. Mike Huckabee explained the economic sense of allowing undocumented children to earn their way.

Let's not stop young men and women who know only this country as their country, who made no choices on their own. Let's be family-friendly. Let's observe the values. Let's pass the DREAM Act today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Madam President, I ask to be notified after 4 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, the military has a very fine program now that allows people legally and illegally in the United States to join the military and put themselves on a pathway to citizenship. The fact is, in this bill, as it is going to work out in reality, 95 percent, probably 98 percent of the people who take advantage of this amnesty that puts them on a guaranteed path to citizenship will do so by claiming they have a high school degree. They can be up to 30 years of age. They claim they have a high school degree and then do 2 years of community college or even correspondence college work. That is where this huge loophole is and that is why we will have 1 to 2 million people who are going to seek protection under this act.

What is this about? The American people understand it. They have tried to tell this Congress, but the Congress and the political leadership refuse to listen. What they are saying is do not continue to reward illegality. Do not continue to provide benefits for people who violated our law, please. The first thing you do is don't reward it. The second thing you want to do is to end the mass illegality that is occurring in our country—600,000 people were arrested last year trying to enter our country illegally at the border—600,000. This is a huge problem.

This administration sued Arizona when it tried to do something about it. They have ended workplace raids that would have identified people who were working illegally and provide Americans an opportunity to have a job. This bill will cost $5 billion according to the CBO. It is not going to pay for itself, and it allows people with two misdemeanors—if you only have two misdemeanors you can apply. Many people, if you know much about the law enforcement system in the country, plead to lesser offenses when they really are guilty of more serious offenses. A lot of these misdemeanors are very serious offenses themselves. They will be given the advantage of this act.

It is not set up for military, it is not set up for valedictorians and salutatorians, it is not set up for people going to Harvard. It is set up for people who have come into the country, can be brought in illegally as a teenager, they go to high school—they have to be accepted. They get a GED or get a high school degree, and they apply and have a safe harbor in our country indefinitely.

I introduced yesterday a chart showing a Google page with a whole long list of places you can order false high school diplomas, false transcripts, false GED certificates. There are no people funded to investigate any of this. People are going to walk in and say: I am 30 years old and I came at age 16. I'm in.

Who is going to go out and investigate that? Nobody is. There is no funding to do it, and there is no plan to do it. It is a major loophole.

But, fundamentally, I would say this Nation will be prepared, as a nation, to wrestle with and try to do the right thing about people who have been here a long time and who came here as a young person. But let me tell you, not until this country brings the lawlessness to an end, that is what the American people have told us unequivocally. They shut down our switchboards with so many phone calls not too long ago when we tried to pass amnesty here. We do not need to do this. Why don't we do the responsible thing?

Finally, let me say this illegality can be ended. It is within our grasp if we have leadership from the top and leadership in the Congress and leadership from the President.

The ACTING PRESIDENT pro tempore. The Senator has consumed his 4 minutes.

Mr. SESSIONS. I thank the Chair. I say we have not had that leadership. What happens 3 years from now when we have another group that has come illegally at age 15 or 16 because they have seen what happens to the ones who came before? Are we then going to say they don't get amnesty? No. We will have lost the moral high ground, the right, responsible effort to have a lawful system in America. We are surrendering to it if we vote for this bill.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. I ask unanimous consent to be allowed to engage in a colloquy with my colleagues.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BARRASSO. As Members of this body know, for the past 9 months I have come to the floor every week to offer a doctor's second opinion on the new health care law. I do this as someone who has practiced medicine, taken care of families around the State of Wyoming for a quarter of a century.

Each week I repeatedly criticize another one of the unintended consequences of this health care law, a law that I think is bad for patients, bad for providers—the nurses and the doctors who take care of those patients—and bad for the taxpayers.

Americans heard how this law breaks most of the President's promises about health care reform. That is why, on election day, Americans across our country spoke out. They called on Washington to work to repeal and replace this law. The Republicans have answered. We realize we cannot just object to the law, we must do our best to repeal and replace it. That is why I am delighted this morning to be joined on the floor by Senator WICKER from Mississippi. He is joining me to talk about his new bill that he is introducing today that will allow State officials to challenge Federal regulations before these regulations actually go into effect. This will allow States to fight back against outrageous health care regulations that continue to be written.

With that, I would like to ask my colleague if he would please share with the body and with the country the remarkable bill that he is introducing today.

Mr. WICKER. I thank my colleague from Wyoming, Senator BARRASSO, a practicing physician in his own right. I thank my friend for repeatedly coming to the floor and simply bringing the facts to the attention of our membership and to the American people.

This was an unpopular piece of legislation when we were considering it. We wasted most of a year when we should have been talking about job creation and the economy, talking about the overhaul of our entire health care system with the ObamaCare proposal. It was unpopular when it was enacted. It was unpopular when it was signed into law. We saw that in election after election, the two elections in New Jersey and Virginia. We saw it in spades in the Massachusetts election where it was the central issue. But this Congress persisted against the will of the American people.

Because of the facts as presented by Dr. BARRASSO and also the facts that are coming to light as the people are finding out in their own lives with their own insurance policies, this law is even more unpopular and more unsatisfactory than it was at the very beginning, and it should be repealed lock, stock, and barrel. It should be defunded and it should be replaced by something market driven and something workable.

In an additional attempt to address this very wrongheaded piece of legislation, a few moments ago I introduced the Tenth Amendment Regulatory Reform Act. To remind my colleagues, the tenth amendment to the Constitution explicitly states:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

This amendment, this part of the Bill of Rights, expressly limits the powers of the Federal Government for important reasons.

When we look back to the early days of the United States, it is clear that the Founding Fathers believed in a limited Federal Government, having just defeated a monarchy with near absolute power. Our Founders sought a different way of governing, one based on controlled size and scope.

Our Founding Fathers repeatedly stated their opposition to a Federal

Government with expansive powers. In Federalist No. 45, James Madison wrote:

The powers delegated by the proposed Constitution to the Federal Government are few and defined.

When have we heard that last?

He goes on to say:

Those which are to remain in State government are numerous and indefinite.

This may come as a surprise to people who have viewed the Congress of the United States in the past few years. Madison wrote, ''few and defined.'' Dispute this fact, congressional limits on the Federal Government are rarely enforced today. I hope to change this through my legislation.

Federal agencies routinely usurp the rights of States by promulgating regulations that are contrary to the spirit and the letter of the 10th amendment to the Constitution. The Code of Federal Regulations now totals an expansive 163,333 pages. While some of the rules contained in it are necessary, many of them simply are not—adding burdens, headaches, and costs for millions of Americans and forcing unnecessary Federal spending at a time when the United States borrows 40 cents for each dollar we spend. These rules and regulations also take power from States and they take power from individual Americans. This bill would allow States to challenge unconstitutional mandates before these mandates take effect.

Much of the new health care law gives unelected bureaucrats the power to write rules and regulations required to implement ObamaCare. Overall, the new health care law creates 159 bureaucracies, according to a study by the Joint Economic Council. Countless Federal regulations will have to be written to implement the law.

A requirement for Americans to purchase government-approved health insurance—a central piece of ObamaCare—explicitly oversteps the 10th amendment. Under no other circumstances do we force individuals to pay for something they may not want or cannot afford, simply because they are Americans, which is what this law attempts to do.

Many rules and regulations will be required to implement this provision. According to one analysis, the Internal Revenue Service will need to hire 16,000 new IRS employees to enforce this individual mandate. Each of those bureaucrats will be governed by agency rules created in the coming months and years, and we read in the paper today that it may even be decades before all of these rules will be created.

Once these regulations are written, it will again require costly and time-consuming court proceedings to overturn them. Instead of forcing the American people to wait for a remedy, we should have agencies address these problems at the outset. This bill would go a long way toward doing that. It would provide special standing for designated State government officials to dispute regulations issued by administration agencies attempting to implement new Federal laws or Presidential Executive orders. Under the legislation, any rule proposed by a Federal agency would be subject to constitutional challenges if certain State officials determine the rule infringes on powers reserved to the States under the 10th amendment.

States are already challenging the massive Federal takeover in court because of the mandates on both States and individuals. I am proud to say that 43 of the 50 States have either joined lawsuits or taken other official action to stop its unconstitutional provisions. This bill would give State officials another tool at their disposal to challenge the unconstitutional overreach of the Federal Government.

I urge my colleagues to join me in this legislation. It is late in this Congress, but there is another one looming with reinforcements coming from the people.

I appreciate my colleague allowing me to join him today in this discussion of a doctor's second opinion.

Mr. BARRASSO. Well, I am very impressed by what the Senator have come up with. This leadership position takes that next step forward to protect our rights that he and I believe are in the Constitution and apply to the people of our States and apply to the people of this country.

One would hope everyone would join in, and I ask unanimous consent to be added as an original cosponsor of this legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BARRASSO. The Senator mentioned the unelected bureaucrats in our comments. There was a story today in the New York Times. I would like to ask a couple of questions of the Senator from that story because I think it gets to the point he is making. This was by Eric Lichtblau and Robert Pear.

Madam President, I ask unanimous consent to have printed in the RECORD this story from today's New York Times.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 8, 2010]

WASHINGTON RULE MAKERS OUT OF THE SHADOWS

(By Eric Lichtblau and Robert Pear)

WASHINGTON.—Federal rule makers, long the neglected stepchildren of Washington bureaucrats, suddenly find themselves at the center of power as they scramble to work out details of hundreds of sweeping financial and health care regulations that will ultimately affect most Americans.

In Bethesda, Md., more than 200 health regulators working on complicated insurance rules have taken over three floors of a suburban office building, paying almost double the market rate for the space in their rush to get started.

Executives from the U.S. Chamber of Commerce have been meeting almost daily with financial rule makers to air concerns about regulations they say threaten to curtail commerce.

And at the White House, senior officials receive several status reports a week on a process that all sides agree has vast implications for the country as a whole and for the Obama administration's political fortunes.

The boom in rule-making—the bureaucratic term for the nitty-gritty of drafting regulations—is a result of the mega-bills approved by Congress this year at the urging of President Obama: the health care bill signed into law in March, and the financial overhaul law signed in July.

''There has never been a period like what we are going through now, in terms of the sheer volume and complexity of rule-making,'' said Paul Dennett, senior vice president of the American Benefits Council, a trade group for large employers.

And what was already shaping up as a rancorous lobbying battle over the rules is likely to become more contentious when Republicans take control of the House, having been swept to power on a pledge to influence health care and financial regulation.

At the very least, Republicans will be able to hold public hearings to spotlight financial regulations they see as too restrictive and health care rules they see as too disruptive, and they could pressure regulators to soften them.

The debate over federal spending has already slowed the development of financial rules, as hundreds of new rule-making positions have gone unfilled because of a lack of new financing.

Congress provided a road map for measures aimed broadly at getting more Americans covered by health insurance and providing more federal safeguards against risky financial practices. But the laws were so broad and complex that executive-branch regulators have wide leeway in determining what the rules should say and how they should be carried out.

In all, the bills call for drafting more than 300 separate rules on a rolling schedule by about 2014, plus dozens of other studies and periodic reports. That may be only the beginning. A recent report from the Congressional Research Service said the publication of rules under the health care law could stretch out for decades to come.

Regulators at various agencies are trying to answer questions like these:

How much should a credit-card company be able to charge a shopkeeper for administrative fees when you swipe your card for a purchase?

Which types of financial companies are so ''systemically important'' to the overall economy that they should be subject to greater federal oversight?

What services must be covered by all insurers as part of the ''essential health benefits'' package? And at what point would an increase in an insurer's premiums be considered so ''unreasonable'' that state and federal regulators could step in?

These and many other questions are now in the hands of government lawyers, doctors, bankers, accountants, actuaries and other regulatory specialists. With the rules spread across agencies, no one is certain how many employees are working on them, but the number is certainly in the hundreds or higher.

At the Federal Reserve, for instance, most of more than 50 lawyers in the legal division are now spending significant parts of their days on rule-making issues, like the question of how to carry out and enforce the so-called Volcker Rule, named for Paul A. Volcker, the former Fed chairman, restricting banks from making certain types of speculative investments.

No longer are these considered arcane questions that draw scrutiny only from the few Washingtonians who read the ''notices of

proposed rule-making'' in the Federal Register.

These days, the rule makers are attracting attention from Congressional officials, industry advocates and lobbyists, with dozens of executives from firms like Goldman Sachs, Mastercard, JPMorgan Chase and Credit Suisse meeting with federal regulators recently to give input on specific rules and try to influence the outcome, according to public online postings by federal regulators on many of the meetings.

''I wake up in the morning thinking about this stuff, and I go to sleep at night thinking about it,'' said Tom Quaadman, a senior Chamber of Commerce executive who is leading a group of 10 staff members seeking to shape the financial rules.

The discussions are in the early stages.

But though all sides talk of finding consensus, conflicts have emerged.

The Chamber of Commerce and the Business Roundtable, made up of leading chief executives, are suing the Securities and Exchange Commission, arguing that a rule giving proxy access on corporate boards to small shareholders did not get a proper review and would undermine companies.

When these issues still rested with Congress this year, the chamber spent millions on glitzy advertisements opposing the health care and financial regulation. The chamber does not plan anything so showy as the debate shifts to the regulatory agencies, but is bracing for a long fight filled with low-key meetings and court filings.

''It's a substantial amount of resources we've brought to bear on this,'' Mr. Quaadman said. ''We've always seen this as being a marathon. This is a process that's going to take years, and this is the start of the race.''

The Consumer Financial Protection Bureau, created by Congress as part of the financial overhaul, has been the target of particularly intense lobbying, with industry representatives and consumer advocates trying to shape the agency's structure and mission.

Questions about the agency's allegiances have already arisen, however, after it was disclosed that Elizabeth Warren, the White House aide chosen to start up the agency, had worked as a consultant on a lawsuit involving major banks and credit-card companies and that one of her senior aides had worked previously at a mortgage company with a spotty record.

So far, health care regulators have a head start on their financial counterparts. They not only started the process four months earlier when the health care bill passed Congress, but they also have the advantage of already securing start-up funds for rule-making personnel and office space.

In Bethesda, health care officials are leasing more than 70,000 square feet of space on three floors of an office building for about 230 employees to work on rule-making and other duties. The government agreed to pay $51.41 per usable square foot of space, compared with an average of $27 in Bethesda, because it wanted to get the operation running in July, officials said.

In contrast, financial regulators have been unable to get new financing for hundreds of additional rule makers because Congress has not yet passed a budget, and they are largely making do by reassigning existing staff members. Officials at agencies like the Commodity Futures Trading Commission, which is responsible for drafting more than 60 rules, are warning that there is an urgent need for the money.

Annette L. Nazareth, a former S.E.C. official who now represents financial clients before rule makers as a lawyer for the firm of Davis Polk, said short staffing and ''wildly unrealistic'' deadlines set by Congress threatened the entire process.

''These regulators are overwhelmed, and this stuff is being churned out on issues that are enormously complex,'' Ms. Nazareth said. ''It's very bad for the markets to do it this way, and it's bound to have an impact on how things come out.''

Mr. BARRASSO. It talks about Federal rulemakers. That is whom I believe we are talking about, these unelected bureaucrats.

Federal rule makers, long the neglected stepchildren of Washington bureaucrats, suddenly find themselves at the center of power—

The bureaucrats—

as they scramble to work out details of hundreds of sweeping financial and health care regulations that will ultimately affect most Americans.

We are talking about not just the health care law but also the financial regulations.

The one part I want to ask the Senator about says:

But the laws were so broad and complex that executive-branch regulators will have wide leeway in determining what the rules should say and how they should be carried out.

Well, isn't that why we need this piece of legislation—to let the States get in there before some of these rules and regulations are put onto the people of Mississippi, the people of Wyoming, the people all across the country?

Mr. WICKER. Well, the Senator is absolutely correct. And this coming from the New York Times in particular, this article is an astounding bit of information for the American people, and they need to know about it. I think the American people have the quaint idea that their elected officials, both in the executive branch and in the legislative branch, should be the center of power. I did not come to Washington to be powerful. But at least I have to stand before my constituents every so often and get their approval. What this article says is that the bureaucrats are now at the center of power because of this ObamaCare legislation and the financial services legislation.

We have enacted, over my vote and over the vote of the Senator from Wyoming, a 2,700-page health care overhaul. Yet we are told the main thing it does is empower bureaucrats and make them the decisionmakers. Certainly, if this is the result of this unfortunate piece of legislation, a Governor or a speaker of the house of representatives at the State level ought to be able to quickly and expeditiously go to Federal court and say: Wait a minute, this violates the 10th amendment. All we are saying is that they need a path to go quickly to the Federal courts and challenge this.

I am sure the Senator noticed this—this is just one example. In neighboring Bethesda, MD, this new ObamaCare law has resulted in 200 health regulators rushing to a new facility there and paying twice the fair market value. This is Uncle Sugar coming in. They can pay as much money as they want. So they pay twice the fair market value in rent, and they have taken over three floors of a suburban office building to begin getting started on actually writing the rules that will apply this Federal mandate to the people. It is amazing.

You know, actually, I will say this to my friend: When we talk about defunding the Federal Government, I would like for our Appropriations Committees, our investigative committees, both House and Senate, to look at how they got the right to pay twice the fair market value.

Mr. BARRASSO. Well, it is astonishing. I know the people of Wyoming as well as the people of Mississippi always oppose Washington's wasteful spending, but when I read that the health care officials are leasing more than 70,000 square feet of space on three floors of this office building in Bethesda for 230 employees, rushing to rulemaking, and see that the government—Washington—agreed to pay over $51 per usable square foot, compared with the average of less than $30 a square foot in Bethesda—why? Because it wanted to get the operation running in July. They were rushing to get to this.

But it says that this may only be the beginning. This may only be the beginning. A recent report—not by my colleague from Mississippi and not by me but by the Congressional Research Service—says that the publication of rules under the health care law could stretch out for decades to come.

That is why I am going to cosponsor this legislation. I have great concern about States rights and individual rights being trampled on by a Washington government that is out of control in terms of spending, and it is doing it in spite of the cries of the American people.

So I congratulate and compliment my colleague from Mississippi for bringing this piece of legislation to the Senate today and thank him for joining me on the floor as part of a doctor's second opinion because you don't have to be a doctor to know that this health care law is not good for patients, it is not good for providers, it is not good for taxpayers. As more and more people see the rules and the regulations come, they will once again see the broken promises by this President, who said: If you like your health care program, you get to keep it, and then they turn 2 pages in the rules and regulations into 121 pages which said, for many people in this country, they are not going to be able to keep what they have, they are not going to be able to keep what has been promised them, and it is because the rules and the regulations are so complicated. And the rulemaking continues.

Mr. WICKER. If I might add, this is really a new chapter in the history of the American Federal Government. According to the senior vice president of the American Benefits Council:

There has never been a period like what we are going through now, in terms of the sheer volume and complexity of rule-making.

My friend, this is unprecedented in American history. The scope, the cost, the magnitude of this legislation is unprecedented, according to the American Benefits Council. And the point of my bill is that that does violence to the Bill of Rights, it does violence to the intent of the Founding Fathers that the Federal Government be limited in its power and scope and that we leave most of the rights we are endowed with by our creators to the people and to the States themselves. So it is a great privilege to join my colleague today in making this point.

Mr. BARRASSO. With that, I thank and congratulate my colleague for his vision and his foresight and his leadership because this is, I believe, how the Founding Fathers would have seen it. I believe those who wrote the Constitution would be on board with this piece of legislation to say, as the 10th amendment does say, ''The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.''

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BINGAMAN.) The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Mr. President, I ask unanimous consent to speak for up to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Mr. President, I come to the floor to strongly urge my colleagues, Democrats and Republicans, to oppose cloture on the so-called DREAM Act. That will be one of our votes in a few minutes. All these votes are important. That is the most important.

The reasons we should oppose cloture are simple and basic. They all go to this past election. They all ask the question: Have we been listening at all to the American people? The American people have been speaking loudly and clearly on issues that pertain to the DREAM Act. I point to three in particular.

No. 1, the DREAM Act is a major amnesty provision. There are no two ways about it. It grants at least 2.1 million illegals amnesty. It puts them on a path toward citizenship, which will also allow them to have their family members put in legal status. That means when we count all those people, there are probably two to three times that initial 2.1 million people who will be granted some form of amnesty. When we are not securing our borders adequately, when we are not putting a system in place to enforce workplace security, that is absolutely wrong.

No. 2, we are in the middle of a serious recession. The American people are hurting. Things such as slots at public colleges and universities, things such as financial aid for those positions are very scarce and very sought after, more than ever before, because of the horrible state of the economy. These young illegals who would be granted amnesty would be put in direct competition with American citizens for those scarce resources. Are we listening to the American people about the struggles they are going through right now in this desperate economy? If we do that, the answer would clearly be no.

Third, what about spending and debt? The American people have been speaking to us loudly and clearly about that. Yet the DREAM Act would increase spending and deficit and debt. Would we be listening to the American people about that, were we to pass the DREAM Act? Absolutely not. The DREAM Act has at least $5 billion of unpaid-for spending in it, by all reasonable estimates. If we grant amnesty to 2.1 million people and then down the road we double or triple that when counting family members, of course, there is cost to that in terms of Federal Government benefits and programs and spending. Reasonable estimates say that is at least $5 billion of cost, unpaid for, increasing spending, increasing deficit, increasing debt. If we did that by passing the DREAM Act, would we be listening to the American people? Absolutely not.

Let's come to the Senate Chamber and perform our first and most solemn duty, which is to listen to the American people, listen to the citizens of the States, and truly represent them in this important body. Let's listen to them when they say no amnesty. Let's listen to them when they say how difficult their lives are in this horrible economy. Let's listen to them when they say control spending and deficit and debt. Don't increase it yet again.

I propose we listen to them. I will listen to them and vote no on cloture on the DREAM Act.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, as I said this morning when the Senate came into session, the House passed, late last night, the DREAM Act. I have asked consent from my colleagues on the other side of the aisle to vitiate the cloture vote, and that was not granted this morning, which I think is unfortunate because it is a waste of the Senate's time because we need to act on a piece of legislation that is already passed, so that when we pass it, it would go directly to the President.

We have been told by my Republican colleagues that they are not willing to do any legislative business, which I think is untoward and unnecessary and unfair. But that is where they are. So that being the case, Mr. President, I would again renew my request that we vitiate the vote on cloture that is pending before the Senate at this stage.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. I object.

The PRESIDING OFFICER. Objection has been heard.

Mr. REID. Mr. President, hearing the objection, I move to table the motion to proceed to S. 3992, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 268 Leg.]

YEAS—59

Akaka	Franken	Nelson (NE)
Baucus	Gillibrand	Nelson (FL)
Bayh	Hagan	Reed
Begich	Harkin	Reid
Bennet	Inouye	Risch
Bingaman	Johnson	Rockefeller
Boxer	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Conrad	Levin	Udall (CO)
Coons	Lieberman	Udall (NM)
Corker	Lincoln	Vitter
Crapo	Manchin	Warner
Dodd	McCaskill	Webb
Dorgan	Mikulski	Whitehouse
Durbin	Murkowski	Wyden
Feinstein	Murray	

NAYS—40

Alexander	Enzi	McCain
Barrasso	Feingold	McConnell
Bennett	Graham	Menendez
Bond	Grassley	Merkley
Brown (MA)	Gregg	Pryor
Bunning	Hatch	Roberts
Burr	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Snowe
Cochran	Johanns	Thune
Collins	Kirk	Voinovich
Cornyn	Kyl	Wicker
DeMint	LeMieux	
Ensign	Lugar	

NOT VOTING—1

Brownback

The motion was agreed to.

The PRESIDING OFFICER. The motion to proceed having been tabled, the cloture motion is vitiated.

JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Pursuant to the provisions of Rule XXII, the

clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 641, H.R. 847, the James Zadroga 9/11 Health and Compensation Act of 2010:

Harry Reid, Kirsten E. Gillibrand, Charles E. Schumer, Robert P. Casey, Jr., Patty Murray, Al Franken, Jeff Bingaman, Benjamin L. Cardin, Joe Manchin III, Daniel K. Inouye, Michael F. Bennet, Jeanne Shaheen, Robert Menendez, Barbara Boxer, Frank R. Lautenberg, Christopher J. Dodd, Richard J. Durbin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 847, a bill to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 42, as follows:

[Rollcall Vote No. 269 Leg.]

YEAS—57

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Bayh	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kerry	Rockefeller
Brown (OH)	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Shaheen
Carper	Lautenberg	Specter
Casey	Leahy	Stabenow
Conrad	Levin	Tester
Coons	Lieberman	Udall (CO)
Dodd	Lincoln	Udall (NM)
Dorgan	Manchin	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NAYS—42

Alexander	DeMint	Lugar
Barrasso	Ensign	McCain
Bennett	Enzi	McConnell
Bond	Graham	Murkowski
Brown (MA)	Grassley	Reid
Bunning	Gregg	Risch
Burr	Hatch	Roberts
Chambliss	Hutchison	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Snowe
Collins	Johanns	Thune
Corker	Kirk	Vitter
Cornyn	Kyl	Voinovich
Crapo	LeMieux	Wicker

NOT VOTING—1

Brownback

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. REID. Madam President, I enter a motion to reconsider the vote by which cloture was not invoked on the motion to proceed to H.R. 847.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. Madam President, for the benefit of Senators, I have had a number of discussions with the Republican leader, and we hope we can very quickly lay down the tax bill.

Mr. MCCONNELL. Would my friend yield?

Mr. REID. Yes, I will yield.

Mr. MCCONNELL. It is my understanding that it is complete and ready and, actually, we could move to that very soon—within the next hour or so.

Mr. REID. Madam President, the chairman of the Armed Services Committee gave a speech on the Senate floor. I have such admiration and respect for Senator LEVIN. He does such a wonderful job protecting America in so many different ways, not only as chairman of that important Armed Services Committee but on the Permanent Subcommittee on Investigations and all the other things he does. But he gave a speech today saying that if we don't get on the Defense bill today, we will not get it done this year.

So in the next little bit I am going to make a decision whether I am going to reconsider the vote on that bill, and I want everyone to know that is what I am going to do. I have a longer presentation I have worked on to make that presentation, but before getting into a lot of detail on this, I just want to say I appreciate everyone's help on this—Senator LEVIN, Senator LIEBERMAN, Senator COLLINS,—those who have worked with me in trying to see some way to get this completed. But I will make that decision in the next little bit.

So having said that, we will have more information later as to what the rest of the week holds as far as votes. If we are able to lay down the tax bill early today—and, of course, I have had a number of requests. Some people want something in it; some people want something out of it. But that notwithstanding, one of the most important things we need to do, as I have been told, is we have to make sure people don't think they are jammed—a word I just picked up from Senator KYL—on this legislation. We have to make sure people have the opportunity to read it.

That being the case, I will confer with my friend, the Republican leader, to find out what that means.

But let's assume we brought this to the floor and immediately filed cloture on it. That would mean a Saturday cloture vote. We will see what we can do to make sure people believe they have had an opportunity to look at the legislation and to make a considered decision on what should be done with their vote on this very important piece of legislation. So as far as future votes—stay tuned.

I heard one of my colleagues say over here, we are in a normal situation in the Senate—a state of flux.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that we proceed to a period of morning business with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from Utah is to be recognized for 20 minutes or such time as he may consume.

FAREWELL TO THE SENATE

Mr. BENNETT. Madam President, there used to be a very strong tradition in the Senate that every new Senator gave a maiden speech, and in that tradition some Senators waited as long as a year before they gave the speech. Then, when the time came, the more senior Senators would gather and take notes and then critique the newcomer on how well he did.

Life has changed a good deal. I never gave a maiden speech. I plunged right into the debate when I got here. Now the tradition seems to be to give a farewell speech. So I am grateful to my colleagues who will gather for this occasion as I contemplate saying farewell to the Senate. But I will warn them, this is probably not my last speech. I intend to be heavily involved in the debate over whether we pass a continuing resolution or an omnibus bill.

I have a history with the Senate, and it began when I was a teenager as a summer intern. I remember sitting in the gallery and watching Bob Taft prowl across the back of the Senate, watching to make sure things were going according to his desire. He had been the majority leader. He had stepped down from that position because of the cancer he had contracted, but he was still paying attention to this body where he served with such distinction.

Lyndon Johnson was sprawled out with his lanky frame at the Democratic leader's desk, and I was watching from the gallery, thinking what an extraordinary place this was.

Ten years later, I came back as a staffer, and I served here. I was sitting in my cubicle in the Dirksen Building when word came that John F. Kennedy had been shot in Dallas. We didn't know whether he was dead. We all rushed over to the Senate, where there was a ticker tape back in the back lobby, to see what was happening. I rushed in with the others to see what was there and then looked to see whom I had jostled aside in order to get to see the ticker tape. It was Mike Mansfield. I quietly withdrew, realizing I had done something that was not appropriate on that occasion.

But I was here in Washington when Martin Luther King gave his ''I Have a Dream'' speech. I was here as a staffer when the historic civil rights bill of 1964 was passed and was involved in the drafting of that bill at a very low kind of level and the conflict that occurred on that occasion.

Then I came back into government as the head of the congressional relations function for a Cabinet-level department and worked with Senator Dirksen in trying to pursue the Nixon administration's goals forward and ran into a bright young Senator from Kansas with a sharp wit named Bob Dole and had the opportunity of working with Dirksen and Dole and the others in that situation.

Watergate came along. I was given the dubious honor of being called to testify by a young Senator from Tennessee named Howard Baker. He assigned me to his staffer, who grilled me for 3 hours under oath—a fellow by the name of Fred Thompson.

There are great kinds of memories there. I did not realize I would come back to the Senate myself, and as a political junky, what could be better? I was involved in the debate, I had access to all of the activity, and they even gave me a vote. It was a great time, a great opportunity, and I have enjoyed it immensely and say farewell to it with kind of mixed feelings.

What have I learned out of all of this, both that past history and my own history in the Senate? I will not bore you with all of the things I have learned, but I have picked out several I want to highlight here today.

The first thing I have learned is that this is, indeed, an extraordinary place filled with extraordinary people. And the caricature we get from the press and the movies and other places that this is filled with people who have self-serving agendas and very low standards of ethics is simply not true. The Senate is filled with people with the highest standard of ethics—we have a few clunkers, I will admit that, but overall the highest standard of ethics the American people could want.

If I may dip back into my history to give you this example of how much better the present Senate is than some of the older ones, I remember that when I was prowling the halls in the circumstances I have described, I ran into a friend who was distraught.

I said to him: What is the problem?

He said: I am taking a group of schoolchildren through the Capitol, and I sent a note in to a Senator to ask him if he would come out and speak to them. And he did, and he is drunk. I can't get him to stop and get the schoolchildren back to the tour, and I don't know what to do.

You don't see that kind of behavior in today's Senate.

You don't see the kind of casualness toward personal campaign contributions that existed. Why do you think, when they built the Dirksen Building, they put a safe in every Senator's office? It was to hold the cash that would be brought into the office and handed to the Senator. And that was a routine kind of circumstance.

One of the things I enjoyed about the renovation of the Dirksen Building was being able to say to the Architect of the Capitol: Take the safe out because we don't need it anymore. I notice now that I started a trend. If I leave no legacy other than this, it will be that the safes are all coming out of the Dirksen Office Building, and I was the first one to do that.

This is an extraordinary place filled with extraordinary people who take their jobs very seriously and deserve the kind of respect that too often they do not get. Everybody says, when they leave this place, they will miss the people. I certainly will. The friendships that have been made here, the lessons I have been taught, and the mentors I have had have all been a major part of it. I will not name names because once I get started in that, I will not be able to quit. But I do recognize the mentors I have had in the leaders, in my senior colleague, Senator HATCH—and I will tell a story about him—and the staff. These are also extraordinary people who go to extraordinary lengths to serve the country. We should acknowledge that and give them the credit they deserve.

Senator HATCH gave me this piece of advice. We were talking one night about an issue, and we were on opposite sides. That didn't happen very often. Senator HATCH and I don't confer in advance of a vote very often. We come to our own conclusions, but, both being conservative Republicans, we usually end up in the same place. On this occasion, we were different. ORRIN was giving me his full court press. You have all been exposed to ORRIN's full court press on an issue.

Finally, he said to me: BOB, apply the driving home test.

I said: All right, what is the driving home test?

He said: After this is all over and the lights go out and you go get in your car and you are driving home, thinking back on the day and the votes you cast, the driving home test is, how will you feel driving home if you cast that particular vote?

I said: ORRIN, that is some of the best advice I ever got.

I voted against him, and I felt great while I was driving home.

That is one of the first things I have learned. This is an extraordinary place filled with extraordinary people who are dedicated to the country, dedicated to doing the right thing, and who uphold the highest ethical standards.

The next thing I have learned is that there are two parties and that there is a difference between the two parties. There are those who say: Oh, there is not a dime's worth of difference between the Republicans and the Democrats; they are the same people who say we are all corrupt. There is a significant difference. The Democrats are the party of government. Going back to their roots with Franklin Roosevelt, they come to the conclusion that if there is a problem, government should solve that problem. The Republicans are the party of free markets, and they come to the conclusion that if there is a problem, it should be left to the markets to solve it. And they are both right. That is the thing I have come to understand here. There are some problems where government is the solution—but not always. There are some problems where free markets do provide the solution—but not always.

The tension between those two has run throughout the history of the Republic. You can go all the way back to Thomas Jefferson and Alexander Hamilton and the arguments they had as to what the proper role of government should be, whether it should be big government or little government, whether you should have this or that kind of power. It ran through the Constitutional Convention and arguments that occurred there.

It is appropriate that those who believe in government should have strong advocates on their side. Those who believe in free markets should have equally strong advocates on their side. And because I believe in free markets, I am a Republican, and I have been happy to be a Republican. I have been careful to stand up for those things I believe, and I have compiled a record that many of my friends on the Democratic side would consider fairly miserable in terms of wisdom on voting. But let us understand in the debate, as we go back and forth between these two concepts, that we do not question the motives or the patriotism of anyone on the other side—or within our own caucuses.

I remember an event where someone on the Republican side voted with the Democrats in a way that some on this side felt was betrayal, and there was a sense of, let's punish him, let's do this, that, and the other. Trent Lott taught me this lesson. He said: No, the most important vote is the next one. We are going to need his vote the next time. And if we punish him for this last vote, we won't get it.

Yes, there is a difference between the two parties. Yes, we disagree. But if we can disagree in an effort to solve the problems of the country and be willing on occasion to say maybe the other side is right, we will move forward.

Let me go back to the Civil Rights Act and that debate. Barry Goldwater was the Republican standard-bearer in the year that was passed. Barry Goldwater and many of his colleagues on the Republican side believed that the Civil Rights Act was an unwarranted intrusion on personal liberty, that you were entitled to pick your own associations. And the Democrats—some of them—believed the civil rights bill had to be passed to keep faith with the 14th amendment and government's role in securing liberty.

Everett Dirksen stood in the middle of that fight. The civil rights bill was

written in Dirksen's office. Lyndon Johnson gets historic credit for it, as he deserves, but within this body where the cloture vote determined whether it would pass, the key figure was Everett Dirksen.

My father, with me as his chief of staff, was caught in that pressure with the conservatives saying one thing, the liberals saying another, and dad trying to decide which way he would go. I remember a comment he made as he made his decision—and he made his decision to go with Dirksen, vote for the bill, vote for cloture. Being a businessman, he had thought it through. He believed in free markets as well as I do. But he made this comment which I have always held on to as an example of the way you deal with this challenge. He said: You know, I thought about it, and many of these companies that refuse to serve Black people are public companies with their stock available on the stock exchange. So what we are saying is, it is all right for the Black person to own the company but it is not all right for him to patronize it. That is unsustainable.

So on this occasion, he sided with the people who believed in government to solve the problem. He voted for the Civil Rights Act, and he got a challenger for his next nomination and the toughest primary he ever had within the party. He overcame that challenger, and he got his fourth term.

I made the decision to act in concert with George Bush and my leader, MITCH MCCONNELL, and the Democratic leader, HARRY REID, and the Republican standard-bearer, JOHN MCCAIN, to vote in favor of an act of government as opposed to free markets when I supported TARP. And I got a challenger as I sought a fourth term, and I was not as successful as my father, so my career was ended. My father never regretted his civil rights vote. I don't regret my TARP vote because it was the right thing to do.

For those who say: Oh, what a terrible thing it is that your career has ended, I go back again to the old Senate and a Senator named Norris Cotton, from New Hampshire. Norris Cotton was a Republican. He used to tell this story.

Three fellows were sitting on a bench in New Hampshire in their rocking chairs contemplating what would happen after they had died. The first one said: You know, after I die, I want to be buried next to George Washington, the Father of our country. I think it will be a great honor to be buried next to Washington.

The second one said: Well, that is fine, but I am more loyal to our State. I want to be buried next to Daniel Webster.

OK. They rocked for a while, and they turned to the third fellow and they said: What about you?

He said: I want to be buried next to Elizabeth Taylor.

They said: But, Joe, Elizabeth Taylor is not dead yet.

He said: Neither am I.

I appreciate the opportunity to give this farewell speech and your willingness to come listen to it. But I am not dead yet. The demographers are saying, within the next three or four decades, the number of Americans over the age of 100 will be in the millions. I intend to be one of that number. I have loved being in the Senate. I have loved the association. I have enjoyed hearing about the issues and being in the arena to try to solve them.

I do not intend to leave the arena of public debate and public affairs. I simply have changed venues. I am grateful to the Senate and to all my friends for all the things you have taught me. I view the Senate not as the end of my career but as the education and preparation for the next stage.

My father lived until he was 95, my mother 96. I only have to beat the demographic laws by a very small percentage to beat my goal. I appreciate the opportunity of being here and your courtesy in listening to me here today.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I am humbled to follow my great, good friend, the eloquent orator, the wonderful Senator from Utah, Mr. BOB BENNETT, a man who has been a giant in this Senate, not only terms of height but of intellect. We have followed his lead on many issues. I know the Senate will miss him.

THE ECONOMY

Mr. BOND. Madam President, I am going to take advantage of the attention Senator BENNETT brought to give some of my views on the economy and the compromise bill that we hope will be pending before the Senate. My apologies for lowering the grade of discourse by moving down to such a mundane but nevertheless important subject.

Madam President, it has been more than 2 years since the severe crisis beginning in the housing and mortgage markets nearly brought down the financial system, and with it the entire economy, in late 2008.

The American people are still struggling from the effects of this crisis. Unemployment continues to rise and is nearly a staggering 10 percent, millions of families continue to face home foreclosure, and many more are having difficulties finding financing to make large purchases or run businesses.

We face no more important task than stabilizing the economy. On November 2, Americans sent a clear message to Washington.

They have had enough of the runaway spending, the exploding debt, the bailouts, and the job-killing policies coming out of this Congress and administration. The recent election showed us that Americans will not settle for a Washington agenda that does not make economic recovery, fiscal restraint and job creation the top priority.

We need new jobs now. Plain and simple I cannot be any clearer about this point. As I have said repeatedly on this floor, government cannot create jobs, but it can create the conditions to allow the private sector to flourish through low taxes, commonsense regulations, and enhanced trade opportunities.

Unfortunately, for the past 2 years, Washington has moved in the opposite direction, seeking to raise taxes, increase regulation, and allow trade agreements to wither.

We now have an opportunity to move towards more commonsense approaches that will help in job creation. And we can start now, during this lameduck session.

We must address the looming tax hikes scheduled to hit every American on January 1.

The proposal the President outlined earlier this week is an important step., His efforts to stop the crippling tax hikes in January from hitting American families and small businesses show he has gotten the message.

I only hope he can convince Democrats in Congress what Republicans and the American people understand, raising taxes on the people and small businesses that create jobs is a really bad idea. The President's plan first and foremost ensures that our small businesses will not face the largest tax increase in American history.

Why is this important? Because our small businesses: Represent 99.7 percent of all employer firms, employ just over half of all private sector employees, pay 44 percent of total U.S. private payroll and, have generated 64 percent of net new jobs over the past 15 years.

As my colleagues know, most small businesses are taxed as individuals through their proprietorships, partnerships, or subchapter-S corporations. So if you raise taxes on those earning above $200,000 or $250,000, you are raising taxes on small business owners—the ones most able to create jobs.

The President's compromise also ensures the death tax will not come back to life at the sky-high rate of 55 percent. This is an important provision, because the death tax is anti-savings, anti-family, and anti-investment. It is quite simply unAmerican, and it should be eliminated entirely. The President's plan increases the estate exemption from $3.5 million to $5 million and maintain the 2009 rate of 35 percent is a step in the right direction. It will keep families production farms and businesses from having to sell the farm or business to pay estate tax. We need to pass this compromise before we leave town.

Extending tax cuts is one way we can help the private sector create jobs. That alone is not enough.

There is another area that Congress has direct control over, and that is spending. For the economy to recover and create jobs in the long term, Congress simply must control spending. Today, our debt totals more than $13.8

trillion, which breaks down to more than $44,000 for each citizen's share of that mind-boggling amount.

Likewise, our annual deficit, the amount we add to our children and grandchildren's credit cards, stands at roughly $1.34 trillion, but left unaddressed, could reach as high as $9 trillion over the next decade.

Both entitlement and discretionary spending must be cut. Runaway entitlement spending is stifling our prosperity and will continue to hold our economy back if not addressed promptly.

I am hopeful the next Congress will make this debate their top priority, enact necessary legislation to curtail our drastic runaway spending and raise revenue through a more fair and efficient tax regime.

I believe the debt commission has come up with a reasonable proposal. I may be so bold as to suggest that we establish a BRAC-type commission, a BRAC-type proposal, to deal with that Commission and say it can be accepted or rejected on a simple up-or-down vote by both Houses. That is one good step.

The other step that has to be taken is to reform entitlements. I am disappointed they did not deal with that. But the health care costs of Medicare and Medicaid plus Social Security are what is going to drive our spending through the roof.

Along with extending tax cuts and restraining spending, opening new markets to American businesses through free trade is another critical component to future economic and job growth.

Up until President Obama's recent push for trade in Korea, our pending free trade agreements have been held up to safeguard the interests of labor and extreme environmentalists. I congratulate the President for moving forward on this important job-creating agreement.

With the election behind us, I hope that the politicization of trade in Congress will be behind us as well.

The new Congress must renew its efforts to expand and open up new markets abroad, particularly in Asia where the most dynamic growth in this century will take place.

The Obama administration deserves credit for attempting to reinvigorate the U.S. focus on Asia and trade with this dynamic region.

Trips by the President and the Secretary of State to Asia have helped to elevate ties with longstanding friends and allies like Korea and Japan. They have also been working to forge deeper, stronger relationships with India, Indonesia, Malaysia, and Vietnam.

Reaching an agreement on the U.S.-Korea FTA signals that the United States can return to a leadership position on trade and create some much-needed jobs based on exports here at home.

We must play a leadership role in negotiating and pursuing new FTAs, like the Trans-Pacific Partnership and approving the long-awaited agreements with Colombia and Panama.

Even the Chairman of the President's own Export Council, Jim McNerney, CEO of Boeing, has warned that a failure to approve the free-trade agreements will leave the United States at a ''significant disadvantage'' to other nations that are working to lower barriers to their exports.

For example in Southeast Asia, where the United States exports as much as it does to China, China has negotiated a free trade agreement with all 10 ASEAN countries.

We are languishing while our competitors are moving forward with their own FTAs to give their exporters and their workers a competitive edge.

One such opportunity to increase jobs in the U.S. and secure our strategic interests in the paramount Asia-Pacific region, is the Trans-Pacific Partnership or TPP. The TPP would ensure the United States remains fully engaged in the Asia-Pacific region where strong economic growth will occur in the 21st century.

The partners involved in the TPP discussions now include, in addition to the United States: Australia, New Zealand, Chile, Peru, Malaysia, Vietnam, Singapore and Brunei, which represent the fastest growing regions in the world.

Another way in which we ought to view the TPP, and other free trade agreements, is as a way to cash in on the peace dividends created in the region from our efforts in World War II, the Korean war, and the Vietnam war.

The TPP will open Asian markets to United States exports in a way that we have never seen.

We are already the world's largest exporter. We can build on that and create millions of new jobs by aggressively competing in markets abroad and by rejecting isolationism at home.

In closing I will put these economic considerations in a larger context.

In the 24 years I have been in the U.S. Senate, I have traveled around the world and have seen the remarkable change that came with the fall of the Soviet Union.

With the fall of Socialism and Communism, countries around the world immediately began to look to the United States as ''the'' economic model.

Our free enterprise system has demonstrated that successful businesses can provide job opportunities for all our citizens. This is a classic case of the rising tide lifting all boats.

As the economy gets stronger, people up and down the economic scale benefit, and people in low-wage jobs have the opportunity, through hard work and/or education, to move on up the ladder.

These countries are not looking to Denmark or Sweden with their very high tax rates as a model.

They see the difference between a government-controlled economy and a free economy with appropriate government regulation.

The European Socialist model has demonstrated that it does not grow as quickly as the U.S. economy.

High levels of unemployment generate more social welfare and transfer payments. These transfer payments put pressure on the government to raise taxes even higher, and make more people dependent upon the largesse of the Federal Government.

Last year's ''stimulus'' program did a tremendous job of putting more people on the government payroll. It did not do much for creation of jobs in the private sector.

The private sector in the United States has historically been vibrant and it will create jobs despite increasing government taxation, deficits, and regulation.

But the number of jobs created necessarily will be far less than what the free market system could create if it were not inflicted with an increasing government role.

Using history as our guide, high taxes and excessive spending, such as the new health care bill, will likely lead to a slower recovery, continued high unemployment, and a lower standard of living for all Americans than would otherwise be possible.

There is a chance now for us to reverse course, stop tax hikes, put the brakes on spending, reform entitlement programs, and to pursue new trade opportunities that will create jobs. I believe that is what the American people expect us to do.

Real growth is only possible if we get our fiscal house in order.

If we care about jobs in this country and the future of the economy, Congress cannot continue to vote for thousand-page bills that are full of job-killing provisions.

And Congress cannot continue spending in such a way as to destroy the prosperity of future generations stuck paying the bill.

I am hopeful that the next Congress will make this debate their top priority and enact necessary legislation to curtail drastically our runaway spending and to raise revenue through a more fair and efficient tax regime.

Madam President, I wish to include for the RECORD my discussion of the role housing played in the bubble we had, the crash, and the recession we have gone through. I have spent all my time in the Senate either looking at housing on the Banking Committee or as a member and then chairman or ranking member of the appropriations subcommittee that funds housing. Most of my friends are not interested in hearing a full description of the

housing crisis and what needs to be done. I will give them the opportunity to read it at their leisure.

Promoting what we think is the American dream by giving people no-downpayment homes, homes which they don't have the financial ability to afford, is not the American dream. It leads to the American nightmare. The American nightmare, unfortunately, for too many families, has resulted in home foreclosures, and communities with large numbers of foreclosed houses that are deteriorating thanks to the genius of Wall Street which, through its wonderful, innovative efforts, created high-tech computer game derivatives on which they made profits by selling around the world, which crashed and brought not only our economy but the world economy down. We have to stop that trend. We need a responsible housing policy to rein in Fannie and Freddie, keep them from buying up housing mortgages which are not subject to underwriting standards which could cause problems in the future. These items are all laid out in the statement I include.

If anybody reads them, I would be happy to answer any questions they have.

I ask unanimous consent to have the statement printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

As I prepare to leave the Senate after 24 years, I have had the opportunity to reflect upon some of my most rewarding work in various issue areas.

If my colleagues will indulge me for a few minutes, I have some thoughts to share about America's housing and community development policy.

This is not typically an area that gets a lot of attention, though certainly it has gotten some negative attention because of the recent housing market meltdown.

But good housing is fundamental. It is fundamental to each of us as people. And it is the foundation of any community.

To a community, good housing means economic development and jobs. It means kids are safer, healthier and happier.

To an individual, a home means safety and security, a starting point from which to do everything else in life.

And good housing goes hand-in-hand with community and economic development. One cannot sustain a community very long if there are no jobs. And there won't be jobs if companies don't locate in a particular area, and so forth.

Early in my Senate career, I joined the Housing Subcommittee of the Senate Banking Committee. A few years later, during the 102nd Congress, I became a Member of the VA–HUD–Independent Agencies Appropriations Subcommittee.

Since that time I have been either Chairman or Ranking Member of the Housing Appropriations Subcommittee.

And I have had the good fortune of having as partners in my work the Senator from Maryland, Barbara Mikulski and the Senator from Washington, Patty Murray. I cannot say enough good things about each of these fine colleagues and the work they do.

While bipartisanship has become something of an anachronism in today's Washington, that is not the case on this Subcommittee. These Senators have always been willing to work on a bipartisan basis to get things done for the American people, and I deeply appreciate each of them.

So I have had the opportunity to be involved in housing issues both from a policy and from a funding perspective.

As I have worked on these issues through the years, I have discovered that housing and economic development are the glue that holds our communities together, even though urban and rural areas often face difference issues and concerns. Both are important and I have worked to promote their unique needs.

If we provide the right incentives and investments for growth and opportunity, then families and individuals will prosper and grow, with a tax base that will allow the needed investment for infrastructure, schools, hospitals, libraries and all the necessary amenities that make our Nation great.

As we are all painfully aware, we are at a crossroads when it comes to housing policy in this country. We have seen the devastating after-effects of a housing ''bubble,'' and how the housing market meltdown nearly precipitated a worldwide economic depression.

In part, this crisis was preceded by unrealistic expectations in housing.

Homeownership is perceived by many as key to achieving the ''American Dream.'' However, most of us now recognize that homeownership, while a blessing for many, is not an ideal solution for all. For example, in many cases, rental housing is appropriate for families.

It provides flexibility while limiting exposure to frequent variations in market conditions.

Homeownership is a great way to build wealth for those able to maintain financial stability throughout the life of a home loan.

However, by subsidizing homeownership, and encouraging all families to own homes, even those without realistic resources to maintain their mortgages, the government has turned the American Dream into a nightmare for homeowners, neighbors, communities, the global financial system, and taxpayers.

Since 2007, millions have had their homes foreclosed; millions more are at risk. In the aftermath of this meltdown, the government's efforts to date fall far short of what is required to address adequately the growing number of foreclosures that are hurting homeowners and communities.

As we have seen with previous housing bubbles, the taxpayer ends up bearing the brunt of the costs and the government ends up holding foreclosed properties. The last time I checked, the government did not do a good job of being a landlord.

It is critical that policy-makers address our overall housing policy and the proper role of government versus the private sector.

I believe that three essential areas of our housing system must be reformed. We must address:

Housing finance issues;

Tax policy;

Affordable housing for all.

With a comprehensive but balanced approach, I believe the United States can join other nations in creating a market where responsible consumers buy and retain their homes with confidence; where those who should rent are able to access affordable, safe housing; and where the needs of the homeless and vulnerable are met.

HOUSING FINANCE

First, we need to make changes in the amount of involvement the federal government has in housing.

The federal government is now responsible for 95% of the mortgage market. The Federal Housing Agency (FHA), Fannie Mae, and Freddie Mac guarantee nearly all mortgage loans in the U.S. They are fully backed by the federal government. This means it is the taxpayer who will ultimately be on the line to foot the bill as these entities pay for defaults.

FHA

As many of you may know, I not-so-fondly refer to FHA as a ''powder keg'' or ''ticking time bomb.'' FHA's market share has increased dramatically while its capital reserves have significantly decreased.

FHA's rapid growth in the mortgage market is largely due to the fact that the average homebuyer receives a guaranteed loan with a down payment of only 3.5%—lower than any sane lender would require.

I remember growing up in an era where you did not buy a home unless you had 20% of the loan upfront.

But who would put that much cash down if they are incentivized by the federal government to pay far less?

The current ceiling for an FHA loan is over $720,000 dollars. While I realize that there are some areas of the country considered ''high-cost,'' keeping the loan limits at such high levels perpetuates big government and increases the risk to taxpayers. It is time to reduce the FHA loan limits.

There is a private housing market ready to fill the FHA gap and we need to restart the private housing market and let HUD return to helping first-time homeowners and the more marginal housing applicants.

Rather than continuing to extend these expiring limits, I hope that my colleagues will begin to take a comprehensive look at our nation's housing policies and determine who truly needs the government to back their home loans.

High loan limits and low down-payments combined with the FHA's seeming inability to prevent waste and fraud, sets up the taxpayers for another huge bailout (estimates range from $54 billion to $100 billion). With FHA's capital reserves already at dangerously low levels (below the mandated level of 2 percent), raising the loan limits is equivalent of pouring more gasoline on the fire. The recently-retired HUD IG testified that the increased loan limits are a contributing factor to FHA's growing risk.

In the 2010 housing appropriations bill, I worked with my colleagues on the committee to include $20 million dollars for FHA anti-fraud activities and $5 million dollars in additional funding for the HUD Inspector General to conduct oversight.

FHA has had long-standing management and resource challenges, so we provided $180 million dollars to modernize their information-technology systems to track better mortgage and associated obligations.

In a rational world, Congress and the White House would tighten FHA underwriting standards, in particular by eliminating the 100 percent guarantee.

That guarantee means banks and mortgage lenders have no skin in the game; lenders collect the 2 percent to 3 percent origination fees on as many FHA loans as they can push out the door regardless of whether the borrower has a likelihood of repaying the mortgage.

The bottom line: Congress must take stronger action to shore up the weakening insurance fund to prevent another financial meltdown for another federal entity.

FANNIE MAE/FREDDIE MAC

Not only did this Congress fail to address our housing finance system, the Financial Regulatory Reform bill passed without any Republican participation and failed to address the problem of Fannie and Freddie when these two government sponsored entities were, I believe, at the heart of the housing finance bubble collapse.

The legislation did nothing to rein in the future role of the Government Sponsored Enterprises (GSEs), even though many of us encouraged the leadership to do so during the financial reform debate. Some of my colleagues proposed a finite end to the government conservatorship of Fannie Mae and Freddie Mac. Others favor a gradual move towards reducing the government's exposure to risk by lowering loan limits to a level which is sustainable.

We have already experienced the pain that the GSEs, Freddie and Fannie, can cause, and that pain is expected to continue.

The Federal Housing Finance Agency (FHFA) reported recently that the total cost to the federal government since taking Fannie and Freddie into conservatorship could rise from $148 billion dollars to an astounding $363 billion dollars.

Responsible reform would put an end to the taxpayer-funded bailout of Fannie and Freddie and refocus them on promoting affordable housing. I believe strongly that whatever path is chosen for the future of the GSEs, it is essential that any cost to the government for supporting these entities be placed in the annual budget and accounted for with all other programmatic spending.

I believe the operations of the GSEs must be dramatically wound down to shift the risks from the taxpayers to the private housing finance market.

TAXES

Today, the tax code provides generous incentives to encourage homeownership through the mortgage interest deduction, property tax deduction, and capital gains tax exclusion. The Joint Committee on Taxation estimates that for 2008 these tax incentives totaled just over $108 billion.

The tax code needs to be fair and not skewed toward those who are able to purchase million-dollar homes; it should treat homeowners on a level playing field that helps preserve an effective tax code.

Specifically, the mortgage interest deduction can be claimed by anyone whose mortgage balance is less than $1 million.

Like many, I believe that the federal government should not provide a hefty deduction for mortgage interest paid for million-dollar homes when many families are struggling to maintain homes that average $500,000 dollars or less. This deduction level needs to be revisited soon.

Other government gimmicks such as the First-Time Homebuyers Tax Credit simply kicked the reality of our housing market woes down the road further, and today we are feeling that pain.

Initially, I supported the creation and first extension of the home-buyer tax credit. As a long-time housing advocate, I believed the credit, combined with other tools such as housing counseling and refinancing efforts by state housing finance agencies would help in the stabilization and recovery of the housing market.

Like many of my colleagues, I believed that it was critical to address the housing market that was at the root of the credit crisis and led to our recession. However, the housing crisis evolved from a crisis caused by loose lending through risky subprime loans to a crisis where job loss has become the primary cause of foreclosures and delinquencies.

Today, we can look back and see that the newly-formed tax credit was costly and a target of fraud.

Congress needs to stop trying prescriptive programs to cure a systemic disease that has plagued U.S. housing for too long. Rather than credits or incentives for some, we should allow the market to correct itself and truly feel the bottom of the recession so that a genuine, solid recovery can be realized.

So the question I ask my colleagues is: why are we continuing these debt-fueled policies that led to our housing and economic troubles? Why do we keep using taxpayer dollars to distort and manipulate the housing market?

Americans expect Congress to address fully the causes of the recent financial crisis. As we work toward a full economic recovery, it is essential that Congress address the root of the problem—failed housing policies that were pushed by the government and manipulated by the private market to reap unprecedented profits for a few bad actors.

I strongly urge my colleagues to consider carefully the future role of government in housing, so that the people of this great nation do not bear the burden of a housing crisis ever again.

AFFORDABLE HOUSING

As is always the case, the housing collapse and subsequent recession have hit vulnerable people the hardest.

We must continue to look forward and renew our commitment and energy to ensure that all Americans have fair access to safe and affordable housing.

It is unacceptable that people with disabilities, families with children and minority residents still meet severe challenges for fair housing.

It is unacceptable that the 20 percent of Americans who suffer a physical disability face a significant shortage of accessible and affordable housing.

It is unacceptable that one-in-five Hispanics, African Americans, Asians or Native Americans still face discrimination when renting, buying, or financing a home.

And it is unacceptable that so many families, veterans and the mentally ill are homeless.

VA–HUD COMMITTEE

HUD has a number of primary ''core'' programs to address these needs, including Section 8 housing assistance, public housing, Section 202 housing for the elderly, Section 811 housing for persons with disabilities, the Community Development Block Grant program, the Housing Block grant program, the FHA mortgage-insurance programs and the Homeless Assistance program.

I think it is safe to speak for my colleagues, Ms. Mikulski and Mrs. Murray, in saying that it has not always been easy to garner support for these programs, particularly during tight budget years.

But we did, in fact, increase funding and make these programs more effective through our partnership on the Subcommittee, even when successive Administrations—Democratic and Republican—were not supportive.

In fact, many of the innovations that provide cohesion among the programs were first included in the VA–HUD Appropriations bill at our insistence.

Looking ahead, public housing still faces a crisis of some $20 billion–$30 billion in a backlog of capital needs.

It will take vision and will to persevere and make progress addressing this, but there are some good ideas that can help move us forward. Choice Neighborhoods is one such program that provides a mixture of ideas and perspectives for addressing public housing challenges.

And this is an expansion of the HOPE VI program which dramatically changed the way we think of public housing in this country.

HOPE VI

A few of my colleagues will remember our efforts in the early 1990s to rid cities of dilapidated public housing projects which forced residents to live in substandard housing and had become breeding grounds for crime and drug abuse.

The federal government had a rule at that time requiring a one-for-one hard unit replacement of any housing units slated for demolition.

The intention was good, but in practice this meant that cities could not replace housing stock, even if it was uninhabitable.

So with the help of Senator Mikulski, I convinced my colleagues to include a provision in the National Affordable Housing Act of 1990 that would allow St. Louis, in particular, to replace a dilapidated complex called Pruitt-Igoe with both vouchers and hard units.

This demonstration led to what is now known as the HOPE VI program, which has been very successful in developing mixed-income housing and transforming many distressed communities into revitalized neighborhoods with new jobs and economic investment.

FIGHTING HOMELESSNESS

In 2009, I teamed up with Senator Jack Reed (D–RI) to introduce comprehensive legislation designed to get homeless individuals and families into permanent supportive housing where appropriate and to assist others at risk of homelessness so they do not end up on the streets.

The Homeless Emergency Assistance and Rapid Transition to Housing Act (HEARTH) builds upon recent research showing that providing permanent supportive housing is a more effective way to fight homelessness than providing only emergency shelter programs.

Our legislation:

Provides $2.2 billion for targeted homelessness assistance grant programs;

Allocates up to $440 million for homelessness prevention initiatives, like those serving people who are about to be evicted, live in severely overcrowded housing, or live in an unstable situation that puts them at risk of homelessness;

Expands the definition of homelessness to allow families on the verge of becoming homeless to qualify for assistance.

The HEARTH Act was approved by the Senate as part of the Helping Families Save their Homes Act, and signed by the President in May of 2009.

HOMELESS VETERANS

According to the National Alliance to End Homelessness, about 20 percent of the homeless using shelters in the U.S. are veterans. Homelessness is a major problem among Iraq and Vietnam veterans, particularly those who may have both physical and psychological problems like Post-Traumatic Stress Disorder (PTSD) or Traumatic Brain Injury (TBI).

Senator Murray and I started a new partnership between HUD and the VA to help homeless veterans in the 2008 Transportation-Housing spending bill.

The program, known as the Veterans Affairs Supportive Housing Program, or HUD-VASH, combines rental housing assistance with case management and clinical services to assist homeless veterans. Veterans use Section 8 rental assistance and the supportive services they need to be integrated back into their communities and former lives.

We have continued to fund the program in the years since and I hope that will continue after I am gone.

In closing, I note that many Americans have experienced a very rough time when it comes to housing recently. We have the opportunity now of learning from the mistakes that were made and taking steps to ensure that such a crisis does not happen again.

One simple principle I hope everyone in this body will remember is that a successful housing program requires that every participant in the process must have ''skin in the game.''

To ensure that everyone has ''skin in the game'' we must:

(1) End ''no-down payment'' purchases by homeowners, and require at least a 5 percent down payment;

(2) End the 95–100% government guarantee of loans; make lenders and loan promoters face a real economic loss for any bad loan they promote; and

(3) Require that any loan securitizer keep a stake in the loan or mortgage that will be wiped out if the security fails.

In sum, good housing does not require home ownership; a family can live in rental housing when appropriate to their financial circumstances, and we can encourage the availability of such housing.

There are a number of ideas worth pursuing in the affordable-housing arena that will ensure that more Americans have stability in their housing arrangements so they can pursue their lives with some security.

While I will no longer have the opportunity to participate in Senate debates over housing policy, I look forward to continuing my involvement in these issues in the next phase of my life.

Thank you, and I yield the floor.

Mr. BOND. I yield the floor to my good friend and fellow retiring Senator from my neighboring State of Kentucky, who has been known for his talents on the baseball diamond but also has some, I am sure, very candid comments on what he thinks the Senate has done and ought to do. I will listen with great interest.

The PRESIDING OFFICER. The Senator from Kentucky.

FAREWELL TO THE SENATE

Mr. BUNNING. Madam President, I thank the Senator from Missouri, a dear friend of mine and someone who has unusual wisdom in his remarks today. I listened to many of them. I just hope I have a few that are as well thought out as my good friend from Missouri.

I wish to take a few moments to thank all my colleagues and other individuals who have come to the Chamber to hear me bid farewell. That doesn't mean I will not speak again. That just means I am bidding farewell and this is a farewell speech.

I have had the great fortune of having three wonderful careers during my life: one as a husband and father of 9 children and a grandfather of 40, one as a Major League baseball player for 27 years, and one in public service for 30 years. Many people often talk to me about how different my baseball and public service careers are, but they really are not so different.

I have been booed by 60,000 fans in Yankee Stadium, standing alone on the mound, so I have never cared if I stood alone in the Congress, as long as I stood by my beliefs and my values. I have also thought that being able to throw a curve ball never was a bad skill for a politician to have.

I came to Washington, DC, in 1987, when the people of the Fourth District in northern Kentucky gave me the distinct honor to serve them. I did not know then that the people of Kentucky had bestowed upon me the privilege of representing them for 24 years. I have the same conservative principles in 2010 that I had when I first was elected to Congress.

Over the years, I have always done what I thought was right for Kentucky and my country. I did not run for public service for fame or public acclaim. When I cast my votes, I thought about how they would affect my grandchildren and the next generation of Kentuckians, not where the political winds at the time were blowing. Words cannot express my gratitude to the people of Kentucky for giving me the distinct honor of serving them for 12 years in the House of Representatives and 12 years in the Senate.

Here I stand, though, in the Senate Chamber about to say goodbye after nearly a quarter of a century in Congress. I have reflected much about my time here. As I stand here at the desk of Henry Clay, the great Kentuckian, I am proud to have had the opportunity to serve in a place in history. I thought it fitting to discuss the legislative items of which I am most proud.

I have three bills I am particularly proud I was able to accomplish signing into law. One of the things I am most proud of during my time in Congress is helping pass legislation that repealed the earnings limit on older Americans under the Social Security system. Social Security used to penalize many older Americans for working by reducing their Social Security benefits by $1 for every $3 they earned, if they made more than the earnings limit which was about $12,000 in 1995. This was an unfair tax on seniors and punished them for continuing to work. I worked hard for many years in both the House and Senate to get this unfair earnings limit eliminated.

Finally, in 2000, after I had been elected to the Senate, it passed and was signed into law. This law has helped many hardworking seniors stay involved in their communities, remain independent, and contribute to society.

Another bill I am proud of is the 2004 Flood Insurance Reformation Act. In 2004, I wrote the last reauthorization of the national flood insurance program. That law provided significant reforms to the program just in time for the 2004–2005 hurricane season, including Hurricane Katrina. Had the law not been in place, homeowners all over the gulf coast would not have had coverage for the flood damage to their homes. The 2004 law is still the framework for the program today. It was not a Republican accomplishment or a Democratic accomplishment. It was a bipartisan accomplishment.

I worked very closely with Senator Sarbanes and Representatives Bereuter and Blumenthal to write and pass that law. While I believe that further changes are still needed to the program, the 2004 law made meaningful changes that put the program on a more sound financial footing.

Unfortunately, passage of the bill was not the end of the story. What happened or, more accurately, what did not happen illustrates one reason people are fed up with Washington: because government does not do what it is supposed to do. Despite the fact the bill passed both the Senate and the House unanimously, FEMA refused to implement all of its provisions in a timely manner. The most glaring example was the appeals process created by the bill for property owners to appeal claims they thought were not settled fairly or correctly. The law gave FEMA 6 months to write the rules. FEMA, instead, took almost 2 years from the day the bill passed to put even draft rules out. They probably would not have done it then, if it was not for the right of one Senator to object. I had to hold the nominee to head the agency to get the attention of the Bush administration and move the Secretary of Homeland Security to finally publish the rules. It should not have been that way.

The third bill I am grateful was signed into law is the Emergency Employee Occupational Illness Compensation Program. The Paducah, KY, gaseous diffusion plant is the only operating uranium enrichment plant in the United States. When I came to the Senate, I held the first hearing to look at cleaning up the contamination the Department of Energy left at the site. After the hearing, I focused on cleaning up the site. A lot has been cleaned up since that first hearing 10 years ago. I also worked hard to provide compensation to workers who suffered serious illnesses as a result of their employment at the DOE nuclear weapons program plant.

This energy employment compensation program was set up because many workers served our country's nuclear programs during the Cold War and their health was put at risk without their knowledge—the first compensation bill passed in 2000, with the help of a bipartisan group of Congressmen and Senators. I then became aware that DOE was slow-walking claims processing and payment to many claimants and their portion of the compensation program. So in 2004, again, with the help of a bipartisan group of Senators and Congressmen, I spearheaded legislation that moved the entire program over to the Department of Labor which had sped up and streamlined compensation for the sick nuclear workers.

Along with many of my achievements, I also had time to reflect on some of the disappointments I wish I had been able to fix during my time here. I am deeply concerned about the state of entitlement programs—Medicare, Medicaid, and Social Security. It is clear that our government cannot meet its future obligations and ultimately the American people will suffer, unfortunately. Too many Members of Congress are willing to look the other way and let the financial problems of these programs fester instead of making hard decisions. Congress just cannot get the courage together to address these issues head on.

In fact, after President Bush's second election, Congress briefly focused on the problems of Social Security solvency. At the time, I was a strong supporter of private investment accounts but certainly realized that the whole system needed an overhaul and was open to many different options. Toward the end of the debate, I was willing to tackle Social Security reform even if we did not do investment accounts, as long as we did something. However, it quickly became apparent that many Members of Congress—even some in my own party—were not willing to get serious about this. Six years later, Congress still has not touched Social Security reform, and the program is even in worse financial shape.

Medicare and Medicaid are in the same position. In 2006, Congress finally got serious about spending in these programs and passed the Deficit Reduction Act. This bill slowed the rate of growth—the rate of growth—in Medicare by $6 billion and in Medicaid by $5 billion over 5 years. Let me be clear about this. We were not cutting spending in these programs. We were just slowing the growth.

Well, you would have thought the sky was falling when we did this. The longer Congress takes to honestly tackle these fiscal challenges, the harder it will be to fix these programs. This means bigger cuts, bigger deficits, and bigger tax increases.

Health care is another area where Congress should have done better. The other side of the aisle's stubborn refusal to compromise and, more importantly, listen to the desires of the American people on health care reform led to the passage of a bill that is one of the worst pieces of legislation I have seen in Congress in 24 years.

The health care bill is clearly unconstitutional, will force millions of Americans to lose the health insurance they currently enjoy, give the IRS—that is the Internal Revenue Service—the power to police and tax Americans who do not have health insurance, and takes over $500 billion out of Medicare programs to pay for new spending.

Despite all the rhetoric from the administration and Democratic leaders about being transparent and open and willing to compromise, it quickly became clear that they only wanted Republican support if we agreed to everything they wanted to do. Well, compromise does not work like that. A compromise means you actually have to take ideas from other people instead of just giving lip service.

One of the other recent disappointments was the financial regulation bill passed earlier this year. Before my first election, I spent 31 years working in the security business. That was back when baseball players did not make millions of dollars a year and had to have jobs in the off-season to pay the bills. I spent nearly all of my time in Congress on either the old House Banking Committee or the Senate Banking Committee, so this is something I know a great deal about and care about.

There were, and are, real problems in our financial system. But that bill is not going to fix them and almost certainly sows the seeds for the next banking and financial crisis while, at the same time, adding more burdens on the economies struggling to recover.

That bill did not replace bailouts with bankruptcy. It made bailouts a permanent part of the financial system. The bill did not force the too-big-to-fail banks to get smaller. It gave them special status. The bill ignored the role of housing finance and left Fannie Mae and Freddie Mac alone. The housing crisis could not have happened without Fannie Mae and Freddie Mac.

The Senate failed to act on a bill to reform Fannie and Freddie passed by the Banking Committee in 2006, and that failure is going to end up costing taxpayers hundreds of millions of dollars. Congress has to do something soon to get them off the taxpayers' life support they have been on since 2008. But, unfortunately, that did not happen in the financial reform bill.

The bill also ignores the Federal Reserve's failures as a regulator and, instead, gave them more power. And, worst of all, the bill did nothing to rein in the largest single cause of the current financial crisis and most other financial crises in the past: flawed monetary policy by the Federal Reserve.

Nothing Congress has done will stop the next bubble or collapse if the Fed continues with its easy money policies. Cheap money will always distort prices and lead to dangerous behavior. No amount of regulation can contain it.

For many years, I was a lone critic of the Federal Reserve. Particularly, no one questioned Alan Greenspan, despite his policies causing two recessions and two asset bubbles. I was the lone vote against Ben Bernanke in 2006. I was the lone vote because I thought he would continue the Greenspan monetary and regulatory policies. Well, he did. He kept it up—a flawed monetary policy—and was slow to regulate. Then, in 2008, he took the Federal Reserve into fiscal policy by bailing out Bear Stearns and, later, AIG, and just about every other major financial institution in the country. As we saw, even last week around the world, Chairman Bernanke compromised the independence of the Fed and turned it into an arm of the U.S. Treasury.

Things have not gotten better since then either. Chairman Bernanke is continuing with the easy monetary policy, and a month ago started the printing presses again to buy up more Treasury debt. While the Fed may be propping up the banks with plenty of cheap money, he is undermining our currency.

Other central banks are moving away from the dollar and gold is continuing to climb. Just like the soaring national debt and entitlement costs, the destruction of the dollar is not sustainable. Congress must act to rein in the Chairman of the Federal Reserve and the Fed before they destroy our currency and permanently damage our economy and financial system.

Public awareness of what the Fed is doing is increasing, while public opinion of the Fed is falling. Chairman Bernanke had nearly twice as many votes cast against him in the Senate earlier this year than any other Fed Chairman in history. It is just not outside the Fed that opposition is growing. Regional Federal Reserve Bank presidents are speaking up and voting against Fed policy. Even some members of the Fed Board are recognizing the dangers of Chairman Bernanke's policies. I am more hopeful now than ever that Chairman Bernanke and the Fed will not be allowed to continue the flawed policies and act as an arm of the Treasury and the major banks.

As I stand here and reflect upon my time in Congress, I can honestly say I am gratified, despite the ups and downs, to have had the opportunity to serve my country and serve the people of the Commonwealth of Kentucky.

Twenty-four years is a very large portion of my life and my family's life. I thank my nine children: Barb, Jim, Joan, Cat, Bill, Bridget, Mark, Amy, and David, and my 40 grandchildren, who inspired me to try to make this country better and better for the next generation to live.

I also want to give a special thanks to my wife Mary, the mother of my nine children and my childhood sweetheart from the fourth grade. I thank her for being at my side through all of the road trips, the late nights I spent in the House and the Senate. She is my better half, who supported and stood by me. She is my lighthouse that always shone in the dark during the good and the bad times of public service. She prayed me to my wins in public service and in baseball, and I never could have done any of these achievements without her.

As this chapter in my life comes to an end and I flip the page into a new chapter, I thank very much all the other people in my life who have stood by me. Without the friendship and support of so many over the years, I never would have been able and had the privilege to represent Kentucky in the House and the Senate.

As I leave here today, I offer a little prayer for the next Congress. Pope John Paul II once said:

> Freedom consists not in doing what we like, but in having the right to do what we ought.

This is the motto I have tried to live by during my time in Congress. I pray that the Members of the next Congress do what is right for the country, not what is right for their fame and their future aspirations. My hope is that Congress will focus on the astronomical debt instead of continuing down the path of spending our future generations into higher taxes and a lower standard of living than we have now.

Godspeed and God bless.

With a sense of pride and gratitude, I will say for the last time, Mr. President, I yield the floor.

Mr. FRANKEN. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER (Mr. MANCHIN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAREWELL TO THE SENATE

Mr. DORGAN. Mr. President, those of us who are leaving the Congress at the end of this year are given the opportunity to make a farewell speech. But more, it is an opportunity to say thank you to a lot of people to whom we owe a thank-you, and to colleagues, to family, to the staff here in the Senate and our state staff, and the people of North Dakota, in this case, who gave me the opportunity to serve. It is the opportunity for me to say thank you.

One of my colleagues the other day talked about the number of people who have served in the Senate. Since the beginning of our country, there have been 1,918 people who have served in the Senate. When I signed in, I signed on the line, and I was No. 1,802. There have been 212 Senators with whom I have served in the years I have been in the Senate. It is hard to get here and it is also hard to leave. But all of us do leave, and the Senate always continues. When finally you do leave, you understand this is the most unique legislative body in the world.

I arrived 30 years ago in Congress, and when we all show up the first day, we feel so very important and we believe the weight of the world rests on our shoulders. Then we begin getting mail from home.

I have long described a letter that was sort of leavening to me, sent to me by a schoolteacher early on after I arrived here. Her class was to do a project to write to DORGAN in Washington, DC. I paged through the 20 letters from fourth grade students, and one of them said: Dear Mr. DORGAN, I know who you are. I see you on television sometimes. My dad watches you on television too. Boy, does he get mad.

So I knew the interests of public service, of trying to satisfy all of the varied interests in our country. It is important, it seems to me, that we do the right thing as best we can and as best we see it. That dad from that letter showed up at a good many of my meetings over the years, I think. He didn't introduce himself. But in most cases, the people I represented over these many years were people, ordinary folks who loved their country, raised their families, paid their bills, and wanted us to do the right thing for our country's future.

I have a lot of really interesting memories from having served here, 12 years in the House and 18 years in the Senate. The first week I came to Washington, in the House, I stopped to see the oldest Member of the House, Claude Pepper. I had read so much about him, I wanted to meet him. I walked into his office, and his office was like a museum with a lot of old things in it, really interesting things. He had been here for a long, long time. I have never forgotten what I saw behind his chair—two photographs. The first photograph was of Orville and Wilbur Wright, December 17, 1903, making the first airplane flight, signed ''to Congressman Claude Pepper with admiration, Orville Wright.'' Beneath it was a photograph of Neil Armstrong stepping on the surface of the Moon, signed ''to Congressman Pepper, with regards, Neil Armstrong.'' I was thinking to myself, here is a living American and in one lifetime, he has an autographed picture of the first person who learned to fly and the first person who walked on the Moon. Think of the unbelievable progress in a lifetime. And what is the distance between learning to fly and flying to the Moon? It wasn't measured on that wall in inches, although those photographs were only 4 or 5 inches apart; it is measured in education, in knowledge, in a burst of accomplishments in an unprecedented century.

This country has been enormously blessed during this period. The hallmark, it seems to me, of the century we just completed was self-sacrifice and common purpose, a sense of community, commitment to country, and especially, especially leadership. In America, leadership has been so important in this government we call self-government.

There was a book written by David McCullough about John Adams, and John Adams described that question of leadership. He would travel in Europe representing this new country, and he would write letters back to Abigail. In his letters to Abigail, he would plaintively ask the question: Where will the leadership come from for this new country we are starting? Who will become the leaders? Who will be the leaders for this new nation?

In the next letter to Abigail, he would again ask: Where will the leadership come from? Then he would say: There is only us. Really, there is only us. There is me, there is George Washington, there is Ben Franklin, there is Thomas Jefferson, there is Hamilton, Mason, and Madison. But there is only us, he would plaintively say to Abigail.

In the rearview mirror of history, of course, the ''only us'' is some of the greatest human talent probably ever assembled. But it is interesting to me that every generation has asked the same question John Adams asked: Where will the leadership come from for this country? Who will be the leaders?

The answer to that question now is here in this room. It has always been in this room—my colleagues, men and women, tested by the rigors of a campaign, chosen by citizens of their State who say: You lead, you provide leadership for this country.

For all of the criticism about this Chamber and those who serve in this Chamber, for all of that criticism, I say that the most talented men and women with whom I have ever worked are the men and women of the Senate on both sides of this aisle. They live in glass houses. Their mistakes are obvious and painful. They fight, they disagree, then they agree. They dance around issues, posture, delay. But always, always there is that moment—the moment of being part of something big, consequential, important; the moment of being part of something bigger than yourself. At that moment, for all of us at different times, there is this acute awareness of why we were sent here and the role the Senate plays in the destiny of this country.

The Senate is often called the most exclusive club in the world, but I wonder, really, if it is so exclusive if someone from a town of 300 people and a high school senior class of 9 students can travel from a desk in that small school to a desk on the floor of the Senate. I think it is more like a quiltwork of all that is American, of all the experiences in our country. It allows someone from a small town with big ideas to sit in this Chamber among the desks that were occupied by Henry Clay, Daniel Webster, Harry Truman, Lyndon Johnson, and so many more, and feel as if you belong. That is the genius of self-government.

I announced about a year ago that I would not seek reelection after serving here 30 years, 12 in the House and 18 years in the Senate. I am repeatedly asked, as is my colleague Senator DODD, I am sure, who is leaving at the end of this year, what is your most significant accomplishment? While I am proud of so many things I have done legislatively, the answer is not legislative. I have always answered it by saying: Well, the first month I was here, 30 years ago next month, I stepped into an elevator on the ground floor of the Cannon Office Building of the U.S. House of Representatives. That step into that elevator changed my life. There was a woman on that elevator, and between the ground floor and the fourth floor, I got her name. And that is a pretty significant accomplishment for a Lutheran Norwegian. This year, we celebrated our 25th wedding anniversary. My life has been so enriched by my wife Kim and children, Scott and Shelly and Brendon and Haley; grandchildren Madison and Mason—they serve too. Families are committed too, to this life of public service, weekends alone, and I am forever grateful to the commitment and sacrifice of my family.

I wish to say two things about some other people as well.

First, there is our staff. All of us would probably say—but, of course, I

say with much greater credibility—I have the finest staff in the U.S. Senate. I have been so enormously blessed. I am so proud of all of them. They are talented, they are dedicated to this country, and I have been blessed to work with them. In fact, I have worked with most of them for many, many years.

Then I wish to say to the floor staff of the Senate that I come here, as do my colleagues, and we say our piece and we get involved in the debates, and the floor staff does such an unbelievable job. When we are done speaking, we often leave. They are still here. They are the ones who turn out the lights. They refrain from rolling their eyes when I know they want to during these debates. Boy, are they professional, and all of us owe them such a great debt of gratitude.

To my colleagues, I kind of feel like Will Rogers: There is nobody in here I do not like.

It is a great place with some terrific colleagues, especially Senator KENT CONRAD. We have been friends for 40 years. For 40 years we have been involved in the political fights and the political battles in North Dakota. He is a great Senator. I said last night at a reception: He is the best Senator in the United States Senate come January. But what I should just say right now is, he is an outstanding Senator and makes a great contribution to this body. Congressman POMEROY, with whom I have served, the other part of Team North Dakota, three of us who worked together on campaigns 40 years ago, in North Dakota and who then for 18 years were the only three members of North Dakota's Congressional Delegation. It has been a great pleasure. We will continue these friendships. But I say thanks to Senator CONRAD especially for the work we have done together.

Now, you know—and it shows—I love politics. I love public service, always have. John F. Kennedy used to say every mother kind of hopes her child might grow up to be President, as long as they do not have to be active in politics. But, of course, politics is the way we make decisions about America. It is an honorable thing. I have always been enormously proud of being in politics. I have run 12 times in statewide elections since age 26. I have served continuously in statewide elective office since the age of 26—never outside of statewide elective office—for a long time, 40 years. It has been a great gift to me to be able to serve, and I am forever grateful to the people of North Dakota who have said to me: We want you to represent us.

Now it is time for me to do some other things that I have long wanted to do. That is why I chose not to seek reelection this year.

Let me be clear to you. I did not decide not to run for the Senate because I am despondent about the state of affairs here. That is not the case. These are difficult and troubling times. But I did not decide not to run and to criticize this institution, although there is plenty of which to be critical. I do not want to add to the burdens of this institution. This institution is too important to the future of this country.

I could talk, by the way, for hours about the joys of serving here with all of my colleagues.

I was thinking about the late Ted Kennedy, when I was jotting a few notes, standing at his desk back in that row for many years. I know no one will mind me saying this: I think he is the best legislator I have ever seen in terms of getting things done. Ted Kennedy, full of passion, and on certain days when he was agitated and full-throated, you could hear him out on the street fighting and shouting for the things he knew were important for America.

I think of Bob Dole who would saunter onto this floor, and he almost seemed to have an antenna that knew exactly what was going on, what the mood was, and what he could and could not do and how you must compromise at certain times. He had a knack like that, unlike any others I have seen.

I think of Strom Thurmond, who left us at age 101. If anybody could know his life story, what an unbelievable, courageous story. One of the things that I remember about Strom Thurmond is my involvement with legislation for organ transplantation to save people's lives. I did a press conference on a bill I was introducing on organ transplants, and Strom Thurmond showed up. I think he was 90 years old. He signed an organ donor card. He said after he signed the organ donor card at age 90: I do not know if I've got anything anybody wants, but if I am gone, they are welcome to it.

Robert C. Byrd, who sat where my colleague is sitting now—they do not make them like Robert C. Byrd anymore. I recall one day when another colleague was on the Senate floor, Robert C. Byrd got very angry about what the other colleague was saying. He believed it was disrespectful. So he rushed up to the Chamber, and the other colleague had left by that time. I do not know that our colleague ever understood what happened to him. But Senator Byrd, being very angry at what the other Senator had said, said simply this: I have been here long enough to watch pygmies strut like Colossus. He said: They, like the fly in Aesop's Fables, sitting on the axle of a chariot observe, my, what dust thy do raise. Then he sat down. And I thought, you know, they do not make Senators like that anymore. The Senator who left did not understand what Senator Byrd had just done, cutting him off at the knees.

But I take a treasury of memories. I should mention as well one of my best friends, Tom Daschle, who served here, a wonderful friend and a great leader for a long while as well. I just take a treasury of memories from this place.

This place, however, has substantial burdens ahead of it, and will have to make good decisions, tough decisions, and exhibit the courage needed for the kind of future we want; we are going to have to put some sacrifice on the line for our country's future.

I want to talk for a bit about a couple of those issues. While there are always big issues, and I have always been interested in debating the big issues, my principal passion has been to support family farmers, small business folks, and the people who go to work every morning at a job; the family farmers out there who live on hope, plant a seed, and hope it grows, who risk everything; the Main Street business owner who this morning got up and turned the key in the front door and went in and waited because they have everything in their financial lives on the line, hoping their small business works; and the worker who goes to a job in the morning every day, every day, and they are the ones who know ''seconds,'' those workers at the bottom of the economic ladder. They know second shift, secondhand, second mortgage. They know it all. The question is, who speaks for them? The hallways outside the Chamber are not crowded with people saying: Let me speak for those folks.

In the first book I wrote, the first page, a book called ''Take This Job and Ship It,'' about trade, on the first page of that book I describe a story that was told about Franklin Delano Roosevelt's funeral. As they lined up in this Capitol to file past the casket of the deceased President, a journalist was trying to capture the mood of people who were waiting in line. He walked up to a man, a worker who was holding his cap in front of him standing there with tears in his eyes, and the journalist said to this working man: Well, did you know Franklin Delano Roosevelt?

The man said: No, I didn't. But he knew me.

The question is, it seems to me, for every generation in this Chamber, who knows American workers? Who stands up for the people who go to work every morning in this country? As I said, there are big issues that relate to workers and farmers and businesspeople and others in this country.

Let me just mention a couple. We know that for America to succeed we have to fix our schools. Thirty percent of the kids going to schools are not graduating. That cannot continue. We cannot have schools that are called dropout factories. We need the best schools in the world with the best teachers in the world if we are going to compete. We need substantial education reform.

We also have to get rid of this crushing debt. We know we cannot borrow 40 percent of everything we spend. We know better than that. All of us know that. We have been on a binge, and it has to change. We cannot borrow money from China, for example, to give tax cuts to the wealthiest Americans. Somehow we have to change all of

these issues. It is time for this country to sober up in fiscal policy and leadership from this Chamber as well.

We need a financial industry that stops gambling and starts lending, lending especially to those businesses that want to create jobs and want to expand. We need a fair trade policy that stands up for American workers for a change and promotes ''made in America'' again. We are not going to be a world economic power if we do not have world class manufacturing capability. It is dissipating before our eyes. This is all about creating good jobs and expanding opportunities in this country. It is not happening with our current trade policy. It is trading away America's future, and we know better than that.

On energy, we have ridden into a box canyon. Sixty percent of the oil we use comes from other countries, some of it from countries that do not like us very much. That holds us hostage, and we cannot continue that. We need to produce more of all kinds of energy at home. We need to conserve more. We need more energy efficiency. We need to do all of these to promote stability and security in this country.

Another issue that I have spent a lot of time working on deals with American Indians. They were here first. We are talking about the first Americans. They greeted all of us. They now live in Third World conditions in much of this country, and we have to do better. We have to keep our promises and we have to honor our treaties. In this Congress, I have had the privilege of chairing the Indian Affairs Committee. This Congress, however, as tough as it has been, has done more on Indian issues than in the previous 40 years. We passed the Indian Health Care Improvement Act, the first time in 17 years. We passed the Tribal Law and Order Act that I and others helped write, which is so very important. We just passed yesterday the special diabetes provisions that are so important to the Indians. We put $2½ billion in the Economic Recovery Act to invest in health care facilities and education and the other things that are necessary in Indian Country.

We just passed the Cobell settlement which deals with a problem that has existed for 150 years in which looting and stealing from Indian trust accounts went on routinely. President Obama signed the bill last night at the White House.

Those five things are the most important elements together that have been done in 40 years by a Congress dealing with Indian issues. But the work is not nearly over, and we have to keep our promises and honor our trust agreements.

We face some pretty big challenges. But the fact is, our grandparents and great-grandparents faced challenges that were much more significant as well, and they prevailed.

All of us in politics especially know the noise of democracy is unbelievable. It is relentless, incessantly negative, and it goes on 24/7. We have bloviaters all over the country who are trying to make sounds from the chest seem like important messages from their brain. They take almost everything they can find in any paper from any corner of this country that seems stupid and ugly and just way out of line, and they hold that up to the light on their program and they say: Isn't this ugly?

Sure it is ugly, but it is not America. It is just some little obscene gesture somewhere in the corner of our country. It is not America. There is this old saying, ''bad news travels halfway around the world before good news gets its shoes on.'' That is what is happening all the time. This country is full of good. It is full of good things, good people, and good news. Every day people go to work to build, create, and invent, and they hope the future will be better than the past.

There was a book titled ''You Can't Go Home Again'' by Thomas Wolfe. He said there is a peculiar quality of the American soul, a peculiar quality of the American soul that has an almost indestructible belief, a quenchless hope that things are going to be better, that something is going to turn up, that tomorrow is going to work out, and somehow that has been what has been the hallmark of American aspirations.

When I graduated college with an MBA degree and got my first job in the aerospace industry at a very young age, the first program or project I worked on was called the Voyager Project. We were, with Martin-Marietta Corporation, building a landing vehicle for Mars. That was 40 years ago. That program was discontinued after about 4 years.

But 5 years ago, the new program resulted in firing two missiles, two rockets from our country, 1 week apart. We aimed them at Mars. One week apart the rockets lifted off with a payload. When they landed, 200 million miles later, they landed 1 week apart on the surface of Mars. The payload had a shroud and it opened and a dune buggy drove off the shroud and started driving around on the surface of Mars. First one did, and then a week later the second arrived. They were named Spirit and Opportunity. Five years ago, we began driving Spirit and Opportunity on the surface of Mars. They were American vehicles. They were supposed to last for 90 days. We are still driving those dune buggies on the surface of Mars 5 years later.

Spirit, very much like old men, got arthritis of the arm. So they say it hangs at kind of a permanent half salute.

Spirit also has five wheels, and one wheel broke. So the wheel didn't break off, but now it is digging a trench about 2 inches deeper on the surface of Mars and the arthritic arm just barely gets there, but it does. It gets back to sample even a slightly bit deeper into the soil of Mars to tell us a little bit about what is going on. Spirit, by the way, also fell asleep about 1 year ago. They couldn't reach it. It takes 9 minutes to communicate electronically, by radio, with these dune buggies on Mars. So they sent a signal to a satellite we have circling Mars and had the satellite send a signal to Spirit and Spirit woke right up. So two dune buggie-sized vehicles are traveling on the surface of Mars driven by American genius.

My point in all this is, first of all, they are very aptly named during challenging times—''Spirit'' and ''Opportunity,'' manufactured to last only 90 days but still driving around on the surface of Mars 5 years later. If American invention and American initiative can build rockets and dune buggies and drive them on the surface of Mars, surely we can fix the things that are important on planet Earth. I was going to say this isn't rocket science, but I guess it is.

This country is an unbelievable place. This is all a call to America's future. Where we have been and what we have done, all these things together ought to inspire us that we can do so much more.

George Bernard Shaw once said:

> Life is no brief candle to me. It is a splendid torch which I am able to hold but for a moment.

This is our moment. This is it.

About 15 years ago, I was leading a delegation of American Congressmen and Senators to meet with a group of European members of Parliament about our disputes in trade. About an hour into the meeting, the man who led the European delegation slid back in his chair, leaned across to me, and he said: Mr. Senator, we have been speaking for an hour about how we disagree. I want to tell you something. I think you should know how I feel about your country. I was a 14-year-old boy on a street corner in Paris, France, when the U.S. liberation Army marched down the Champs-Elysees. An American soldier reached out his hand and gave me an apple as he marched past. I will go to my grave remembering that moment, what it meant to me, what it meant to my family, what it meant to my country.

I sort of sat back in my chair, thinking, here is this guy telling me about who we are and where we have been and what we have meant to others. It was pretty unbelievable. Our problems are nothing compared to where we can go and what we can be as a country, if we just do the right thing.

This Senate has a lot to offer the American people. I know its best days are ahead. That splendid torch, that moment, that is here. That torch exists in this Chamber as well.

I feel unbelievably proud to have been able to serve here with these men and women for so long. I am going to go on to do other work. But I will always watch this Chamber and those who will continue to work in this Chamber and do what is important for this country's future. I will be among the cheerleaders who say: Good for

you. Good for you. You know what is important, and you have steered America toward a better future.

I thank my colleagues.

(Applause, Senators rising.)

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, we have just heard from Senator DORGAN, an extraordinary Senator and even more extraordinary as a friend. He has served in the Congress for 30 years. He has served in public office in my State for more than 40 years. It has been my privilege to call him my best friend for 42 years. We just heard the remarkable ability he has, a gift, to paint word pictures that communicate with people, that help us understand the consequences of the actions we take here.

In recent weeks, I have become very interested in the universe and the vastness of what surrounds us. One of the things I have found most striking is that 1 light-year takes light 1 year, it goes 5.8 trillion miles and the universe is 12 to 15 billion light-years across. This is a vastness that is hard for us to calculate. Scientists tell us it all started with a big bang almost 14 billion years ago. Now scientists are saying it may not just be one big bang but there is a cycle that takes place over 1 trillion years that leads to repeated big bangs. BYRON DORGAN has been a big bang in the Senate. He has made a difference here. He has made an enormous difference in our home State of North Dakota. He helped build a foundation that has made North Dakota, today, the most successful State in the country—the lowest unemployment, the best financial situation, the fastest economic growth. BYRON DORGAN helped build a foundation that has transformed our State. We are forever in his debt.

As his friend and colleague, we are forever grateful to the contributions he has made to North Dakota and to the Nation.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I associate myself with the remarks of the Senator from North Dakota and add my voice as well to celebrate Senator DORGAN's tenure in the Senate. I wish he was going to stay. He has been someone about getting things done. As somebody who has sat in the presiding chair a number of times, I have heard Senator DORGAN. Even when I don't fully agree with him, no one is more persuasive in arguing his case.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTES TO RETIRING SENATORS

ROBERT BENNETT

Mr. REID. Mr. President, I am sorry I was tied up in other matters today and not able to hear speeches of some of our Senators who are departing. I will have more to say at a later time. I did want to say on two of the Senators, I watched some of their remarks.

Senator BENNETT from Utah is a very dear friend of mine. We have traveled around as Members of the Senate, visiting places all over the world. His wife Joyce is an accomplished artist. She is a flutist. She is well known here and in Utah. Senator BENNETT is a very courageous man. What a disappointment he was not reelected. I am not usually giving speeches for my Republican colleagues, but it is a real loss to the country that Senator BENNETT will not return to the Senate. He is a very courageous man. He represents the ideals of the State of Utah. He is a very devout member of his church. He is a person who calls his political issues the way he sees them. His having been criticized for supporting his President, a Republican President, on the Toxic Asset Relief Program is unfair. This was one of the most important issues we faced in ages in this country, and I think the proof is in the pudding. Of the hundreds of billions of dollars—almost $1 trillion—that were put out for that fund, all but $25 billion is paid back and most of the economists say we will get more than that back from some of the things that were invested in.

I admire the public service of Senator BENNETT. It has been outstanding. It meets the accomplishments of his father who also served very well in the U.S. Senate. I am going to miss him a great deal. What a wonderful human being. He is an author. He has in the past been a very successful businessman, and I think one of the most accomplished legislators I have had the pleasure to deal with.

BYRON DORGAN

BYRON DORGAN from North Dakota is such a fine person. He for many years has had the same job I had under Senator Daschle, the head of the Democratic Policy Committee, and he rendered valuable service to the caucus, to the Senate, and the whole country in his capacity there. We served together in the House of Representatives. We have traveled together. His wife Kim is such a fine human being. I am going to miss BYRON. He is and has been one of my close advisers, close friends. I hope I am not being boastful here, but I don't think Tom Daschle had two better friends in the Senate than DORGAN and REID. We were very close to him. We admired our friend Tom Daschle and did everything we could to make his life here as pleasant as possible.

As far as being a good speaker, he is very good. He has a unique way of communicating that very few people I have known have had. He is someone who, as far as the finances of this country and the world, is without peer as a legislator. He knows it all, and he has a way of articulating his views that is unique and I think very powerful. So I am going to miss BYRON DORGAN very much. He is a wonderful human being. I care a great deal about him. I have watched his son and daughter grow up. They are in college now. I remember them when they were little kids. In fact, my son Key, who was a fine athlete at the University of Virginia, when he was playing on those national champion soccer teams at the University of Virginia, gave BYRON's son Brendon a few soccer lessons. So I am grateful for the friendship of Senator BENNETT and Senator DORGAN.

JIM BUNNING

Senator BUNNING, I of course admire because of his great athletic skills. He is a member of the Baseball Hall of Fame. To think I have had the opportunity to serve in the Senate with one of the great pitchers of all time. I love talking to JIM BUNNING about his baseball days. Some of the stories he has told I have repeated many times and I will never forget them. One of the things he said that I have repeated on a number of occasions—JIM BUNNING was a great pitcher, an All-Star with no-hitters in both leagues. But he has some humility, because he said there was Sandy Koufax and there was the rest of us. He and I don't vote often the same way, but he is a man who has a strong opinion, and I am going to miss JIM BUNNING and the ability for me to talk to him about his athletic feats. I certainly wish him well in whatever his endeavors may be in the future.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011—MOTION TO PROCEED—Resumed

Mr. REID. Mr. President, discrimination has never served America very well. When it applies to those who serve America in the Armed Forces, it is both disgraceful and counterproductive.

The theory behind don't ask, don't tell is a thing that happened way in the past. The theory behind this should be a thing of the past, and we should put the policy behind us. It is obsolete, it is embarrassing, and it weakens our military and offends the very values we ask our troops to defend. We need to match our policy with our principle and finally say that in the United States, everyone who steps up to serve our country should be welcomed. That is the only argument that is right and it should be enough.

That is not the only reason we should repeal it. Repealing it will make our military stronger. It doesn't make America safer to discharge troops with critically needed skills, and that is exactly what has happened. This policy is responsible for the discharge of about 14,000 highly qualified service men and women—people whom we have spent millions of dollars training—and we never will know how many wanted to sign up but stayed away because of don't ask, don't tell. It doesn't make us stronger to limit military readiness of an all-volunteer force. Don't ask, don't tell doesn't help morale; it hurts morale.

The other side may feel passionately that our military should sanction discrimination based on sexual orientation, but they are clearly in the minority and they have run out of excuses. The Chairman of the Joint Chiefs of Staff supports repealing it. So does the Secretary of Defense. The vast majority of the military say that it would not oppose repeal. The majority of Americans support repealing it too. There is simply no evidence and no justification—legal, military, or otherwise—for keeping this policy in place. There is no reason to keep America's citizens from fighting for a country they love because of whom they love.

The next Speaker of the House has asked why we would get into this debate. He said, Why should we get into this debate during a time of two wars and ongoing security concerns? I think wartime is exactly the right time to do everything we can to strengthen our military. It couldn't be a better time.

What opponents of don't ask, don't tell don't want to ask is what this policy tells us about equality between our principle and our practice. We can no longer ask our troops to die for a flag that represents justice and ask them to be false to themselves while they do it.

The other side knows it doesn't have the votes to take this repeal out of the Defense Authorization Act, so they have been holding up this bill for a long time—for months. And the latest—the Chair certainly has known about it—is a letter from 42 Senators in a further effort to stall this legislation, saying we have to finish the tax bill and we have to finish the spending bill before you can do anything of a legislative nature. What kind of sense is that, when we are so crammed with things to do? With all the things we have to do, why would they do that, other than simply trying to avoid it, and they have been doing it for a long time. We tried every possible way to move forward. When they refuse to debate it, they also hold up the other good and important, urgently needed parts of the bill. It is not only don't ask, don't tell.

The bill before us contains an across-the-board pay raise for all of the members of the military. More than that, we authorized over 35 different bonuses and special pay incentives that our troops depend on to make ends meet. Let me be clear: Failure to pass this bill means our troops will lose these benefits.

The chairman of the Armed Services Committee was on the floor today saying if we don't do it today, we can't do it. In fact, everyone knows they have stalled this so long, they have stalled this so long that meeting cloture—the average time for a conference committee on this bill is 70 days—70 days; not 7, 70 days.

The bill also contains provisions that would expand health care for troops and their families and significantly enhance mental health care for servicemembers returning from Iraq and Afghanistan. It would fund critical troop protection needs such as MRAPs and up-armored humvees, which are desperately needed on the battlefield. It would support critical missions in Afghanistan, including expanding intelligence collection efforts, disrupting Taliban finances, and building the Afghan National Army so that Afghanistan can take responsibility for its own security. These are not minor or unimportant issues. These are life-and-death matters for real Americans risking their lives for us, for our defense. We ask our troops to trust us and fight for us and be brave enough to stand in the line of fire. When we send our troops into battle, we do so because we believe strongly that we stand on the right side of history. We have to believe that, because we know the consequences of war and the terrible burdens it carries.

Not far from here—I hope the Presiding Officer has the opportunity to see this during his tenure here in the Senate—is the Congressional Cemetery. It is worth going and seeing. It is 2 miles southeast of where we stand right now on the banks of the Anacostia River. It is a final resting place of veterans of every war this Nation has ever fought. It is not Arlington. It is the Congressional Cemetery. It is also where 19 U.S. Senators, more than 70 Congressmen, a former Speaker of the House, and a former Vice President are buried. One tombstone there belongs to an Air Force sergeant who fought in Vietnam. He became famous shortly after that war ended when he tried to be in the military and out of the closet at the same time.

He lost that fight. His tombstone at Congressional Cemetery reads as follows:

> When I was in the military, they gave me a medal for killing two men and a discharge for loving one.

America is better than that. When it comes to equality in the military, we know which side is the right side of history. The only question is whether we are brave enough to stand there.

In a few moments, I will move to reconsider the motion to proceed to this bill. This legislation is critical for our troops, and it is unconscionable to leave here without passing it. I bent over backward to find a way to get this bill done. It is clear that Republicans—a few of them—don't want to vote on repealing don't ask, don't tell. They are all doing what they can to stand in the way of the bill. They want to block a vote on this issue at all costs, even if it means we do not pass the Defense authorization bill for the first time in 48 years, even if it means our troops don't get the funding and protections they need.

What we have gone through to try to get this bill on the floor reminds me of a story—it is not a story; it is an experience I had as a boy. I don't know how old I was. Let's say I was about 11. As everyone knows now, I was born in a little town on the southeastern tip of Nevada. I never traveled anyplace. I was a teenager before I went to Needles, CA, which was about 50 miles from Searchlight.

My brother, 10 years older than I, got out of high school and got a job in Ash Fork, AZ, working for Standard stations. It was a big deal that he was going to take his little brother there to spend a week. I was excited. It was wonderful. Ash Fork was quite a ways from Searchlight—a couple hundred miles. But the reason I am telling you this story is that my brother was busy after work with his girlfriend—more so than with his little brother—so he palmed me off a lot of the time on his girlfriend's brother, who was a little bit older than I. There wasn't a thing in the world her little brother could do as well as I could. In all the games we would play, do you know something? I never won a single game. Why? Because he kept changing the rules during the game. It didn't matter what the game was, he kept changing the rules. So I was always the loser.

Well, that is what is happening here on this bill. It doesn't matter what I do; before we get to the end of it, they change the rules again. How about four amendments—two on each side? No. Anyway, we have gone through all these different iterations and everything. No, we can't do it.

I have already tried to bring this bill to the floor twice this year. In fact, I offered to bring it up this summer, with no restrictions, but the Republicans refused this request. It is just like I talked about my trip to Ash Fork, AZ, where I could not win because the rules kept being changed—because my friends on the other side of the aisle blocked both of these attempts. Now we are trying to get this bill done in a lameduck session when everybody knows we have so much to do and we don't have time for unlimited debate. Some of the requests have been really unusual. Seven days of debate. Think about that. Seven days of debate in a lameduck session. I have tried my best to find a way forward that would ensure a fair and reasonable opportunity for colleagues on the other side to offer and vote on amendments.

Over the last 20 years, we have had rollcall votes on an average of 12 amendments during consideration of the Defense authorization bill. So in an

effort to be as fair as possible, I have made it clear to my colleagues that I am willing to vote on 15 relevant amendments, 10 from the Republicans and 5 from the Democratic side—some Democrats don't like that, but we would do it—with ample time for debate on each amendment, but we never can get enough time. We started out with an hour, but that is not enough. My colleagues on this side of the aisle are demanding even more time—time they know is not available. There are not enough days in this calendar year to do what the minority is asking, and they know this. They want the tax and the spending bills done first, as we have talked about. At the same time they say we need to wait, they say they need as much time as possible to consider the bill. It is impossible to do both. It is illogical and unreasonable. It is quite clear that they are trying to run out the clock. Senator LEVIN said here this morning that they probably would have done it anyway. That is too bad.

I want to be clear that my remarks should in no way be taken as a criticism of my colleague from Maine, Senator COLLINS. Quite the contrary. She has tried. I have respect for her, and I have worked with her as the only Republican on a number of occasions—and two or three others on occasion—to try to move forward on many of the Nation's top priorities. I believe she has been doing her very best. But for her I would not have been able to get any of these arrangements that they turned down. At the same time, members of her caucus are working equally as hard to defeat this measure at all costs.

In my effort to get this done, I don't know how I could have been more reasonable. Despite the critical importance for our troops, for our Nation, and for justice that we get this bill done, we have not been able to reach an agreement. I regret that our troops will pay the price for our inability.

I now move to reconsider the vote that has previously been made on this matter.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President——

Mr. REID. It is nondebatable. Mr. President, I ask unanimous consent that the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on the motion to proceed to S. 3454 be agreed to, the motion to reconsider be agreed to, and the Senate now vote on the motion to invoke cloture on the motion to proceed to S. 3454, upon reconsideration.

The PRESIDING OFFICER. Is there objection? The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Ms. COLLINS. Mr. President, if I could ask the majority leader a question through the Chair.

Unfortunately, I was not able to hear the majority leader's speech, for which I apologize. I was in a meeting, and as soon as I found out he was speaking, I rushed to the floor. I want to make sure, since this is an important bill and an important issue, that I understand precisely what it is the majority leader is proposing. So I ask through the Chair whether the majority leader is proposing a procedure where there would be no amendments and the tree would be filled or whether the majority leader is proposing an agreement that he and I and Senator LIEBERMAN discussed yesterday, which would have allowed for 15 amendments, 10 on the Republican side and 5 on the Democratic side. Again, if the majority leader explained this and I missed it, I apologize. I received conflicting information about how the majority leader intends to proceed on this important bill.

I note that we have been in quorum calls for hours during which we could have proceeded to the tax bill and started working on it, and we could be working this weekend as well.

But I would very much appreciate hearing from the majority leader exactly what his intent is.

Mr. REID. Mr. President, I hope my friend heard the nice things I said about her in my statement.

Ms. COLLINS. Unfortunately, I missed those as well.

Mr. REID. They were pretty good. I want to be very candid with my friend. In an effort to do the things the Senator from Maine and I talked about with Senator LIEBERMAN on a number of occasions, including yesterday and the day before, all of those require filling the tree, every one of them. That is just the way it is. The only way we can have some control over amendments is to do it that way.

The answer to my friend's question—would I fill the tree—the answer is yes.

Ms. COLLINS. Mr. President, if I could pose a further question to the majority leader through the Chair, I understand what the majority leader is saying, but as he discussed his plan with me, he would, in fact, allow 15 amendments—10 to be offered on the Republican side that would be amendments of the Republican side's choice as long as they were relevant to the bill—and he would ensure that there would be votes on those amendments. So I am confused when I hear he is going to fill the tree because that implies to me that he would not be allowing those 15 amendments we discussed—10 on our side, of our choice, as long as they were relevant to the bill. So I am truly trying to find out what the agreement is.

Mr. REID. The agreement is that I have made a number of different offers and have made other suggestions. In direct answer to the Senator's question, we have to fill the tree, of course. We have to work through the amendments. I tried to come up with some agreement on amendments and time and what some of the amendments would be. That is how we always do things here.

I will also say this: I have had kind of a hard thing to work through because all I have worked on in the last few weeks has been with the overhanging problem of not—42 Republicans, in a letter, have said: You are not going to do anything legislatively. Mr. President, they have proved that they are not allowing us to do anything legislatively. Certainly, this is a legislative matter.

I think I have been as clear as I can be. I, of course, would be willing to work on the amendment process with my friend. But as far as agreeing to something right now, I cannot do that.

Ms. COLLINS. Mr. President, it seems evident to me that, unfortunately, the majority leader is not pursuing the path we discussed, or at least that is my interpretation of what he is saying. I think that is so unfortunate.

I want to vote to proceed to this bill. I was the first Republican to announce my support for the carefully constructed language in the Armed Services Committee that would repeal don't ask, don't tell. But that is not all that is in this bill. This is an enormously important bill to our troops in Afghanistan and Iraq. It authorizes a pay raise that is important to my home State. It is a vitally important bill.

I just do not understand why we can't proceed along a path that will bring us to success and that will allow us to get the 60 votes to proceed, which I am willing to be one of those 60 votes. I thought we were extremely close to getting a reasonable agreement yesterday that would allow us to proceed. I was even willing to consider a proposal by the majority leader that we would start the DOD bill and then go to the tax bill, finish the tax bill, and then return to finish the DOD bill. I think there is such a clear path for us to be able to get this bill done, and I am perplexed and frustrated that this important bill is going to become a victim of politics. We should be able to do better.

Senator LIEBERMAN and I have been bargaining in good faith with the majority leader. He, too, has been creative in his approaches.

So I just want to say that I am perplexed as to what has happened and why we are not going forward in a constructive way that would lead to success.

Mr. REID. Mr. President, as I stated in my remarks earlier, this is not any kind of a legislative wrangle I am having with my friend from Maine. She has been the only person I could talk to about this legislation. I appreciate her time and efforts. But the only way we can do this—and we do it all the time—is I fill the tree and we will try to work through the amendments with some agreement after that is done. This has been taking months to do—months. The time has come, as Senator LEVIN said, to stop playing around.

Mr. President, I simply make the following request: I ask upon reconsideration, cloture is invoked—the reason I

do this, we can get to where I want to go. It takes three votes. We can do it with three votes or one vote. Upon reconsideration, cloture is invoked on the motion to proceed. Then the Senate can proceed to the bill and would be able to enter into an orderly process for consideration of the bill, allowing different amendments. We have already been through that. There is no need to go through that number. But we have talked about 15—5 from us, the Democrats.

So I make my request. I ask unanimous consent that the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on the motion to proceed to S. 3454 be agreed to, the motion to reconsider be agreed to, and the Senate now vote on the motion to invoke cloture on the motion to proceed to S. 3454, upon reconsideration.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, did the Chair rule on my request?

The PRESIDING OFFICER. Is there objection to the request?

Hearing no objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 414, S. 3454, the National Defense Authorization Act for Fiscal Year 2011.

Harry Reid, Carl Levin, Tom Udall, Jack Reed, Barbara A. Mikulski, Jon Tester, Al Franken, Richard J. Durbin, Byron L. Dorgan, Jeanne Shaheen, Frank R. Lautenberg, Sheldon Whitehouse, Benjamin L. Cardin, Roland W. Burris, Jim Webb, Daniel K. Akaka, Bill Nelson.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3454, the Department of Defense authorization bill, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Texas (Mr. CORNYN).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted ''nay.''

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 40, as follows:

[Rollcall Vote No. 270 Leg.]

YEAS—57

Akaka	Feinstein	Murray
Baucus	Franken	Nelson (NE)
Bayh	Gillibrand	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown (OH)	Kerry	Sanders
Cantwell	Klobuchar	Schumer
Cardin	Kohl	Shaheen
Carper	Landrieu	Specter
Casey	Lautenberg	Stabenow
Collins	Leahy	Tester
Conrad	Levin	Udall (CO)
Coons	Lieberman	Udall (NM)
Dodd	McCaskill	Warner
Dorgan	Menendez	Webb
Durbin	Merkley	Whitehouse
Feingold	Mikulski	Wyden

NAYS—40

Alexander	Enzi	McCain
Barrasso	Graham	McConnell
Bennett	Grassley	Murkowski
Bond	Gregg	Risch
Brown (MA)	Hatch	Roberts
Bunning	Hutchison	Sessions
Burr	Inhofe	Shelby
Chambliss	Isakson	Snowe
Coburn	Johanns	Thune
Cochran	Kirk	Vitter
Corker	Kyl	Voinovich
Crapo	LeMieux	Wicker
DeMint	Lugar	
Ensign	Manchin	

NOT VOTING—3

Brownback	Cornyn	Lincoln

The PRESIDING OFFICER. On this vote the yeas are 57, the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

VOTE EXPLANATION

Mrs. LINCOLN. Madam President, I wish to note that on the last vote, vote No. 270, due to circumstances way beyond my control, I was unable to be here and wish to be recorded or considered as having voted on the reconsideration of the motion to proceed to S. 3454. I wish to be considered—I wish to have been recorded as voting ''yes.''

Apparently, I cannot be recorded, and I understand that. I just wanted to make note that had I been here I would have voted ''yes.''

The PRESIDING OFFICER. The RECORD will so note.

Mrs. LINCOLN. Great. Thank you, Madam President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

UNANIMOUS CONSENT REQUEST—S. 3463

Mr. LEAHY. Madam President, I have alerted the other side I am about to make a unanimous consent request on an important piece of legislation. Unfortunately, in the last couple of years we have gotten into this habit of: Nobody wants to vote yes or no, they want to vote maybe. It is easier to block things from even being considered.

Frankly, in my State of Vermont people expect if they elect you to the Senate that you have the courage to vote yes or no, but not maybe.

We just saw another example of this. We cannot even get a yes-or-no vote on Defense authorization at a time when our Nation is in two wars. We cannot get a yes-or-no vote; we get a maybe.

I find it frustrating. Over and over we have done it today. People are prepared to vote yes or no, but the other side says, no; it is easier to vote maybe. Then you never have to explain anything.

We all know what has happened in the Deepwater Horizon BP spill. A number of brave families' members were lost. I would note for the sake of the Senate, if they had been building the Deepwater Horizon drilling platform, and they were assembling it on land and something was negligently done and someone lost their life, they could recover for the value of the life. Because of a quirk in the law, because it happened at sea, even though it may have been caused by the same thing, these people—their lives are almost valueless. There is a way to fix them. We have drawn, after months of negotiation, a very tightly put together piece of legislation that will only affect the families of the 11 hard-working men who died when the Deepwater Horizon was destroyed. I am going to make this so we can vote yes or no and not maybe.

I ask unanimous consent that the Senate Committee on Commerce, Science and Transportation be discharged from further consideration of the Survivors Equality Act, S. 3463; that the Senate proceed to its immediate consideration; the Rockefeller-Leahy amendment that is at the desk be adopted; the bill, as amended, then be read a third time and passed; the motions to reconsider be laid upon the table; and all statements and the text of the amendment that has been hotlined for more than a week be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Reserving the right to object, this is a nation of laws not of men. It destroys that whole foundation of our legal system when we make retroactive law. This bill has not been vetted properly by a committee. Again, it undermines our whole system of the rule of law. So I am compelled to object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Vermont.

Mr. LEAHY. Madam President, of course, this bill has been given an enormous amount of scrutiny by both Republicans and Democrats. Six months ago, I introduced the Survivors Equality Act, S. 3463, with Senator DURBIN and Senator WHITEHOUSE, to help the families of those who die on the high seas. In fact, the day of the hearing, we had Michelle Jones, pictured here, in our mind when we held that hearing.

That same day, June 8, the Judiciary Committee held a hearing on the liability cap that harms victims' families. We heard testimony from Michelle Jones's brother-in-law, Chris Jones. He is the brother of Gordon Jones, one of those who died aboard the Deepwater Horizon. It was very moving testimony. I think everybody, both parties, felt the emotion in that room.

A few weeks later, the Commerce Committee also held a hearing on the same matter. I think it is unfortunate and a slam to the families to say that this matter has not been vetted. The Commerce Committee also had a hearing. Then we had months and months of work, Republicans and Democrats meeting, trying to make as tightly drawn piece of legislation as possible.

After these months and months of work, I hope the Senate is finally going to do justice to the families of the men who died when the Deepwater Horizon exploded in the Gulf of Mexico. At least stand up and say yes or no. Vote either to give them justice or vote not to give them justice. Do not do this unfortunate habit we are getting into of voting maybe. Let's not vote on this bill. Let's not take a position one way or the other. We will object to the bill coming up.

It allows everybody to be a maybe. It allows people to go and say: Well, we are so sympathetic for your family. We wish we could help your family. Certainly, if the bill comes up, I may vote.

Well, we have a whole lot of people ready to vote for the bill. Vote yes; vote no. That is what I have been trying to do since that catastrophic event. We did have a lot of negotiations, and we did have to whittle it back at the request of people on the other side of the aisle. The proposal has been so narrow that it will help only the families of the 11 hard-working men who died when the Deepwater Horizon oil rig exploded last April.

So by saying there are a lot of things that can be done for them if one second before that oil rig left land when it was being constructed, if it exploded there and they lost their lives, but it is a different rule if you have gone 100 yards further, a few seconds later, and you are at sea.

That is why I came to the floor today to seek the Senate's consent to pass this legislation without further delay. It is designed to provide a more equitable remedy under the Death on the High Seas Act, the Jones Act, for the survivors of those killed on Deepwater Horizon. When I refer to it as the difference between when it is on land or on sea, as the law is now, the families will be given far less protection simply because their loved ones died on the open seas rather than if they had died in a well, for example, if they are working at a well and there is an explosion, but the well is on land.

That is not fair. It reminds me of an earlier era in our history. The law should be modernized for those families without further delay. Of course, I would like the modernization to be broader, to cover victims on cruise ships, for instance. Some here in this body have objected to covering victims on cruise ships.

That is why I said: OK. You might not be willing to cover victims in other accidents on the high seas, but at least the U.S. Senate should not turn its back on the families of these 11 men.

I am also concerned about timeliness. These victims' families' claims have been unnecessarily delayed because they are thoughtlessly lumped in with thousands of other claims for economic damage. It should be pretty easy to spot the 11 where the people died. This legislative proposal, on which I have worked with Senators ROCKEFELLER, WHITEHOUSE, and others, would ensure fairness and timeliness for these families. We have had strong bipartisan support. We have a number of Republicans who support this legislation. Senators on both sides of the aisle have heard from these families. They understand the inequities they face. The proposal has been circulating through the Senate for more than a week. It should not be stopped. Let us vote yes or no. If you don't like this legislation, vote against it. But don't vote maybe. Don't have the Senate give that kind of procedural slap in the face to these families by saying: We don't have the courage to vote yes or no so we are going to vote maybe.

Time is running out for these 11 families to know they are going to be treated fairly and not be forced to wait for years to see if their losses are addressed. The legislation only applies to the Deepwater Horizon disaster, the largest oil spill in our Nation's history. Let us act for the widows and children of these men before we head home to be with our own families during the holiday season. They need our help now. We should at least be able to agree to this limited fix. Again, vote yes or vote no. Don't vote maybe. Stop the months of delay. There is no justification for the failure to act on this deeply personal tragic issue. It has been pending for months. Both sides have been running hot lines on it for more than a week. It is a 5-page proposal. It is easy to understand.

I will never forget the testimony of Chris Jones before the Judiciary Committee. His father was sitting there. He talked about his brother losing his life and meeting his brother's widow Michelle Jones. Michelle has lost the love of her life, but her two young sons have lost their father.

This is not about politics. This should not be partisan. This is about justice for these kids who are facing a Christmas without their fathers, justice for widows who want closure, who are bravely fighting for their families.

Can we not at least once in this body not vote maybe but have the courage to vote yes or no, not hide behind an objection to a bill coming up that many Republicans and Democrats support, at least allow people to be on record?

Look at this family, say: I am going to vote yes or no, not, gee, I don't have time. We just voted maybe. I think it is unfortunate. It shows disdain for these families. I regret the objection.

I ask unanimous consent that the draft of the Rockefeller, Leahy, and Schumer amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fairness in Admiralty and Maritime Law Act''.

SEC. 2. AMENDMENT OF SHIPOWNERS' LIABILITY ACT OF 1851.

(a) GENERAL LIMIT OF LIABILITY.—Section 30505(c) of title 46, United States Code, is amended to read as follows:

''(c) CLAIMS NOT SUBJECT TO LIMITATION.—Subsection (a) does not apply—

''(1) to a claim for wages; or

''(2) to a claim for personal injury or wrongful death arising from the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred on April 20, 2010.''.

(b) CONFORMING AMENDMENT.—Section 30511(c) of title 46, United States Code, is amended by inserting ''that are subject to limitation under section 30505'' after ''question''.

SEC. 3. AMENDMENT OF THE DEATH ON THE HIGH SEAS ACT.

(a) CAUSE OF ACTION.—Section 30302 of title 46, United States Code, is amended by inserting after the first sentence the following: ''If the death was attributable to the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred on April 20, 2010, the action may be brought in law or in admiralty.''.

(b) AMOUNT AND APPORTIONMENT OF RECOVERY.—Section 30303 of title 46, United States Code, is amended by adding at the end the following: ''If the action under this chapter arises from the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred on April 20, 2010, the recovery may include fair compensation for nonpecuniary loss, plus a fair compensation for the decedent's pain and suffering. In this section, the term 'nonpecuniary loss' means the loss of care, comfort, companionship, and society.''.

(c) DEATH OF PLAINTIFF IN PENDING ACTION.—Section 30305 of title 46, United States Code, is amended by adding at the end the following: ''If a civil action in law is pending in a court of the United States to recover for personal injury caused by wrongful act, neglect, or default described in the second sentence of section 30302 of this title and the individual dies during the action as a result of that wrongful act, neglect, or default, the personal representative of the decedent may be substituted as the plaintiff and the action may proceed under this chapter for the recovery authorized by this chapter.''.

SEC. 4. AMENDMENT OF JONES ACT.

Section 30104(a) of title 46, United States Code, is amended by adding at the end the following: ''If the action under this chapter arises from the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred on April 20, 2010, the recovery for a seaman who dies may include fair compensation for nonpecuniary loss, plus a fair compensation for the decedent's pain and suffering. In this section, the term 'nonpecuniary loss' means the loss of care, comfort, companionship, and society.''.

SEC. 5. MULTIDISTRICT LITIGATION FOR CERTAIN CIVIL ACTIONS.

(a) IN GENERAL.—Chapter 303 of title 46, United States Code, is amended—

(1) by redesignating section 30308 as section 30309; and

(2) by inserting after section 30307 the following:

"§ 30308. Multidistrict litigation for certain civil actions

''(a) IN GENERAL.—A plaintiff in a covered civil action brought under chapter 301 or this chapter may elect to have the claims of that plaintiff—

''(1) severed from all other claims in the covered civil action; and

''(2) not be subject to section 1407 of title 28 or any similar provision of State law.

''(b) COVERED CIVIL ACTION DEFINED.—In this section, the term 'covered civil action' means a civil action for damages for personal injury or wrongful death arising from the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred on April 20, 2010.''.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 303 of title 46, United States Code, is amended by striking the item relating to section 30308 and inserting the following:

''30308. Multidistrict litigation for certain civil actions.

''30309. Nonapplication.''.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall apply to—

(1) causes of action and claims arising after April 19, 2010; and

(2) actions commenced before the date of enactment of this Act that have not been finally adjudicated, including appellate review, as of that date.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent to engage the chairman in a brief colloquy regarding this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. I thank him for his leadership, for his compassion. I was proud to join him as a cosponsor of his legislation. It is disturbing to me that his effort to speak for these families who have lost their loved ones has fallen on deaf ears and on a procedural objection that could just as easily have not stood. As we stand here in this empty room, where right now we could be voting on help for these 11 families, instead, we are milling about, killing time and waiting for something to happen.

I want to ask the chairman: If this oil rig that exploded and burned had been on land and these same 11 workers had been killed, would they be treated differently and far more generously, and would their families be treated differently and far more generously than in this actual case just because it happened to be out in the ocean as a deepwater drilling rig?

Mr. LEAHY. Madam President, the Senator is absolutely correct. When we held these hearings, he was an indispensable part. This is an inexplicable anomaly of the law that reflects a different era. Had they been assembling, for example, this oil rig, had they had it on land and it exploded, they would be able to recover as anybody could. If it was an onshore oil rig—of course, we have many in this country and throughout the world—if they had been working on that and there had been an explosion and they lost their lives, there would have been remedies available. But because it was at sea and even if it is just barely at sea, the remedies are entirely different. To put it in laymen's terms, they are basically limited to the value of what is left. Of course, there is nothing left.

Mr. WHITEHOUSE. Under the circumstances of this case, I know the objection was founded upon concern that this would defeat the expectations of potential defendants who might otherwise have to pay this verdict. As I understand it, the two most likely responsible parties—indeed, the one already decreed by the government for pollution purposes to be the responsible party—are BP and Halliburton, two enormous multinational corporations. If I am not mistaken, what we have done today is to send 11 American families, whose father, brother, or husband was lost through no fault of that individual from a tragic accident that has been described as being the result of real ineptitude and very poor safety practices out on that rig by big corporations, we are now taking the side of BP and Halliburton against those 11 families here on the eve of the Christmas holidays, taking away rights they would have if this accident had happened on the land.

My question is, don't we think that BP and Halliburton could afford this? It is not as though it is the little Sisters of Mercy whom we are going to put out of business if we allow this to go forward.

Mr. LEAHY. The Senator is correct. Basically what the Senate has said is, we will protect British Petroleum and Halliburton over the rights and needs of the families of 11 men who died because of negligence. Is this what the Senate has come to? Is this what it has come to? By our failure to even vote, our unwillingness to stand up and vote, our effort to do a maybe instead of a yes or no, we are sending a Christmas present. I suppose we should say Merry Christmas, British Petroleum, Merry Christmas, Halliburton. We protected you and saved you from having to pay for your negligence. That is a pretty cold signal to send to these families of the 11 men who died.

Frankly, as I have often said, the Senate should be the conscience of the Nation. How do we express our conscience when we don't even have the courage to vote yes or no on a matter of this significance?

Mr. WHITEHOUSE. I thank the chairman for his leadership and for his compassion. I am proud to join him today in this effort.

I yield the floor.

MORNING BUSINESS

Mr. WHITEHOUSE. I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado.

DEFENSE AUTHORIZATION

Mr. UDALL of Colorado. Madam President, we have again witnessed gridlock at its worst on the heels of the vote that just concluded. When the Senate was given a chance to lead on critical issues crucial to our national security, to our troops and to our leadership in the 21st century, the Senate let politics obstruct progress that we should make.

This is the second time this year we have prevented ourselves, if you will, from debating critical national security issues. Like so many other debates that we wanted to have this year, this one was derailed by obstruction before it even began.

The last time the minority party blocked debate of a national defense authorization act, they argued that the DREAM Act should not be considered as an amendment to the bill and that we needed to wait on the report of the Pentagon study group on how to repeal don't ask, don't tell before we can vote on the broader bill.

This time we did consider the DREAM Act in a separate vote and this time, after voting today, we voted after the Pentagon's task force on don't ask, don't tell has weighed in with the most comprehensive review of a personnel policy that DOD has ever conducted on any policy being proposed. But the obstruction continues. There are new excuses this time. Opponents now say we need to extend tax breaks before we can consider legislation necessary to ensure our national security. It doesn't seem to matter to those who voted no today that the Pentagon study group looking at repeal confirmed what many of us have been saying for years, that don't ask, don't tell can be overturned without disrupting our Nation's military readiness. It doesn't seem to matter to these opponents that Secretary Gates, Admiral Mullen, and a host of other military and civilian leaders believe that repeal by a Federal judge would be far more disruptive and damaging to readiness and morale than repeal through legislation that has been thoughtfully and comprehensively drafted by the Congress. This wide-ranging and highly respected group of military and civilian leaders has strongly urged us, the Senate, to act on this Defense authorization bill this month.

Unlike what some on the other side of the aisle have claimed, the repeal language in this legislation respects the Pentagon's timeline and it gives our military leaders the flexibility they say they need to implement repeal in a way that tracks with military standards and guidelines. The best way to change the policy is for elected representatives—that is us—to pass the

legislation before us now and to do it this year.

But the vote we just had means we will have no debate on don't ask, don't tell. And just as importantly—and I know the Presiding Officer serves on the Foreign Relations Committee—it thwarts a serious discussion about pressing national security issues. Imagine that. We are prevented from debating fundamental national security concerns at a time of two wars. People in my State of Colorado do not understand such obstruction, and I do not think Americans all across the country do.

This is further illuminated because every year for nearly a half century, Congress has taken up and passed a bill renewing our defense policies for the Nation for the coming year. That is 48 years consecutively. And this Defense authorization bill, like all those that came before it, is as critically important as the 48 that have preceded it. It provides funding for our military operations in Afghanistan and Pakistan and Iraq. It supports our servicemembers and keeps Americans safe through needed resources and policies, including fair and competitive pay and benefits for our men and women in uniform.

The bill also includes many important provisions directed at the health and needs of our servicemembers' families. Specifically, if I might, I want to mention a provision I authored with help from other of my colleagues which would extend health insurance for military families, enabling children of active-duty servicemembers and retirees to stay on their parents' policies until they turn age 26. It is similar to what we did in the Affordable Care Act last year and this year more broadly for Americans.

Also importantly, this legislation provides improved care for our wounded servicemembers and their families—not just the physical wounds of war but also the mental wounds of war.

As I conclude, I have to tell you I remain hopeful that somehow this Congress can find a way, even in the midst of this partisan rancor, to pass this Defense authorization bill for the 49th consecutive year. I am willing to stay until Christmas, even through Christmas, and the week after, to get this done.

I will tell you, if we cannot get don't ask, don't tell repeal as part of the Defense authorization bill, I am willing to stay through the holidays to debate it on the floor as a stand-alone measure, and I will urge my colleagues to join me in that debate.

So despite the vote today, I have to say I am optimistic about our future, and I am committed, as I know the Presiding Officer is, to a new kind of politics where we can find consensus among our disagreement. I know the people of our States and Americans at large want us to tackle tough decisions. It is why they sent us here: to resolve the tough problems. But I think opportunities that are inherent in those problems led us to want to serve in the Nation's capital.

Let's reach out to each other. Let's find common ground. Let's call on each other to work together to accomplish our shared priorities and demonstrate support for our Armed Forces. After all, they are standing up for us. We can stand up for them. Americans sent us here to do no less.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO RETIRING SENATORS

CHRIS DODD

Mr. HARKIN. Madam President, in these closing weeks of the 111th Congress, the Senate will be saying goodbye to a number of retiring colleagues. But, for my part, I will miss them all, but I have to be honest, the most poignant farewell will be to my dear friend, Senator CHRIS DODD of Connecticut.

CHRIS and I have much in common. We are both proud of our Irish roots. We were both elected to the House of Representatives at the same time, in the famous post-Watergate election of 1974. CHRIS moved over here to the Senate in 1980, and I followed 4 years later. We both ran for President—with similarly unambiguous results. Over the years, we have collaborated on many legislative initiatives, including, most recently, the historic Patient Protection and Affordable Care Act—the health reform bill.

As we all know, CHRIS DODD is almost literally a son of the Senate. With good reason, he is enormously proud of his father, Thomas J. Dodd, who was a lead prosecutor at the Nuremberg trials and served two terms in the Senate, from 1959 to 1971. CHRIS worked as a Senate page at age 16, and was elected to the Senate at age 36. For three decades, CHRIS has embodied everything that is good about this body: a passion for public service, a sincere desire to reach out across the aisle, a great talent for forging coalitions and bringing people together, and a willingness to work extraordinarily long hours in order to accomplish big and important things.

Over the decades, Senator DODD has been a leading champion of working Americans, fighting for safer workplaces, the right to organize, stronger public schools, better access to higher education, and, of course, quality health care as a right not a privilege. He was the author of 1993 Family and Medical Leave Act, which for the first time entitled every American to have leave from their job to take care of children or elderly relatives.

Make no mistake, Senator DODD is leaving the Senate at the very top of his game. Last year, when Senator Kennedy fell ill, CHRIS picked up the torch of health care reform. When I became chair of the Health, Education, and Labor Committee, I asked him to continue to take the lead in forging the final bill, which he had led so expertly on before, and which will go down in history as one of America's great progressive accomplishments, on a par with Social Security and Medicare.

Even before final passage of health reform, Senator DODD, as chair of the Banking Committee, was hard at work crafting yet another historic bill: the most sweeping reform of Wall Street and the banking industry since the Great Depression.

To be sure, other Senators played important roles in passing health reform and Wall Street reform. But it was Senator DODD's dogged work and virtuoso skills as a legislator that ultimately won the day. These two landmark laws are a tremendous living legacy to the senior Senator from Connecticut. He has made his mark as one of the great reformers in the history of the U.S. Senate.

CHRIS DODD has accomplished many things during his three decades in this body. But, in my book, the highest accolade is simply that CHRIS DODD is a good, generous and decent person, with a passion for fairness and social justice.

For me, it has been a great honor to be his friend and colleague for the last 36 years. Our friendship, of course, will continue. But I will miss the day-to-day association with CHRIS here on the floor, in committee, and elsewhere here on the Hill.

Paul Wellstone used to say that ''the future belongs to those with passion.'' By that definition, our friend CHRIS DODD has a wonderful future ahead of him. No question he is full of passion, passion for doing what is right for the people of this country. But no question, the Senate is losing a giant—one of our most accomplished and respected members. We are also losing a happy warrior in the mold of FDR and Hubert Humphrey. As the columnist E.J. Dionne has written, ''The happiness quotient in the Senate will definitely drop when [Senator] Dodd leaves.'' I couldn't agree more.

For 36 years in Congress, CHRIS DODD has faithfully served the people of Connecticut and the people of the United States. And there is no doubt that he will pursue new avenues of public service in retirement.

As I said, I will miss his friendship and counsel here in the Senate. But I wish CHRIS, his wonderful wife Jackie, and their wonderful young children, Grace and Christina, the very best in the years ahead.

TED KAUFMAN

Madam President, when our colleague Ted Kaufman, who is leaving, was sworn in as Senator in January 2009 to succeed the newly elected Vice President, Senator JOE BIDEN, he made it clear that he would not run for election in 2010. He noted that he had not

raised money to become a Senator and would not raise money to be elected 2 years later. He would be a free man, beholden to no special interest, determined to do only what is right for the people of Delaware and the United States.

Senator Kaufman has made good on that pledge. He may no longer be a Member of the Senate since the swearing in of the new Senator from Delaware, Mr. COONS, but in just 2 years in the Senate, he left his mark—both legislatively and in the esteem of Senators on both sides of the aisle.

Of course, it should come as no surprise that Ted Kaufman excelled in this body, and had influence and clout far beyond what is typical for a reshman Senator whose tenure was only going to be 2 years. After all, he came to this body with a distinguished and diverse background in government, business, and the academy. He holds a degree in mechanical engineering from Duke, which led to a job with DuPont chemical company. He went on to earn an M.B.A. from the Wharton School and taught at Duke University's schools of law and business. And, of course, as we all knew Ted before, he served for 20 years on the staff of Senator JOE BIDEN, most of that time as chief of staff.

Like most Senators, I have enormous respect for the role of the Senate's professional staff members. In fact, we often joke that Senators are ''a constitutional impediment to the smooth functioning of staff.''

In Senator Ted Kaufman, we saw the best of both worlds, combining the expertise and competence of a veteran staffer with the leadership and political skills of a first-rate Senator. This made Senator Kaufman a formidable presence in this body for the last 2 years.

No question, Senator Kaufman's influence was felt most impressively in the effort to reform Wall Street in the wake of the financial meltdown of 2008.

Soon after becoming Senator, he cosponsored, along with Senator LEAHY and Senator GRASSLEY, a bill to give Federal prosecutors more effective tools for rooting out financial fraud. President Obama signed that bill into law in May of last year.

And when the Senate undertook the sweeping reform of the financial system earlier this year, Senator Kaufman quickly stepped forward as one of the toughest critics of Wall Street, giving speech after speech here on the floor proposing and demanding fundamental changes in America's broken financial system.

I listened with particular interest to his explanations and criticisms of high-frequency trading and other opaque trading practices of hedge funds and big Wall Street firms.

I was proud to cosponsor the SAFE Banking Act, cosponsored by Senator Kaufman and Senator BROWN.

This legislation would have dramatically reduced the size and concentration of the largest financial institutions, thereby making our financial system safer. I was disappointed this proposal was not included in the financial bill. But getting 33 votes for this ambitious measure was no small feat, and, no question, Senator Kaufman's tireless efforts helped to rally support in the Senate for reforming our financial institutions. Thanks in no small measure to Senator Kaufman's expertise and relentless advocacy, the worst aspects of Wall Street's casino capitalism have been eliminated, and our financial system is better able to allocate capital to areas of the economy that need it the most.

So the junior Senator from Delaware was true to his word. For the last 2 years, he was a Senator's Senator, giving his all, beholden to no interest, serving the people of Delaware and the United States with competence, character, courage, and, I might add, with rock-solid integrity.

I have valued Ted Kaufman's friendship and counsel here in the Senate, as I said, going back for nearly 20 years. I look forward to continuing that relationship now that he has departed from this body. So I join with the entire Senate family in wishing Ted and Lynne much happiness and success in the years ahead.

GEORGE VOINOVICH

With the close of the 111th Congress, the Senate will lose to retirement again one of our most seasoned and respected Members on the other side of the aisle, Senator GEORGE VOINOVICH of Ohio.

Senator VOINOVICH and I have much in common. We are both proud midwesterners. But here is what we really have in common: My mother immigrated to America from what is now Slovenia, the nation of Slovenia, and George's mother was a first-generation American of Slovenia descent. Both of us were—and I think we are the only two Senators ever—awarded the Golden Order of Merit by the Republic of Slovenia, in part for our efforts to assist Slovenia in its campaign to rid the world of landmines and to assist the victims of landmines. We both care very deeply about the success of democracy in Slovenia, a very small nation that has set a powerful example of political stability, economic reform, true democracy, and ethnic inclusiveness in the Balkans.

For nearly 4½ decades, GEORGE VOINOVICH has devoted himself to public service at just about every level of government—quite amazing—as a member of the Ohio House of Representatives, Cuyahoga County commissioner, Mayor of Cleveland, Lieutenant Governor of Ohio, Governor of Ohio, and, for the last 12 years, U.S. Senator from the State of Ohio. Across those 44 years of service, he has been respected for his independence, his pragmatism, and his insistence on putting ideology and partisanship aside in order to accomplish important things for ordinary working Americans.

Another constant in the career of GEORGE VOINOVICH has been his insistence on fiscal discipline and his willingness to advance creative, tough-minded, nonideological approaches to help government live within its means. As mayor of Cleveland, he took a municipality that had recently declared bankruptcy and turned it around to become a three-time All-American City winner. As Governor, he returned the State budget to balance despite a bad economy. And for the last 12 years, he has been one of the Senate's leading champions of fiscal conservatism. By that, I mean true fiscal conservatism, which means a willingness both to cut spending and to raise revenues as necessary in order to bring down deficits and balance the books. On that score, on matters of taxing and spending, Senator VOINOVICH had the courage to break ranks with his own party on many occasions.

Our colleague Senator VOINOVICH has many accomplishments in this body. I do not have time to mention them all, but I know he is particularly proud of his work as chair and, most recently, ranking member of the Clean Air and Nuclear Safety Subcommittee of the Committee on Environment and Public Works, wherein he played a key role in passing the National Energy Security Act of 2009, which is helping our Nation to lessen its dependance on imported petroleum.

He is also deservedly proud of his long leadership in the fight to preserve and protect Lake Erie and the other Great Lakes—a cause that has been a constant throughout his career in public service. Here in the Senate, he has been a cochair of the Great Lakes Task Force, and he introduced a bill that, when signed into law in 2008 by President Bush, ratified the Great Lakes Compact to protect these national treasures through better water management and conservation—a singular accomplishment by Senator VOINOVICH of Ohio.

Senator VOINOVICH has achieved much during his distinguished career in public service. I could use any number of superlatives to describe his character and work: sterling character, an honest individual, someone who, when he gave you his word, gave you his word. To Senator VOINOVICH, a handshake was a handshake. It was a commitment, and he would never go back. But in my book, the highest accolade is simply that GEORGE VOINOVICH is a generous, sincere, decent person, dedicated to public service, always determined to do the right thing for the people of Ohio and the entire United States, a man lacking in ideological rigor but still a person dedicated to true conservative causes he has championed all his life.

It has been a great honor to be his friend and colleague for these last years. Our friendship, of course, will continue. I wish GEORGE and Janet the very best in the years ahead.

JUDD GREGG

I know others are here. If I can indulge them just for a few more minutes, I would like to make one more speech in praise of another colleague who is retiring, again on the other side of the aisle, and who is a good friend and someone for whom I have had not only great friendship but great respect, and I have served with him a lot on our committees—Senator JUDD GREGG of New Hampshire.

Senator GREGG can be a very effective and persuasive partisan for the conservative causes he holds dear. He also has a strong New Hampshire independent streak and is willing to buck his party when he thinks it is wrong—for example, when he voted against President Bush's Medicare prescription drug benefit bill because it was unpaid for and would add hundreds of billions of dollars to the debt. Indeed, as ranking member and former chair of the Budget Committee, Senator GREGG has been one of the Senate's leading champions of fiscal discipline.

I especially admire Senator GREGG's capacity for reaching across the aisle, building bridges, and getting important work done. On that score, he has represented New Hampshire and the United States at his very best. This quality has made him a standout member of the Health, Education, Labor, and Pensions Committee, which I chair. He forged a very productive working relationship with my predecessor as chair, Senator Ted Kennedy. For example, he played a key role with Senator Kennedy in crafting the bipartisan No Child Left Behind Act, and a few years later, I was proud to work with both of those New England Senators again—especially Senator GREGG—to reauthorize and improve the Americans with Disabilities Education Act.

In 2008, Senator GREGG was a key leader in crafting and forging bipartisan support for the Emergency Economic Stabilization Act. Many have criticized the Troubled Asset Relief Program, TARP, but facts are facts: TARP prevented a total meltdown of our financial system. And almost the entire $700 billion taxpayer investment has been or soon will be paid back to the U.S. Treasury. In fact, just this week, the Treasury booked a $12 billion profit on its previous $45 billion investment in Citigroup.

This year, Senator GREGG has played a key role on the HELP Committee in bringing together Senators from both parties to advance food safety legislation. Frankly, there were many times when sharp policy disagreements threatened the survival of that bill. But at every turn, Senator GREGG played a constructive role in working through the options, crafting bipartisan compromises, and keeping the legislation on track to passage. I have nothing but admiration and gratitude to Senator GREGG for his leadership on the food safety bill, which, as you know, passed the Senate, and because of a little glitch, the House had to return it, and it is coming back to us on the continuing resolution bill. We will put it on our omnibus bill and send it back to the House. I do not think there is any doubt that this will be signed into law by the President this year.

That is the first modernization of our Food and Drug Administration inspection systems in 70 years—70 years. Again, I wish to publicly thank Senator GREGG for hanging in there over several years' period of time to make sure we kept it on track from one Congress to another, from one Congress to another, up and down, but we finally got it done. As I just said, I have the utmost admiration and gratitude to Senator GREGG for hanging in there and making sure we got the job done.

As many of our colleagues will remember, several years ago, Senator GREGG bought a $20 Powerball lottery ticket and won $850,000. Again, we all want to go up and touch him and see if it will rub off on us a little bit. To this day, Senator GREGG is the only person I have ever known who won a Powerball lottery ticket. Well, as we have often said, that was JUDD GREGG's personal good fortune, but it has been our good fortune to have a Senator of his high caliber and character in this body for the last 18 years. During that time, I have placed great store by his friendship and his counsel. Of course, that relationship and friendship will continue, but I am sorry we are going to miss him here in the Senate.

I join with the entire Senate family in wishing JUDD and Kathleen the very best in the years ahead.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, may I first say how proud and privileged I feel to have been on the floor during the distinguished speeches of the senior Senator from Iowa on behalf of his friends and colleagues, many of decades' duration. I am still in my first term here. I know I still have a lot to learn, but one thing I have learned is that this place operates on friendship and that the friendships here are special ones, forged in cooperation, tempered in combat, and sustained in mutual respect. The Senator's eloquent words about our colleagues are a great testament to that fine characteristic of this body. So I felt very touched and pleased to be here.

RENEWABLE ENERGY

Mr. WHITEHOUSE. Madam President, I am here to draw attention to what I consider to be an urgent need that we include an extension of the Treasury grant program for renewable energy projects in any upcoming tax legislation considered by the Senate. These are called 1603 grants because they were created by section 1603 of the Recovery Act. This grant program has been vital to the renewable energy industry, which creates jobs, promotes energy independence, and is a vital foundation of the emerging clean energy revolution.

Section 1603 of the Recovery Act allows for cash grants in place of the 30-percent investment tax credit for renewable energy projects. That direct cash payment provides an immediate jump-start to renewable energy projects. Many renewable energy projects were funded using what were called tax equity partnerships, and much of this funding dried up during the recent credit crunch.

The 1603 grant program is a lifeline to renewable energy developers, and it has allowed hundreds of projects to go forward that otherwise would have stumbled or failed. According to the American Wind Energy Association, the cash grants enabled the construction of 10,000 megawatts of new wind capacity in 2009, while just 4,000 megawatts would have been built without the program.

The transition for America to a clean energy economy is long past due. This country has run on the same fuel at basically the same efficiency levels since the start of the Industrial Revolution at the Slater Mill in Pawtucket, RI. This was acceptable maybe in 1900, perhaps even in 1950, but where does it leave us today in 2010? Sadly, it leaves us behind the international competitive curve.

The next big economic revolution—the green, clean energy revolution—will dwarf the digital revolution in terms of jobs and wealth creation. We have heard testimony in this Senate that the Internet is a $1 trillion industry worldwide, while energy is expected to be a $6 trillion energy industry. That means jobs. We know other countries are making significant investments in clean energy to claim those jobs and to claim a commanding position in the race for leadership to a clean energy future for our planet.

Half of America's existing wind turbines were manufactured overseas. Of the two wind turbines installed in Portsmouth, RI, one was manufactured by a Danish company and the other by an Austrian company. Meanwhile, our pace of wind turbine installation is also lagging behind. It looks like in 2010, the United States will have installed about one-eighth of the wind power installed by Germany. The United States invented the first solar cell, but we now rank fifth among countries that manufacture solar components. The United States is home to only 1 of the top 10 companies manufacturing solar energy components and to only 1 of the top 10 companies manufacturing wind turbines.

Companies in other countries see the demand for clean energy, and they are moving swiftly ahead of us in the race to meet that demand. An extension of the section 1603 Treasury grant program would help us create and sustain jobs and build the foundation for our long-term economic growth.

A study by Lawrence Berkeley National Laboratory found that wind energy projects made possible by section 1603 were responsible for more than 55,000 jobs. Extending the grant program would continue this impressive job creation in a sector of promising growth and at a time when it is desperately needed.

Already I have seen the seeds of green innovation take root in Rhode Island. The U.S. Navy is decommissioning part of a naval station in Newport that it no longer needs. Instead of that land going to waste, a Portsmouth developer is planning to convert 85 of these acres for a large solar power energy project. His plans also include an incubator space for renewable energy projects and a green technology museum.

We have a company based in East Greenwich that develops renewable energy technologies and products to maximize energy efficiency. In the past year, the company has filed for patent protection on three different renewable energy technologies, including an exciting new technology that will generate electrical power from wind turbines mounted on boats and marinas.

Another example is Hodges Badge, the largest manufacturer of ribbons, buttons, and medals in the country. It is located in Portsmouth. If your kids have ever won a ribbon at a track meet or a horse show or some other competition, it was probably made at Hodges Badge in Portsmouth. This family-owned company is on track to become the first manufacturer in Rhode Island powered entirely by clean energy, having just broken ground this month on installation of a 149-foot tall wind turbine behind the factory.

Company President Eric Hodges said:

> It'll be nice to say we're first, that we're 100-percent renewable. It's a nice marketing message. But really it's because it's the right thing to do.

Putting up the turbine will cost about $900,000 and Hodges readily admits that he wouldn't have pursued the project if it were not for renewable energy grants from the State and Federal Government. That project and its jobs would be lost. Hodges Badge does the type of traditional manufacturing that Rhode Island has unfortunately been losing for decades, that our country has been losing for decades. Finding a way to save on energy is one way to ensure this company, which has 95 employees in Rhode Island, can succeed and doesn't leave our State. Extending the section 1603 program would proliferate hundreds of small renewable projects across the country.

For example, in Rhode Island the program would help a 100-kilowatt project at a low-income housing project in Portsmouth, a 1.5-megawatt project at a water treatment facility in Jamestown, and a 300-kilowatt solar project in Wakefield. Without the grant program, these types of projects and the jobs associated with them would dry up. That goes for large-scale projects too. A renewable energy company in Rhode Island has proposed the country's largest offshore wind farm off the coast of Rhode Island, a 200-turbine, 1,000-megawatt project with a goal of starting construction in 2014. This impressive project would provide power to States all along the east coast. We cannot let innovative projects such as these, job-creating projects such as these, entrepreneurial projects such as these, be stopped in their tracks by this bill.

What would extending the Treasury grant program cost? The tax cuts for wealthy Americans that are part of the newly announced tax deal would pay for the extension of the Treasury grant program supporting these renewable jobs 20 times over.

It is time for us to lead again. Just imagine if every one of the wind turbines to be sited in Rhode Island waters and all up and down the Atlantic coast was manufactured in the United States or imagine if we converted brownfields across the country to solar farms, creating a profitable use for this property and bringing jobs to blighted neighborhoods or finally, for a minute, imagine 1 million more manufacturing facilities like Hodges Badge running their assembly lines entirely on solar, wind, geothermal and other renewable energy sources and no longer being held hostage to rising fuel costs. A clean energy economy beckons with vast promise and jobs, efficiencies, and entrepreneurship. We must not, we cannot ignore the call.

I urge our leaders to include in any tax compromise we take up an extension of the renewable energy tax credits and the 1603 program.

I thank the distinguished Senator from Oregon for his patience and yield the floor.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from New Hampshire.

START TREATY

Mrs. SHAHEEN. Mr. President, I think most of us believe we should not play partisan politics when it comes to nuclear weapons. But in a speech this morning at the Heritage Foundation, my colleagues, our colleague, Senator JIM DEMINT, claimed the new START treaty weakens our national security. I like our colleague from South Carolina. He has been the ranking member on the European Affairs Subcommittee of the Foreign Relations Committee, which I have chaired for the last 2 years, and we have worked very well together. But on this issue he is just wrong.

Nearly the entire foreign policy and national security establishment, Democrats and Republicans alike, completely disagree with him. Senator DEMINT is arguing that this treaty somehow weakens our national security and limits our strategic options. That argument has little basis in reality and is opposed by every living former Republican Secretary of State, five former Secretaries of Defense, seven former commanders of our strategic nuclear weapons, foreign policy and national security giants from seven former Presidential administrations and former President George H.W. Bush. All of these national security heavyweights argue the exact opposite of Senator DEMINT, and they all agree the new START treaty strengthens our national security.

The new START treaty has the unanimous backing of America's military leadership and America's NATO allies. According to the most recent CBS news poll, the treaty now has the support of 82 percent of Americans. Now is the time to vote on the new START treaty. No one is rushing this treaty. Since the treaty was signed back in April, the Senate has had 245 days—I want to repeat that, 245 days—to thoroughly review and consider this agreement. After 20 Senate hearings, more than 31 witnesses, over 900 questions and answers, and 8 months of consideration, including a significant delay during the August recess for additional time before the Senate Foreign Relations Committee, the consensus is clear. New START is in our national security interest, and the Senate should not wait any longer to ratify this treaty.

I ask the opponents of this treaty to consider our broader national security interests. Think about the effect stalling this treaty or publicly rejecting it will have not only on our ability to monitor Russia—because we have had no inspectors on the ground in Russia for over a year now because the treaty expired on December 5, so it has been over a year—but on all of our counterproliferation efforts around the world. Failing to ratify New START this year tells the world we are not serious about the nuclear threat.

I know my colleagues don't want Iran or North Korea or al-Qaida to have the bomb. We have heard that from everyone in this Chamber. Everyone is clear about that. Last week five former Republican Secretaries of State from five former Republican Presidents connected the passage of New START to our efforts on Iran and North Korea.

Again, I ask opponents of this treaty, are ideological goals worth the risk to our national security? Delaying a vote on New START into next year is a dangerous and unnecessary gamble with this Nation's security. I hope the opponents of this treaty will reconsider their opposition and recognize how important it is to this country's security to pass this treaty this year in this Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RAY DAVES AIRPORT TRAFFIC CONTROL TOWER

Mr. WYDEN. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 5591, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 5591) to designate the airport traffic control tower located at Spokane International Airport in Spokane, Washington, as the ''Ray Daves Airport Traffic Control Tower.''

There being no objection, the Senate proceeded to consider the bill.

Mr. WYDEN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5591) was ordered to a third reading, was read the third time, and passed.

PEDESTRIAN SAFETY ENHANCEMENT ACT OF 2009

Mr. WYDEN. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. 841, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 841) to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

There being no objection, the Senate proceeded to consider the bill.

Mr. WYDEN. Mr. President, I ask unanimous consent that a Kerry substitute amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4750) was agreed to, as follows:

(Purpose: To require the Secretary of Transportation to establish a motor vehicle safety standard for electric and hybrid vehicles that would require such vehicles to emit a sound to alert pedestrians to their operation)

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pedestrian Safety Enhancement Act of 2010''.

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term ''Secretary'' means the Secretary of Transportation;

(2) the term ''alert sound'' (herein referred to as the ''sound'') means a vehicle-emitted sound to enable pedestrians to discern vehicle presence, direction, location, and operation;

(3) the term ''cross-over speed'' means the speed at which tire noise, wind resistance, or other factors eliminate the need for a separate alert sound as determined by the Secretary;

(4) the term ''motor vehicle'' has the meaning given such term in section 30102(a)(6) of title 49, United States Code, except that such term shall not include a trailer (as such term is defined in section 571.3 of title 49, Code of Federal Regulations);

(5) the term ''conventional motor vehicle'' means a motor vehicle powered by a gasoline, diesel, or alternative fueled internal combustion engine as its sole means of propulsion;

(6) the term ''manufacturer'' has the meaning given such term in section 30102(a)(5) of title 49, United States Code;

(7) the term ''dealer'' has the meaning given such term in section 30102(a)(1) of title 49, United States Code;

(8) the term ''defect'' has the meaning given such term in section 30102(a)(2) of title 49, United States Code;

(9) the term ''hybrid vehicle'' means a motor vehicle which has more than one means of propulsion; and

(10) the term ''electric vehicle'' means a motor vehicle with an electric motor as its sole means of propulsion.

SEC. 3. MINIMUM SOUND REQUIREMENT FOR MOTOR VEHICLES.

(a) RULEMAKING REQUIRED.—Not later than 18 months after the date of enactment of this Act the Secretary shall initiate rulemaking, under section 30111 of title 49, United States Code, to promulgate a motor vehicle safety standard—

(1) establishing performance requirements for an alert sound that allows blind and other pedestrians to reasonably detect a nearby electric or hybrid vehicle operating below the cross-over speed, if any; and

(2) requiring new electric or hybrid vehicles to provide an alert sound conforming to the requirements of the motor vehicle safety standard established under this subsection.

The motor vehicle safety standard established under this subsection shall not require either driver or pedestrian activation of the alert sound and shall allow the pedestrian to reasonably detect a nearby electric or hybrid vehicle in critical operating scenarios including, but not limited to, constant speed, accelerating, or decelerating. The Secretary shall allow manufacturers to provide each vehicle with one or more sounds that comply with the motor vehicle safety standard at the time of manufacture. Further, the Secretary shall require manufacturers to provide, within reasonable manufacturing tolerances, the same sound or set of sounds for all vehicles of the same make and model and shall prohibit manufacturers from providing any mechanism for anyone other than the manufacturer or the dealer to disable, alter, replace, or modify the sound or set of sounds, except that the manufacturer or dealer may alter, replace, or modify the sound or set of sounds in order to remedy a defect or noncompliance with the motor vehicle safety standard. The Secretary shall promulgate the required motor vehicle safety standard pursuant to this subsection not later than 36 months after the date of enactment of this Act.

(b) CONSIDERATION.—When conducting the required rulemaking, the Secretary shall—

(1) determine the minimum level of sound emitted from a motor vehicle that is necessary to provide blind and other pedestrians with the information needed to reasonably detect a nearby electric or hybrid vehicle operating at or below the cross-over speed, if any;

(2) determine the performance requirements for an alert sound that is recognizable to a pedestrian as a motor vehicle in operation; and

(3) consider the overall community noise impact.

(c) PHASE-IN REQUIRED.—The motor vehicle safety standard prescribed pursuant to subsection (a) of this section shall establish a phase-in period for compliance, as determined by the Secretary, and shall require full compliance with the required motor vehicle safety standard for motor vehicles manufactured on or after September 1st of the calendar year that begins 3 years after the date on which the final rule is issued.

(d) REQUIRED CONSULTATION.—When conducting the required study and rulemaking, the Secretary shall—

(1) consult with the Environmental Protection Agency to assure that the motor vehicle safety standard is consistent with existing noise requirements overseen by the Agency;

(2) consult consumer groups representing individuals who are blind;

(3) consult with automobile manufacturers and professional organizations representing them;

(4) consult technical standardization organizations responsible for measurement methods such as the Society of Automotive Engineers, the International Organization for Standardization, and the United Nations Economic Commission for Europe, World Forum for Harmonization of Vehicle Regulations.

(e) REQUIRED STUDY AND REPORT TO CONGRESS.—Not later than 48 months after the date of enactment of this Act, the Secretary shall complete a study and report to Congress as to whether there exists a safety need to apply the motor vehicle safety standard required by subsection (a) to conventional motor vehicles. In the event that the Secretary determines there exists a safety need, the Secretary shall initiate rulemaking under section 30111 of title 49, United States Code, to extend the standard to conventional motor vehicles.

SEC. 4. FUNDING.

Notwithstanding any other provision of law, $2,000,000 of any amounts made available to the Secretary of Transportation under under section 406 of title 23, United States Code, shall be made available to the Administrator of the National Highway Transportation Safety Administration for carrying out section 3 of this Act.

The bill (S. 841), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

NATIONAL FOUNDATION ON PHYSICAL FITNESS AND SPORTS ESTABLISHMENT ACT

Mr. WYDEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 677, S. 1275.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1275) to establish a National Foundation on Physical Fitness and Sports to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, which an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Foundation on Fitness, Sports, and Nutrition Establishment Act''.

SEC. 2. ESTABLISHMENT AND PURPOSE OF FOUNDATION.

(a) ESTABLISHMENT.—There is established the National Foundation on Fitness, Sports, and Nutrition (hereinafter in this Act referred to as the ''Foundation''). The Foundation is a charitable and nonprofit corporation and is not an agency or establishment of the United States.

(b) PURPOSES.—The purposes of the Foundation are—

(1) in conjunction with the Office of the President's Council on Fitness, Sports and Nutrition, to develop a list and description of programs, events and other activities which would further the purposes and functions outlined in Executive Order 13265, as amended, and with respect to which combined private and governmental efforts would be beneficial;

(2) to encourage and promote the participation by private organizations in the activities referred to in subsection (b)(1) and to encourage and promote private gifts of money and other property to support those activities; and

(3) in consultation with such Office, to undertake and support activities to further the purposes and functions of such Executive Order.

(c) PROHIBITION ON FEDERAL FUNDING.—The Foundation may not accept any Federal funds.

SEC. 3. BOARD OF DIRECTORS OF THE FOUNDATION.

(a) ESTABLISHMENT AND MEMBERSHIP.—The Foundation shall have a governing Board of Directors (hereinafter referred to in this Act as the ''Board''), which shall consist of 9 members each of whom shall be a United States citizen and—

(1) 3 of whom should be knowledgeable or experienced in one or more fields directly connected with physical fitness, sports, nutrition, or the relationship between health status and physical exercise; and

(2) 6 of whom should be leaders in the private sector with a strong interest in physical fitness, sports, nutrition, or the relationship between health status and physical exercise.

The membership of the Board, to the extent practicable, should represent diverse professional specialties relating to the achievement of physical fitness through regular participation in programs of exercise, sports, and similar activities, or to nutrition. The Assistant Secretary for Health, the Executive Director of the President's Council on Fitness, Sports and Nutrition, the Director for the National Center for Chronic Disease Prevention and Health Promotion, the Director of the National Heart, Lung, and Blood Institute, and the Director for the Centers for Disease Control and Prevention shall be ex officio, nonvoting members of the Board. Appointment to the Board or its staff shall not constitute employment by, or the holding of an office of, the United States for the purposes of laws relating to Federal employment.

(b) APPOINTMENTS.—Within 90 days from the date of enactment of this Act, the members of the Board shall be appointed by the Secretary in accordance with this subsection. In selecting individuals for appointments to the Board, the Secretary should consult with—

(1) the Speaker of the House of Representatives concerning the appointment of one member;

(2) the Majority Leader of the House of Representatives concerning the appointment of one member;

(3) the Majority Leader of the Senate concerning the appointment of one member;

(4) the President Pro Tempore concerning the appointment of one member;

(5) the Minority Leader of the House of Representatives concerning the appointment of one member; and

(6) the Minority Leader of the Senate concerning the appointment of one member.

(c) TERMS.—The members of the Board shall serve for a term of 6 years, except that the original members of the Board shall be appointed for staggered terms as determined appropriate by the Secretary. A vacancy on the Board shall be filled within 60 days of the vacancy in the same manner in which the original appointment was made and shall be for the balance of the term of the individual who was replaced. No individual may serve more than 2 consecutive terms as a member.

(d) CHAIRMAN.—The Chairman shall be elected by the Board from its members for a 2-year term and shall not be limited in terms or service, other than as provided in subsection (c).

(e) QUORUM.—A majority of the current membership of the Board shall constitute a quorum for the transaction of business.

(f) MEETINGS.—The Board shall meet at the call of the Chairman at least once a year. If a member misses 3 consecutive regularly scheduled meetings, that member may be removed from the Board and the vacancy filled in accordance with subsection (c).

(g) REIMBURSEMENT OF EXPENSES.—Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Foundation, subject to the same limitations on reimbursement that are imposed upon employees of Federal agencies.

(h) LIMITATIONS.—The following limitations apply with respect to the appointment of employees of the Foundation:

(1) Employees may not be appointed until the Foundation has sufficient funds to pay them for their service. No individual so appointed may receive a salary in excess of the annual rate of basic pay in effect for Executive Level V in the Federal service. A member of the Board may not receive compensation for serving as an employee of the Foundation.

(2) The first employee appointed by the Board shall be the Secretary of the Board who shall serve, at the direction of the Board, as its chief operating officer and shall be knowledgeable and experienced in matters relating to physical fitness, sports, and nutrition.

(3) No Public Health Service employee nor the spouse or dependent relative of such an employee may serve as a member of the Board of Directors or as an employee of the Foundation.

(4) Any individual who is an employee or member of the Board of the Foundation may not (in accordance with the policies developed under subsection (i)) personally or substantially participate in the consideration or determination by the Foundation of any matter that would directly or predictably affect any financial interest of—

(A) the individual or a relative (as such term is defined in section 109(16) of the Ethics in Government Act, 1978) of the individual; or

(B) any business organization, or other entity, of which the individual is an officer or employee, is negotiating for employment, or in which the individual has any other financial interest.

(i) GENERAL POWERS.—The Board may complete the organization of the Foundation by—

(1) appointing employees;

(2) adopting a constitution and bylaws consistent with the purposes of the Foundation and the provision of this Act; and

(3) undertaking such other acts as may be necessary to carry out the provisions of this Act. In establishing bylaws under this subsection, the Board shall provide for policies with regard to financial conflicts of interest and ethical standards for the acceptance, solicitation and disposition of donations and grants to the Foundation.

SEC. 4. POWERS AND DUTIES OF THE FOUNDATION.

(a) IN GENERAL.—The Foundation—

(1) shall have perpetual succession;

(2) may conduct business throughout the several States, territories, and possessions of the United States;

(3) shall have its principal offices in or near the District of Columbia; and

(4) shall at all times maintain a designated agent authorized to accept service of process for the Foundation.

The serving of notice to, or service of process upon, the agent required under paragraph (4), or mailed to the business address of such agent, shall be deemed as service upon or notice to the Foundation.

(b) SEAL.—The Foundation shall have an official seal selected by the Board which may be used as provided for in section 5.

(c) INCORPORATION; NONPROFIT STATUS.—To carry out the purposes of the Foundation under section 2, the Board shall—

(1) incorporate the Foundation in the District of Columbia; and

(2) establish such policies and bylaws as may be necessary to ensure that the Foundation maintains status as an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986.

(d) POWERS.—Subject to the specific provisions of section 2, the Foundation, in consultation with the Office of the President's Council on Fitness, Sports, and Nutrition, shall have the power, directly or by the awarding of contracts or grants, to carry out or support activities for the purposes described in such section.

(e) TREATMENT OF PROPERTY.—For purposes of this Act, an interest in real property shall be treated as including easements or other rights for preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, educational inspirational or recreational resources. A gift, devise, or bequest may be accepted by the Foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest therein is for the benefit of the Foundation.

SEC. 5. PROTECTION AND USES OF TRADEMARKS AND TRADE NAMES.

(a) TRADEMARKS OF THE FOUNDATION.—Authorization for a contributor, or a supplier of goods or services, to use, in advertising regarding the contribution, goods, or services, the trade name of the Foundation, or any trademark, seal, symbol, insignia, or emblem of the Foundation may be provided only by the Foundation with the concurrence of the Secretary or the Secretary's designee.

(b) TRADEMARKS OF THE COUNCIL.——Authorization for a contributor or supplier described in subsection (a) to use, in such advertising, the trade name of the President's Council on Fitness, Sports, and Nutrition, or any trademark, seal, symbol, insignia, or emblem of such Council, may be provided—

(1) by the Secretary or the Secretary's designee; or

(2) by the Foundation with the concurrence of the Secretary or the Secretary's designee.

SEC. 6. AUDIT, REPORT REQUIREMENTS, AND PETITION OF ATTORNEY GENERAL FOR EQUITABLE RELIEF.

(a) AUDITS.—For purposes of the Act entitled ''An Act for audit of accounts of private corporations established under Federal law'', approved August 30, 1964 (Public Law 88–504, 36 U.S.C. 1101–1103), the Foundation shall be treated as a private corporation under Federal law. The Inspector General of the Department of

Health and Human Services and the Comptroller General of the United States shall have access to the financial and other records of the Foundation, upon reasonable notice.

(b) REPORT.—The Foundation shall, not later than 60 days after the end of each fiscal year, transmit to the Secretary and to Congress a report of its proceedings and activities during such year, including a full and complete statement of its receipts, expenditures, and investments.

(c) RELIEF WITH RESPECT TO CERTAIN FOUNDATION ACTS OR FAILURE TO ACT.—If the Foundation—

(1) engages in, or threatens to engage in, any act, practice or policy that is inconsistent with its purposes set forth in section 2(b); or

(2) refuses, fails, or neglects to discharge its obligations under this Act, or threaten to do so;

the Attorney General of the United States may petition in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate.

Mr. WYDEN. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be read a third time and passed, and the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported substitute amendment was agreed to.

The bill (S. 1275), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

AUTHORIZING TESTIMONY AND LEGAL REPRESENTATION

Mr. WYDEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 699 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the title of the resolution.

The bill clerk read as follows:

A resolution (S. Res. 699) to authorize testimony and legal representation in City of St. Paul v. Irene Victoria Andrews, Bruce Jerome Berry, John Joseph Braun, David Eugene Luce, and Elizabeth Ann McKenzie.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns a request for testimony and representation in a criminal action pending in Minnesota State Court. In this action, protesters have been charged with trespass for occupying Senator AL FRANKEN's St. Paul, Minnesota office in April of this year, and refusing requests to leave the premises. The prosecution has sought testimony from a member of the Senator's staff who witnessed the relevant events. Senator FRANKEN would like to cooperate by providing testimony from that person. This resolution would authorize that person to testify in connection with these actions, with representation by the Senate Legal Counsel of her and any other employee from whom evidence may be sought.

Mr. WYDEN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 699) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 699

Whereas, in the case of *City of St. Paul* v. *Irene Victoria Andrews, Bruce Jerome Berry, John Joseph Braun, David Eugene Luce, and Elizabeth Ann McKenzie*, Case No. 10–071–634, pending in Ramsey County District Court in St. Paul, Minnesota, the prosecution has sought testimony from Shelly Schafer, an employee of Senator Al Franken;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Shelly Schafer is authorized to testify in the case of *City of St. Paul* v. *Irene Victoria Andrews, Bruce Jerome Berry, John Joseph Braun, David Eugene Luce, and Elizabeth Ann McKenzie*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Shelly Schafer, and any other employee from whom evidence may be sought, in connection with the testimony authorized in section one of this resolution.

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 104–191, appoints the following individual to the National Committee on Vital and Health Statistics for a 4-year term: Dr. Raj Chanderraj of Nevada vice Dr. Richard K. Harding of South Carolina.

TRAFFICKING DETERRENCE AND VICTIMS SUPPORT ACT OF 2009

Mr. WYDEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 581, S. 2925.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 2925) to establish a grant program to benefit victims of sex trafficking, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Human trafficking is modern-day slavery. It is one of the fastest-growing, and the second largest, criminal enterprise in the world. Human trafficking generates an estimated profit of $32,000,000,000 per year, world wide.

(2) In the United States, human trafficking is an increasing problem. This criminal enterprise victimizes individuals in the United States, many of them children, who are forced into prostitution, and foreigners brought into the country, often under false pretenses, who are coerced into forced labor or commercial sexual exploitation.

(3) Sex trafficking is one of the most lucrative areas of human trafficking. Criminal gang members in the United States are increasingly involved in recruiting young women and girls into sex trafficking. Interviews with gang members indicate that the gang members regard working as an individual who solicits customers for a prostitute (commonly known as a ''pimp'') to being as lucrative as trafficking in drugs, but with a much lower chance of being criminally convicted.

(4) National Incidence Studies of Missing, Abducted, Runaway and Throwaway Children, the definitive study of episodes of missing children, found that of the children who are victims of non-family abduction, runaway or throwaway children, the police are alerted by family or guardians in only 21 percent of the cases. In 79 percent of cases there is no report and no police involvement, and therefore no official attempt to find the child.

(5) In 2007, the Administration of Children and Families, Department of Health and Human Services, reported to the Federal Government 265,000 cases of serious physical, sexual, or psychological abuse of children.

(6) Experts estimate that each year at least 100,000 children in the United States are exploited through prostitution.

(7) Children who have run away from home are at a high risk of becoming exploited through sex trafficking. Children who have run away multiple times are at much higher risk of not returning home and of engaging in prostitution.

(8) The vast majority of children involved in sex trafficking have suffered previous sexual or physical abuse, live in poverty, or have no stable home or family life. These children require a comprehensive framework of specialized treatment and mental health counseling that addresses post-traumatic stress, depression, and sexual exploitation.

(9) The average age of first exploitation through prostitution is 13. Seventy-five percent of minors exploited through prostitution have a pimp. A pimp can earn $200,000 per year prostituting 1 sex trafficking victim.

(10) Sex trafficking of minors is a complex and varied criminal problem that requires a multidisciplinary, cooperative solution. Reducing trafficking will require the Government to address victims, pimps, and johns, and to provide training specific to sex trafficking for law enforcement officers and prosecutors, and child welfare, public health, and other social service providers.

(11) Human trafficking is a criminal enterprise that imposes significant costs on the economy of the United States. Government and non-profit resources used to address trafficking include those of law enforcement, the judicial and penal systems, and social service providers. Without a range of appropriate treatments to help trafficking victims overcome the trauma they have experienced, victims will continue to be exploited by criminals and unable to support

themselves, and will continue to require Government resources, rather than being productive contributors to the legitimate economy.

(12) Human trafficking victims are often either not identified as trafficking victims or are mischaracterized as criminal offenders. Both private and public sector personnel play a significant role in identifying trafficking victims and potential victims, such as runaways. Examples of such personnel include hotel staff, flight attendants, health care providers, educators, and parks and recreation personnel. Efforts to train these individuals can bolster law enforcement efforts to reduce human trafficking.

(13) Minor sex trafficking victims are under the age of 18. Because minors do not have the capacity to consent to their own commercial sexual exploitation, minor sex trafficking victims should not be charged as criminal defendants. Instead, minor victims of sex trafficking should have access to treatment and services to help them recover from their sexual exploitation, and should also be provided access to appropriate compensation for harm they have suffered.

(14) Several States have recently passed or are considering legislation that establishes a presumption that a minor charged with a prostitution offense is a severely trafficked person and should instead be cared for through the child protection system. Some such legislation also provides support and services to minor sex trafficking victims who are under the age of 18 years old. These services include safe houses, crisis intervention programs, community-based programs, and law-enforcement training to help officers identify minor sex trafficking victims.

(15) Sex trafficking of minors is not a problem that occurs only in urban settings. This crime also exists in rural areas and on Indian reservations. Efforts to address sex trafficking of minors should include partnerships with organizations that seek to address the needs of such underserved communities.

SEC. 3. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) the Attorney General should implement changes to the National Crime Information Center database to ensure that—

(A) a child entered into the database will be automatically designated as an endangered juvenile if the child has been reported missing not less than 3 times in a 1-year period;

(B) the database is programmed to cross-reference newly entered reports with historical records already in the database; and

(C) the database is programmed to include a visual cue on the record of a child designated as an endangered juvenile to assist law enforcement officers in recognizing the child and providing the child with appropriate care and services;

(2) funds awarded under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) (commonly known as Byrne Grants) should be used to provide education, training, deterrence, and prevention programs relating to sex trafficking of minors;

(3) States should—

(A) treat minor victims of sex trafficking as crime victims rather than as criminal defendants or juvenile delinquents;

(B) adopt laws that—

(i) establish the presumption that a child under the age of 18 who is charged with a prostitution offense is a minor victim of sex trafficking;

(ii) avoid the criminal charge of prostitution for such a child, and instead consider such a child a victim of crime and provide the child with appropriate services and treatment; and

(iii) strengthen criminal provisions prohibiting the purchasing of commercial sex acts, especially with minors;

(C) amend State statutes and regulations—

(i) relating to crime victim compensation to make eligible for such compensation any individual who is a victim of sex trafficking as defined in section 1591(a) of title 18, United States Code, or a comparable State law against commercial sexual exploitation of children, and who would otherwise be ineligible for such compensation due to participation in prostitution activities because the individual is determined to have contributed to, consented to, benefitted from, or otherwise participated as a party to the crime for which the individual is claiming injury; and

(ii) relating to law enforcement reporting requirements to provide for exceptions to such requirements for victims of sex trafficking in the same manner as exceptions are provided to victims of domestic violence or related crimes; and

(4) demand for commercial sex with sex trafficking victims must be deterred through consistent enforcement of criminal laws against purchasing commercial sex.

SEC. 4. SEX TRAFFICKING BLOCK GRANTS.

Section 204 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044c) is amended to read as follows:

"SEC. 204. ENHANCING STATE AND LOCAL EFFORTS TO COMBAT TRAFFICKING IN PERSONS.

''(a) SEX TRAFFICKING BLOCK GRANTS.—

''(1) DEFINITIONS.—In this section—

''(A) the term 'Assistant Attorney General' means the Assistant Attorney General for the Office of Justice Programs of the Department of Justice;

''(B) the term 'eligible entity' means a State or unit of local government that—

''(i) has significant criminal activity involving sex trafficking of minors;

''(ii) has demonstrated cooperation between State, local, and, where applicable, tribal law enforcement agencies, prosecutors, and social service providers in addressing sex trafficking of minors;

''(iii) has developed a workable, multi-disciplinary plan to combat sex trafficking of minors, including—

''(I) the establishment of a shelter for minor victims of sex trafficking, through existing or new facilities;

''(II) the provision of rehabilitative care to minor victims of sex trafficking;

''(III) the provision of specialized training for law enforcement officers and social service providers for all forms of sex trafficking, with a focus on sex trafficking of minors;

''(IV) prevention, deterrence, and prosecution of offenses involving sex trafficking of minors;

''(V) cooperation or referral agreements with organizations providing outreach or other related services to runaway and homeless youth; and

''(VI) law enforcement protocols or procedures to screen all individuals arrested for prostitution, whether adult or minor, for victimization by sex trafficking and by other crimes, such as sexual assault and domestic violence; and

''(iv) provides an assurance that, under the plan under clause (iii), a minor victim of sex trafficking shall not be required to collaborate with law enforcement to have access to any shelter or services provided with a grant under this section;

''(C) the term 'minor victim of sex trafficking' means an individual who is—

''(i) under the age of 18 years old, and is a victim of an offense described in section 1591(a) of title 18, United States Code, or a comparable State law; or

''(ii) at least 18 years old but not more than 20 years old, and who, on the day before the individual attained 18 years of age, was described in clause (i) and was receiving shelter or services as a minor victim of sex trafficking;

''(D) the term 'qualified non-governmental organization' means an organization that—

''(i) is not a State or unit of local government, or an agency of a State or unit of local government;

''(ii) has demonstrated experience providing services to victims of sex trafficking or related populations (such as runaway and homeless youth), or employs staff specialized in the treatment of sex trafficking victims; and

''(iii) demonstrates a plan to sustain the provision of services beyond the period of a grant awarded under this section; and

''(E) the term 'sex trafficking of a minor' means an offense described in subsection (a) of section 1591 of title 18, United States Code, the victim of which is a minor.

''(2) GRANTS AUTHORIZED.—

''(A) IN GENERAL.—The Assistant Attorney General, in consultation with the Assistant Secretary for Children and Families of the Department of Health and Human Services, is authorized to award block grants to 6 eligible entities in different regions of the United States to combat sex trafficking, and not fewer than 1 of the block grants shall be awarded to an eligible entity with a State population of less than 5,000,000.

''(B) GRANT AMOUNT.—Subject to the availability of appropriations under subsection (g) to carry out this section, each grant awarded under this section shall be for an amount not less than $2,000,000 and not greater than $2,500,000.

''(C) DURATION.—

''(i) IN GENERAL.—A grant awarded under this section shall be for a period of 1 year.

''(ii) RENEWAL.—

''(I) IN GENERAL.—The Assistant Attorney General may renew a grant under this section for two 1-year periods.

''(II) PRIORITY.—In awarding grants in any fiscal year after the first fiscal year in which grants are awarded under this section, the Assistant Attorney General shall give priority to applicants that received a grant in the preceding fiscal year and are eligible for renewal under this subparagraph, taking into account any evaluation of such applicant conducted pursuant to paragraph (5), if available.

''(D) CONSULTATION.—In carrying out this section, consultation by the Assistant Attorney General with the Assistant Secretary for Children and Families of the Department of Health and Human Services shall include consultation with respect to grantee evaluations, the avoidance of unintentional duplication of grants, and any other areas of shared concern.

''(3) USE OF FUNDS.—

''(A) ALLOCATION.—For each grant awarded under paragraph (2)—

''(i) not less than 50 percent of the funds shall be used by the eligible entity to provide shelter and services (as described in clauses (i) through (iv) of subparagraph (B)) to minor victims of sex trafficking through qualified nongovernmental organizations; and

''(ii) not less than 10 percent of the funds shall be awarded by the eligible entity to one or more qualified nongovernmental organizations with annual revenues of less than $750,000, to provide services to minor victims of sex trafficking or training for service providers related to sex trafficking of minors.

''(B) AUTHORIZED ACTIVITIES.—Grants awarded pursuant to paragraph (2) may be used for—

''(i) providing shelter to minor victims of trafficking, including temporary or long-term placement as appropriate;

''(ii) providing 24-hour emergency social services response for minor victims of sex trafficking;

''(iii) providing minor victims of sex trafficking with clothing and other daily necessities needed to keep such victims from returning to living on the street;

''(iv) case management services for minor victims of sex trafficking;

''(v) mental health counseling for minor victims of sex trafficking, including specialized counseling and substance abuse treatment;

''(vi) legal services for minor victims of sex trafficking;

''(vii) specialized training for law enforcement personnel, social service providers, and public

and private sector personnel likely to encounter sex trafficking victims on issues related to the sex trafficking of minors;

''(viii) funding salaries, in whole or in part, for law enforcement officers, including patrol officers, detectives, and investigators, except that the percentage of the salary of the law enforcement officer paid for by funds from a grant awarded under paragraph (2) shall not be more than the percentage of the officer's time on duty that is dedicated to working on cases involving sex trafficking of minors;

''(ix) funding salaries for State and local prosecutors, including assisting in paying trial expenses for prosecution of sex trafficking offenders;

''(x) investigation expenses for cases involving sex trafficking of minors, including—

''(I) wire taps;

''(II) consultants with expertise specific to cases involving sex trafficking of minors;

''(III) travel; and

''(IV) any other technical assistance expenditures;

''(xi) outreach and education programs to provide information about deterrence and prevention of sex trafficking of minors; and

''(xii) programs to provide treatment to individuals charged or cited with purchasing or attempting to purchase sex acts in cases where—

''(I) a treatment program can be mandated as a condition of a sentence, fine, suspended sentence, or probation, or is an appropriate alternative to criminal prosecution; and

''(II) the individual was not charged with purchasing or attempting to purchase sex acts with a minor.

''(4) APPLICATION.—

''(A) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Assistant Attorney General at such time, in such manner, and accompanied by such information as the Assistant Attorney General may reasonably require.

''(B) CONTENTS.—Each application submitted pursuant to subparagraph (A) shall—

''(i) describe the activities for which assistance under this section is sought; and

''(ii) provide such additional assurances as the Assistant Attorney General determines to be essential to ensure compliance with the requirements of this section.

''(5) EVALUATION.—The Assistant Attorney General shall enter into a contract with an academic or non-profit organization that has experience in issues related to sex trafficking of minors and evaluation of grant programs to conduct an annual evaluation of grants made under this section to determine the impact and effectiveness of programs funded with grants awarded under paragraph (2).

''(b) MANDATORY EXCLUSION.—Any grantee awarded funds under this section that is found to have utilized grant funds for any unauthorized expenditure or otherwise unallowable cost shall not be eligible for any grant funds awarded under the block grant for 2 fiscal years following the year in which the unauthorized expenditure or unallowable cost is reported.

''(c) COMPLIANCE REQUIREMENT.—A grantee shall not be eligible to receive a grant under this section if within the last 5 fiscal years, the grantee has been found to have violated the terms or conditions of a Government grant program by utilizing grant funds for unauthorized expenditures or otherwise unallowable costs.

''(d) ADMINISTRATIVE CAP.—The cost of administering the grants authorized by this section shall not exceed 3 percent of the total amount appropriated to carry out this section.

''(e) AUDIT REQUIREMENT.—For fiscal years 2012 and 2013, the Inspector General of the Department of Justice shall conduct an audit of all 6 grantees awarded block grants under this section.

''(f) MATCH REQUIREMENT.—A grantee of a grant under this section shall match at least 25 percent of a grant in the first year, 40 percent in the second year, and 50 percent in the third year.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section $15,000,000 for each of the fiscal years 2012 through 2014.''.

SEC. 5. REPORTING REQUIREMENTS.

(a) ANNUAL STATISTICAL SUMMARY.—Section 3701(c) of the Crime Control Act of 1990 (42 U.S.C. 5779(c)) is amended by inserting '', which shall include the total number of reports received and the total number of entries made to the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, established pursuant to section 534 of title 28, United States Code.'' after ''this title''.

(b) STATE REPORTING.—Section 3702 of the Crime Control Act of 1990 (42 U.S.C. 5780) is amended in paragraph (4)—

(1) by striking ''(2)'' and inserting ''(3)'';

(2) in subparagraph (A), by inserting '', and a photograph taken within the previous 180 days'' after ''dental records'';

(3) in subparagraph (B), by striking ''and'' after the semicolon;

(4) by redesignating subparagraph (C) as subparagraph (D); and

(5) by inserting after subparagraph (B) the following:

''(C) notify the National Center for Missing and Exploited Children of each report received relating to a child reported missing from a foster care family home or childcare institution; and''.

SEC. 6. PROTECTION FOR CHILD TRAFFICKING VICTIMS AND SURVIVORS.

Section 225(b) of the Trafficking Victims Reauthorization Act of 2008 (22 U.S.C. 7101 note) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

''(2) protects children exploited through prostitution by including safe harbor provisions that—

''(A) treat an individual under 18 years of age who has been arrested for offering to engage in or engaging in a sexual act with another person in exchange for monetary compensation as a victim of a severe form of trafficking in persons;

''(B) prohibit the charging or prosecution of an individual described in subparagraph (A) for a prostitution offense;

''(C) require the referral of an individual described in subparagraph (A) to comprehensive service or community-based programs that provide assistance to child victims of commercial sexual exploitation, to the extent that comprehensive service or community-based programs exist; and

''(D) provide that an individual described in subparagraph (A) shall not be required to prove fraud, force, or coercion in order to receive the protections described under this paragraph; and''.

SEC. 7. SUBPOENA AUTHORITY.

Section 566(e)(1) of title 28, United States Code, is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) issue administrative subpoenas in accordance with section 3486 of title 18, solely for the purpose of investigating unregistered sex offenders.''.

SEC. 8. PROTECTION OF CHILD WITNESSES.

Section 1514 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting ''or its own motion,'' after ''attorney for the Government''; and

(ii) by inserting ''or investigation'' after ''Federal criminal case'' each place it appears;

(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(C) by inserting after paragraph (1) the following:

''(2) In the case of a minor witness or victim, the court shall issue a protective order prohibiting harassment or intimidation of the minor victim or witness if the court finds evidence that the conduct at issue is reasonably likely to adversely affect the willingness of the minor witness or victim to testify or otherwise participate in the Federal criminal case or investigation. Any hearing regarding a protective order under this paragraph shall be conducted in accordance with paragraphs (1) and (3), except that the court may issue an ex parte emergency protective order in advance of a hearing if exigent circumstances are present. If such an ex parte order is applied for or issued, the court shall hold a hearing not later than 14 days after the date such order was applied for or is issued.'';

(D) in paragraph (4), as so redesignated, by striking ''(and not by reference to the complaint or other document)''; and

(E) in paragraph (5), as so redesignated, in the second sentence, by inserting before the period at the end the following: '', except that in the case of a minor victim or witness, the court may order that such protective order expires on the later of 3 years after the date of issuance or the date of the eighteenth birthday of that minor victim or witness''; and

(2) by striking subsection (c) and inserting the following:

''(c) Whoever knowingly and intentionally violates or attempts to violate an order issued under this section shall be fined under this title, imprisoned not more than 5 years, or both.

''(d)(1) As used in this section—

''(A) the term 'course of conduct' means a series of acts over a period of time, however short, indicating a continuity of purpose;

''(B) the term 'harassment' means a serious act or course of conduct directed at a specific person that—

''(i) causes substantial emotional distress in such person; and

''(ii) serves no legitimate purpose;

''(C) the term 'immediate family member' has the meaning given that term in section 115 and includes grandchildren;

''(D) the term 'intimidation' means a serious act or course of conduct directed at a specific person that—

''(i) causes fear or apprehension in such person; and

''(ii) serves no legitimate purpose;

''(E) the term 'restricted personal information' has the meaning give that term in section 119;

''(F) the term 'serious act' means a single act of threatening, retaliatory, harassing, or violent conduct that is reasonably likely to influence the willingness of a victim or witness to testify or participate in a Federal criminal case or investigation; and

''(G) the term 'specific person' means a victim or witness in a Federal criminal case or investigation, and includes an immediate family member of such a victim or witness.

''(2) For purposes of subparagraphs (B)(ii) and (D)(ii) of paragraph (1), a court shall presume, subject to rebuttal by the person, that the distribution or publication using the Internet of a photograph of, or restricted personal information regarding, a specific person serves no legitimate purpose, unless that use is authorized by that specific person, is for news reporting purposes, is designed to locate that specific person (who has been reported to law enforcement as a missing person), or is part of a government-authorized effort to locate a fugitive or person of interest in a criminal, antiterrorism, or national security investigation.''.

SEC. 9. SENTENCING GUIDELINES.

Pursuant to its authority under section 994 of title 28, United States Code, and in accordance

with this section, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and policy statements to ensure—

(1) that the guidelines provide an additional penalty increase of up to 8 offense levels, if appropriate, above the sentence otherwise applicable in Part J of the Guidelines Manual if the defendant was convicted of a violation of section 1591 of title 18, United States Code, or chapters 109A, 109B, 110 or 117 of title 18, United States Code; and

(2) if the offense described in paragraph (1) involved causing or threatening to cause physical injury to a person under 18 years of age, in order to obstruct the administration of justice, an additional penalty increase of up to 12 levels, if appropriate, above the sentence otherwise applicable in Part J of the Guidelines Manual.

SEC. 10. MINIMUM PENALTIES FOR POSSESSION OF CHILD PORNOGRAPHY.

(a) CERTAIN ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—Section 2252(b)(2) of title 18, United States Code, is amended by inserting after ''but if'' the following: ''any visual depiction involved in the offense involved a prepubescent minor or a minor who had not attained 12 years of age, such person shall be fined under this title and imprisoned for not less than 1 year nor more than 20 years, or if''.

(b) CERTAIN ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(b)(2) of title 18, United States Code, is amended by inserting after ''but, if'' the following: ''any image of child pornography involved in the offense involved a prepubescent minor or a minor who had not attained 12 years of age, such person shall be fined under this title and imprisoned for not less than 1 year nor more than 20 years, or if''.

SEC. 11. ADMINISTRATIVE SUBPOENAS.

Section 3486(a)(1) of title 18, United States Code, is amended—

(1) in subparagraph (A)(i)—

(A) by striking ''or'' after ''Federal health care offense;''; and

(B) by striking ''children,'' and inserting the following: ''children; or (III) and only for the purpose of investigations by the U.S. Marshals Service of an unregistered sex offender'';

(2) in subparagraph (D)—

(A) by striking ''paragraph, the term'' and inserting the following: ''paragraph—

''(i) the term'';

(B) by inserting '', 2250'' after ''2243'';

(C) by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(ii) the term 'sex offender' means an individual required to register under the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.).''.

SEX TRAFFICKING

Mr. COBURN. I support the goals of this legislation and believe that slavery, in any form, is morally reprehensible. Sex trafficking is a global epidemic, and we should endeavor to eliminate this industry, especially due to its effects on minors who are victims of this practice. However, I believe we can and must do so in a fiscally responsible manner that avoids duplication of existing laws and programs and upholds the Constitution.

Mr. WYDEN. I thank the Senator from Oklahoma for his constructive work in helping to craft an agreement to pass S. 2925. As he notes, sex trafficking is modern day slavery. It is a morally reprehensible epidemic that ensnares far too many children, and there is far too little awareness of the scope of this criminal enterprise in the United States. I also agree that in combating this heinous crime, and providing law enforcement agencies and services providers with effective tools, Congress must take care to do so in a manner that is fiscally responsible and that avoids inefficiency and duplication.

Mr. COBURN. Although the Subcommittee on Human Rights held a hearing on child prostitution this year, it did not fully explore the effectiveness of existing law and grant programs, and whether there are loopholes or problems that need to be fixed in order to make the Federal Government's efforts more effective. There are multiple programs for trafficking victims under existing law, but some of them remain unclear and confusing. In fact, many of them have never received congressional funding. Thus, while I agree with the Senator from Oregon that there seems to be a disparity between the resources provided to domestic victims and those provided to international victims, I conveyed to him in our negotiations that I question whether we cannot already provide most of those resources under existing law. As a result, I am committed to vigorous oversight of these issues during the reauthorization of the Trafficking Victims Protection Reauthorization Act, TVPRA, which expires next year.

Mr. WYDEN. I agree with the Senator from Oklahoma that an important role of Congress is to provide oversight to help make Federal programs more effective, to increase efficiency, and to reduce duplication, waste, and unnecessary expenditures. I have discussed with the Senator from Oklahoma his work on the deficit commission, and as he knows, I serve on the Senate Budget Committee and I am very concerned about controlling government spending and working to ensure the most efficient and effective use of government resources. The level of debt that our nation has accumulated is very concerning and is a threat to economic growth and sound fiscal policy. In accordance with these concerns, I agree with the Senator from Oklahoma that when the TVPRA reauthorization occurs, the Senate should carefully consider all programs to combat human trafficking, including S. 2925, to determine which programs provide the most effective impact, and whether there is duplication, inefficiency, or waste that can and should be reduced.

Mr. COBURN. I thank the Senator from Oregon for recognizing the dire state of our economy and his willingness to offset the cost of this legislation. The U.S. national debt is now over $13.8 trillion and growing. As a result, it is irresponsible for Congress to jeopardize the future standard of living of our children by borrowing from future generations. In the TVPRA reauthorization next year, it is imperative that we examine all trafficking victims grant programs, including this one, for waste, fraud and abuse, as well as their effect on the deficit. Our country is too fragile and these minor victims are too important for Congress to shirk its duty to perform oversight. I look forward to working with the Senator from Oregon to ensure this and other trafficking victims grant programs are performing effectively, efficiently and within the bounds of the Constitution.

Mr. WYDEN. Mr. President, I ask unanimous consent that the committee substitute amendment be considered; that the two Wyden amendments which are at the desk be agreed to en bloc; that the committee substitute, as amended, be agreed to; the bill, as amended, be read a third time, and that a budgetary pay-go statement be read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 4751 and 4752) were agreed to, as follows:

AMENDMENT NO. 4751

(Purpose: To strengthen the reporting requirement)

Strike section 5 and insert the following:

SEC. 5. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENT FOR STATE CHILD WELFARE AGENCIES.—

(1) REQUIREMENT FOR STATE CHILD WELFARE AGENCIES TO REPORT CHILDREN MISSING OR ABDUCTED.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(A) in paragraph (32), by striking ''and'' after the semicolon;

(B) in paragraph (33), by striking the period and inserting ''; and''; and

(C) by inserting after paragraph (33) the following:

''(34) provides that the State has in effect procedures that require the State agency to promptly report information on missing or abducted children to the law enforcement authorities for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, established pursuant to section 534 of title 28, United States Code.''.

(2) REGULATIONS.—The Secretary of Health and Human Services shall promulgate regulations implementing the amendments made by paragraph (1). The regulations promulgated under this subsection shall include provisions to withhold Federal funds from any State that fails to substantially comply with the requirement imposed under the amendments made by paragraph (1).

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 6 months after the date of the enactment of this Act, without regard to whether final regulations required under paragraph (2) have been promulgated.

(b) ANNUAL STATISTICAL SUMMARY.—Section 3701(c) of the Crime Control Act of 1990 (42 U.S.C. 5779(c)) is amended by inserting '', which shall include the total number of reports received and the total number of entries made to the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, established pursuant to section 534 of title 28, United States Code.'' after ''this title''.

(c) STATE REPORTING.—Section 3702 of the Crime Control Act of 1990 (42 U.S.C. 5780) is amended in paragraph (4)—

(1) by striking ''(2)'' and inserting ''(3)'';

(2) in subparagraph (A), by inserting '', and a photograph taken within the previous 180 days'' after ''dental records'';

(3) in subparagraph (B), by striking ''and'' after the semicolon;

(4) by redesignating subparagraph (C) as subparagraph (D); and

(5) by inserting after subparagraph (B) the following:

''(C) notify the National Center for Missing and Exploited Children of each report received relating to a child reported missing from a foster care family home or childcare institution; and''.

AMENDMENT NO. 4752

(Purpose: To make technical corrections)

On page 23, line 2, insert ''(a) IN GENERAL.—'' before ''Section 204''.

On page 26, line 22, after the period add: ''Each eligible entity awarded a block grant under this subparagraph shall certify that Federal funds received under the block grant will be used to combat only interstate sex trafficking.''.

On page 28, line 9, strike ''50 percent'' and insert ''67 percent''.

On page 33, between lines 20 and 21, insert the following:

(b) SUNSET PROVISION.—Effective 3 years after the date of enactment of this Act, section 204 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044c) is amended to read as it read on the day before the date of enactment of this Act.

(c) GAO EVALUATION.—Not later than 30 months after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of and submit to Congress a report evaluating the impact of this Act and the amendments made by this Act in aiding minor victims of sex trafficking in the United States and increasing the ability of law enforcement agencies to prosecute sex trafficking offenders, which shall include recommendations, if any, regarding any legislative or administrative action the Comptroller General determines appropriate.

On page 36, line 14, insert ''(as defined in such section 3486)'' after ''sex offenders''.

On page 41, line 21, insert ''(a) IN GENERAL.—'' before ''Section 3486(a)(1)''.

On page 41, strike line 23 and all that follows through page 42, line 4, and insert the following:

(1) in subparagraph (A)—

(A) in clause (i), by striking ''or'' at the end;

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) the following:

''(ii) an unregistered sex offender conducted by the United States Marshals Service, the Director of the United States Marshals Service; or''; and

On page 42, strike line 9.

On page 42, line 10, strike ''(C)'' and insert ''(B)''.

On page 42, line 12, strike ''(D)'' and insert ''(C)''.

On page 42, after line 15, add the following:

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 3486(a) of title 18, United States Code, is amended—

(1) in paragraph (6)(A), by striking ''United State'' and inserting ''United States'';

(2) in paragraph (9), by striking ''(1)(A)(ii)'' and inserting ''(1)(A)(iii)''; and

(3) in paragraph (10), by striking ''paragraph (1)(A)(ii)'' and inserting ''paragraph (1)(A)(iii)''.

SEC. 12. REDUCING UNNECESSARY PRINTING AND PUBLISHING COSTS OF GOVERNMENT DOCUMENTS.

Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of Federal departments and independent agencies to—

(1) determine which Government publications could be available on Government websites and no longer printed and to devise a strategy to reduce overall Government printing costs beginning with fiscal year 2012, except that the Director shall ensure that essential printed documents prepared for Social Security recipients, Medicare beneficiaries, and other populations in areas with limited internet access or use continue to remain available;

(2) establish government-wide Federal guidelines on employee printing;

(3) issue on the Office of Management and Budget's public website the results of a cost-benefit analysis on implementing a digital signature system and on establishing employee printing identification systems, such as the use of individual employee cards or codes, to monitor the amount of printing done by Federal employees, except that the Director of the Office of Management and Budget shall ensure that Federal employee printing costs unrelated to national defense, homeland security, border security, national disasters, and other emergencies do not exceed $860,000,000 annually for fiscal years 2012 through 2014; and

(4) issue guidelines requiring every department, agency, commission or office to list at a prominent place near the beginning of each publication distributed to the public and issued or paid for by the Federal Government the following:

(A) The name of the issuing agency, department, commission or office.

(B) The total number of copies of the document printed.

(C) The collective cost of producing and printing all of the copies of the document.

(D) The name of the firm publishing the document.

SEC. 13. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2925) was ordered to be engrossed for a third reading and was read the third time.

The assistant legislative clerk read as follows:

Mr. Conrad: This is the Statement of Budgetary Effects of PAYGO Legislation for S. 2925, as amended.

Total Budgetary Effects of S. 2925 for the 5-year Statutory PAYGO Scorecard: $0.

Total Budgetary Effects of S. 2925 for the 10-year Statutory PAYGO Scorecard: $0.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR S. 2925, THE DOMESTIC MINOR SEX TRAFFICKING DETERRENCE AND VICTIMS SUPPORT ACT OF 2010, WITH AMENDMENTS PROVIDED TO CBO ON DECEMBER 6, 2010

	By fiscal year, in millions of dollars—											
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011–2015	2011–2020
Net Increase of Decrease (−) in the Deficit												
Statutory Pay-As-You-Go Impact [1]	0	0	0	0	0	0	0	0	0	0	0	0

[1] S. 2925 would establish a new federal crime relating to the violation of certain protective orders issued by courts. Violators of the bill's provisions could be subject to criminal fines, so the government might collect more fines if the bill is enacted. Criminal fines are recorded as revenues, then deposited in the Crime Victims Fund, and later spent. Enacting S. 2925 could increase revenues and direct spending, but CBO estimates that the net budget impact would not be significant in any year.

Mr. WYDEN. Mr. President, I ask unanimous consent that the bill be passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2925), as amended, was passed, as follows:

S. 2925

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 ''Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Human trafficking is modern-day slavery. It is one of the fastest-growing, and the second largest, criminal enterprise in the world. Human trafficking generates an estimated profit of $32,000,000,000 per year, world wide.

(2) In the United States, human trafficking is an increasing problem. This criminal enterprise victimizes individuals in the United States, many of them children, who are forced into prostitution, and foreigners brought into the country, often under false pretenses, who are coerced into forced labor or commercial sexual exploitation.

(3) Sex trafficking is one of the most lucrative areas of human trafficking. Criminal gang members in the United States are increasingly involved in recruiting young women and girls into sex trafficking. Interviews with gang members indicate that the gang members regard working as an individual who solicits customers for a prostitute (commonly known as a ''pimp'') to being as lucrative as trafficking in drugs, but with a much lower chance of being criminally convicted.

(4) National Incidence Studies of Missing, Abducted, Runaway and Throwaway Children, the definitive study of episodes of missing children, found that of the children who are victims of non-family abduction, runaway or throwaway children, the police are alerted by family or guardians in only 21 percent of the cases. In 79 percent of cases there is no report and no police involvement, and therefore no official attempt to find the child.

(5) In 2007, the Administration of Children and Families, Department of Health and Human Services, reported to the Federal Government 265,000 cases of serious physical, sexual, or psychological abuse of children.

(6) Experts estimate that each year at least 100,000 children in the United States are exploited through prostitution.

(7) Children who have run away from home are at a high risk of becoming exploited through sex trafficking. Children who have run away multiple times are at much higher risk of not returning home and of engaging in prostitution.

(8) The vast majority of children involved in sex trafficking have suffered previous sexual or physical abuse, live in poverty, or have no stable home or family life. These children require a comprehensive framework of specialized treatment and mental health counseling that addresses post-traumatic stress, depression, and sexual exploitation.

(9) The average age of first exploitation through prostitution is 13. Seventy-five percent of minors exploited through prostitution have a pimp. A pimp can earn $200,000 per year prostituting 1 sex trafficking victim.

(10) Sex trafficking of minors is a complex and varied criminal problem that requires a multi-disciplinary, cooperative solution. Reducing trafficking will require the Government to address victims, pimps, and johns, and to provide training specific to sex trafficking for law enforcement officers and prosecutors, and child welfare, public health, and other social service providers.

(11) Human trafficking is a criminal enterprise that imposes significant costs on the economy of the United States. Government and non-profit resources used to address trafficking include those of law enforcement, the judicial and penal systems, and social service providers. Without a range of appropriate treatments to help trafficking victims overcome the trauma they have experienced, victims will continue to be exploited by criminals and unable to support themselves, and will continue to require Government resources, rather than being productive contributors to the legitimate economy.

(12) Human trafficking victims are often either not identified as trafficking victims or are mischaracterized as criminal offenders. Both private and public sector personnel play a significant role in identifying trafficking victims and potential victims, such as runaways. Examples of such personnel include hotel staff, flight attendants, health care providers, educators, and parks and recreation personnel. Efforts to train these individuals can bolster law enforcement efforts to reduce human trafficking.

(13) Minor sex trafficking victims are under the age of 18. Because minors do not have the capacity to consent to their own commercial sexual exploitation, minor sex trafficking victims should not be charged as criminal defendants. Instead, minor victims of sex trafficking should have access to treatment and services to help them recover from their sexual exploitation, and should also be provided access to appropriate compensation for harm they have suffered.

(14) Several States have recently passed or are considering legislation that establishes a presumption that a minor charged with a prostitution offense is a severely trafficked person and should instead be cared for through the child protection system. Some such legislation also provides support and services to minor sex trafficking victims who are under the age of 18 years old. These services include safe houses, crisis intervention programs, community-based programs, and law-enforcement training to help officers identify minor sex trafficking victims.

(15) Sex trafficking of minors is not a problem that occurs only in urban settings. This crime also exists in rural areas and on Indian reservations. Efforts to address sex trafficking of minors should include partnerships with organizations that seek to address the needs of such underserved communities.

SEC. 3. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) the Attorney General should implement changes to the National Crime Information Center database to ensure that—

(A) a child entered into the database will be automatically designated as an endangered juvenile if the child has been reported missing not less than 3 times in a 1-year period;

(B) the database is programmed to cross-reference newly entered reports with historical records already in the database; and

(C) the database is programmed to include a visual cue on the record of a child designated as an endangered juvenile to assist law enforcement officers in recognizing the child and providing the child with appropriate care and services;

(2) funds awarded under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) (commonly known as Byrne Grants) should be used to provide education, training, deterrence, and prevention programs relating to sex trafficking of minors;

(3) States should—

(A) treat minor victims of sex trafficking as crime victims rather than as criminal defendants or juvenile delinquents;

(B) adopt laws that—

(i) establish the presumption that a child under the age of 18 who is charged with a prostitution offense is a minor victim of sex trafficking;

(ii) avoid the criminal charge of prostitution for such a child, and instead consider such a child a victim of crime and provide the child with appropriate services and treatment; and

(iii) strengthen criminal provisions prohibiting the purchasing of commercial sex acts, especially with minors;

(C) amend State statutes and regulations—

(i) relating to crime victim compensation to make eligible for such compensation any individual who is a victim of sex trafficking as defined in section 1591(a) of title 18, United States Code, or a comparable State law against commercial sexual exploitation of children, and who would otherwise be ineligible for such compensation due to participation in prostitution activities because the individual is determined to have contributed to, consented to, benefitted from, or otherwise participated as a party to the crime for which the individual is claiming injury; and

(ii) relating to law enforcement reporting requirements to provide for exceptions to such requirements for victims of sex trafficking in the same manner as exceptions are provided to victims of domestic violence or related crimes; and

(4) demand for commercial sex with sex trafficking victims must be deterred through consistent enforcement of criminal laws against purchasing commercial sex.

SEC. 4. SEX TRAFFICKING BLOCK GRANTS.

(a) IN GENERAL.—Section 204 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044c) is amended to read as follows:

"SEC. 204. ENHANCING STATE AND LOCAL EFFORTS TO COMBAT TRAFFICKING IN PERSONS.

"(a) SEX TRAFFICKING BLOCK GRANTS.—

"(1) DEFINITIONS.—In this section—

"(A) the term 'Assistant Attorney General' means the Assistant Attorney General for the Office of Justice Programs of the Department of Justice;

"(B) the term 'eligible entity' means a State or unit of local government that—

"(i) has significant criminal activity involving sex trafficking of minors;

"(ii) has demonstrated cooperation between State, local, and, where applicable, tribal law enforcement agencies, prosecutors, and social service providers in addressing sex trafficking of minors;

"(iii) has developed a workable, multi-disciplinary plan to combat sex trafficking of minors, including—

"(I) the establishment of a shelter for minor victims of sex trafficking, through existing or new facilities;

"(II) the provision of rehabilitative care to minor victims of sex trafficking;

"(III) the provision of specialized training for law enforcement officers and social service providers for all forms of sex trafficking, with a focus on sex trafficking of minors;

"(IV) prevention, deterrence, and prosecution of offenses involving sex trafficking of minors;

"(V) cooperation or referral agreements with organizations providing outreach or other related services to runaway and homeless youth; and

"(VI) law enforcement protocols or procedures to screen all individuals arrested for prostitution, whether adult or minor, for victimization by sex trafficking and by other crimes, such as sexual assault and domestic violence; and

"(iv) provides an assurance that, under the plan under clause (iii), a minor victim of sex trafficking shall not be required to collaborate with law enforcement to have access to any shelter or services provided with a grant under this section;

"(C) the term 'minor victim of sex trafficking' means an individual who is—

"(i) under the age of 18 years old, and is a victim of an offense described in section 1591(a) of title 18, United States Code, or a comparable State law; or

"(ii) at least 18 years old but not more than 20 years old, and who, on the day before the individual attained 18 years of age, was described in clause (i) and was receiving shelter or services as a minor victim of sex trafficking;

"(D) the term 'qualified non-governmental organization' means an organization that—

"(i) is not a State or unit of local government, or an agency of a State or unit of local government;

"(ii) has demonstrated experience providing services to victims of sex trafficking or related populations (such as runaway and homeless youth), or employs staff specialized in the treatment of sex trafficking victims; and

"(iii) demonstrates a plan to sustain the provision of services beyond the period of a grant awarded under this section; and

"(E) the term 'sex trafficking of a minor' means an offense described in subsection (a) of section 1591 of title 18, United States Code, the victim of which is a minor.

"(2) GRANTS AUTHORIZED.—

"(A) IN GENERAL.—The Assistant Attorney General, in consultation with the Assistant Secretary for Children and Families of the Department of Health and Human Services, is authorized to award block grants to 6 eligible entities in different regions of the United States to combat sex trafficking, and not fewer than 1 of the block grants shall be awarded to an eligible entity with a State population of less than 5,000,000. Each eligible entity awarded a block grant under this subparagraph shall certify that Federal funds received under the block grant will be used to combat only interstate sex trafficking.

''(B) GRANT AMOUNT.—Subject to the availability of appropriations under subsection (g) to carry out this section, each grant awarded under this section shall be for an amount not less than $2,000,000 and not greater than $2,500,000.

''(C) DURATION.—

''(i) IN GENERAL.—A grant awarded under this section shall be for a period of 1 year.

''(ii) RENEWAL.—

''(I) IN GENERAL.—The Assistant Attorney General may renew a grant under this section for two 1-year periods.

''(II) PRIORITY.—In awarding grants in any fiscal year after the first fiscal year in which grants are awarded under this section, the Assistant Attorney General shall give priority to applicants that received a grant in the preceding fiscal year and are eligible for renewal under this subparagraph, taking into account any evaluation of such applicant conducted pursuant to paragraph (5), if available.

''(D) CONSULTATION.—In carrying out this section, consultation by the Assistant Attorney General with the Assistant Secretary for Children and Families of the Department of Health and Human Services shall include consultation with respect to grantee evaluations, the avoidance of unintentional duplication of grants, and any other areas of shared concern.

''(3) USE OF FUNDS.—

''(A) ALLOCATION.—For each grant awarded under paragraph (2)—

''(i) not less than 67 percent of the funds shall be used by the eligible entity to provide shelter and services (as described in clauses (i) through (iv) of subparagraph (B)) to minor victims of sex trafficking through qualified nongovernmental organizations; and

''(ii) not less than 10 percent of the funds shall be awarded by the eligible entity to one or more qualified nongovernmental organizations with annual revenues of less than $750,000, to provide services to minor victims of sex trafficking or training for service providers related to sex trafficking of minors.

''(B) AUTHORIZED ACTIVITIES.—Grants awarded pursuant to paragraph (2) may be used for—

''(i) providing shelter to minor victims of trafficking, including temporary or long-term placement as appropriate;

''(ii) providing 24-hour emergency social services response for minor victims of sex trafficking;

''(iii) providing minor victims of sex trafficking with clothing and other daily necessities needed to keep such victims from returning to living on the street;

''(iv) case management services for minor victims of sex trafficking;

''(v) mental health counseling for minor victims of sex trafficking, including specialized counseling and substance abuse treatment;

''(vi) legal services for minor victims of sex trafficking;

''(vii) specialized training for law enforcement personnel, social service providers, and public and private sector personnel likely to encounter sex trafficking victims on issues related to the sex trafficking of minors;

''(viii) funding salaries, in whole or in part, for law enforcement officers, including patrol officers, detectives, and investigators, except that the percentage of the salary of the law enforcement officer paid for by funds from a grant awarded under paragraph (2) shall not be more than the percentage of the officer's time on duty that is dedicated to working on cases involving sex trafficking of minors;

''(ix) funding salaries for State and local prosecutors, including assisting in paying trial expenses for prosecution of sex trafficking offenders;

''(x) investigation expenses for cases involving sex trafficking of minors, including—

''(I) wire taps;

''(II) consultants with expertise specific to cases involving sex trafficking of minors;

''(III) travel; and

''(IV) any other technical assistance expenditures;

''(xi) outreach and education programs to provide information about deterrence and prevention of sex trafficking of minors; and

''(xii) programs to provide treatment to individuals charged or cited with purchasing or attempting to purchase sex acts in cases where—

''(I) a treatment program can be mandated as a condition of a sentence, fine, suspended sentence, or probation, or is an appropriate alternative to criminal prosecution; and

''(II) the individual was not charged with purchasing or attempting to purchase sex acts with a minor.

''(4) APPLICATION.—

''(A) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Assistant Attorney General at such time, in such manner, and accompanied by such information as the Assistant Attorney General may reasonably require.

''(B) CONTENTS.—Each application submitted pursuant to subparagraph (A) shall—

''(i) describe the activities for which assistance under this section is sought; and

''(ii) provide such additional assurances as the Assistant Attorney General determines to be essential to ensure compliance with the requirements of this section.

''(5) EVALUATION.—The Assistant Attorney General shall enter into a contract with an academic or non-profit organization that has experience in issues related to sex trafficking of minors and evaluation of grant programs to conduct an annual evaluation of grants made under this section to determine the impact and effectiveness of programs funded with grants awarded under paragraph (2).

''(b) MANDATORY EXCLUSION.—Any grantee awarded funds under this section that is found to have utilized grant funds for any unauthorized expenditure or otherwise unallowable cost shall not be eligible for any grant funds awarded under the block grant for 2 fiscal years following the year in which the unauthorized expenditure or unallowable cost is reported.

''(c) COMPLIANCE REQUIREMENT.—A grantee shall not be eligible to receive a grant under this section if within the last 5 fiscal years, the grantee has been found to have violated the terms or conditions of a Government grant program by utilizing grant funds for unauthorized expenditures or otherwise unallowable costs.

''(d) ADMINISTRATIVE CAP.—The cost of administering the grants authorized by this section shall not exceed 3 percent of the total amount appropriated to carry out this section.

''(e) AUDIT REQUIREMENT.—For fiscal years 2012 and 2013, the Inspector General of the Department of Justice shall conduct an audit of all 6 grantees awarded block grants under this section.

''(f) MATCH REQUIREMENT.—A grantee of a grant under this section shall match at least 25 percent of a grant in the first year, 40 percent in the second year, and 50 percent inj the third year.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section $15,000,000 for each of the fiscal years 2012 through 2014.''.

(b) SUNSET PROVISION.—Effective 3 years after the date of enactment of this Act, section 204 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044c) is amended to read as it read on the day before the date of enactment of this Act.

(c) GAO EVALUATION.—Not later than 30 months after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of and submit to Congress a report evaluating the impact of this Act and the amendments made by this Act in aiding minor victims of sex trafficking in the United States and increasing the ability of law enforcement agencies to prosecute sex trafficking offenders, which shall include recommendations, if any, regarding any legislative or administrative action the Comptroller General determines appropriate.

SEC. 5. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENT FOR STATE CHILD WELFARE AGENCIES.—

(1) REQUIREMENT FOR STATE CHILD WELFARE AGENCIES TO REPORT CHILDREN MISSING OR ABDUCTED.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(A) in paragraph (32), by striking ''and'' after the semicolon;

(B) in paragraph (33), by striking the period and inserting ''; and''; and

(C) by inserting after paragraph (33) the following:

''(34) provides that the State has in effect procedures that require the State agency to promptly report information on missing or abducted children to the law enforcement authorities for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, established pursuant to section 534 of title 28, United States Code.''.

(2) REGULATIONS.—The Secretary of Health and Human Services shall promulgate regulations implementing the amendments made by paragraph (1). The regulations promulgated under this subsection shall include provisions to withhold Federal funds from any State that fails to substantially comply with the requirement imposed under the amendments made by paragraph (1).

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 6 months after the date of the enactment of this Act, without regard to whether final regulations required under paragraph (2) have been promulgated.

(b) ANNUAL STATISTICAL SUMMARY.—Section 3701(c) of the Crime Control Act of 1990 (42 U.S.C. 5779(c)) is amended by inserting '', which shall include the total number of reports received and the total number of entries made to the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, established pursuant to section 534 of title 28, United States Code.'' after ''this title''.

(c) STATE REPORTING.—Section 3702 of the Crime Control Act of 1990 (42 U.S.C. 5780) is amended in paragraph (4)—

(1) by striking ''(2)'' and inserting ''(3)'';

(2) in subparagraph (A), by inserting '', and a photograph taken within the previous 180 days'' after ''dental records'';

(3) in subparagraph (B), by striking ''and'' after the semicolon;

(4) by redesignating subparagraph (C) as subparagraph (D); and

(5) by inserting after subparagraph (B) the following:

''(C) notify the National Center for Missing and Exploited Children of each report received relating to a child reported missing from a foster care family home or childcare institution; and''.

SEC. 6. PROTECTION FOR CHILD TRAFFICKING VICTIMS AND SURVIVORS.

Section 225(b) of the Trafficking Victims Reauthorization Act of 2008 (22 U.S.C. 7101 note) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

''(2) protects children exploited through prostitution by including safe harbor provisions that—

''(A) treat an individual under 18 years of age who has been arrested for offering to engage in or engaging in a sexual act with another person in exchange for monetary compensation as a victim of a severe form of trafficking in persons;

''(B) prohibit the charging or prosecution of an individual described in subparagraph (A) for a prostitution offense;

''(C) require the referral of an individual described in subparagraph (A) to comprehensive service or community-based programs that provide assistance to child victims of commercial sexual exploitation, to the extent that comprehensive service or community-based programs exist; and

''(D) provide that an individual described in subparagraph (A) shall not be required to prove fraud, force, or coercion in order to receive the protections described under this paragraph; and''.

SEC. 7. SUBPOENA AUTHORITY.

Section 566(e)(1) of title 28, United States Code, is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) issue administrative subpoenas in accordance with section 3486 of title 18, solely for the purpose of investigating unregistered sex offenders (as defined in such section 3486).''.

SEC. 8. PROTECTION OF CHILD WITNESSES.

Section 1514 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting ''or its own motion,'' after ''attorney for the Government''; and

(ii) by inserting ''or investigation'' after ''Federal criminal case'' each place it appears;

(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(C) by inserting after paragraph (1) the following:

''(2) In the case of a minor witness or victim, the court shall issue a protective order prohibiting harassment or intimidation of the minor victim or witness if the court finds evidence that the conduct at issue is reasonably likely to adversely affect the willingness of the minor witness or victim to testify or otherwise participate in the Federal criminal case or investigation. Any hearing regarding a protective order under this paragraph shall be conducted in accordance with paragraphs (1) and (3), except that the court may issue an ex parte emergency protective order in advance of a hearing if exigent circumstances are present. If such an ex parte order is applied for or issued, the court shall hold a hearing not later than 14 days after the date such order was applied for or is issued.'';

(D) in paragraph (4), as so redesignated, by striking ''(and not by reference to the complaint or other document)''; and

(E) in paragraph (5), as so redesignated, in the second sentence, by inserting before the period at the end the following: '', except that in the case of a minor victim or witness, the court may order that such protective order expires on the later of 3 years after the date of issuance or the date of the eighteenth birthday of that minor victim or witness''; and

(2) by striking subsection (c) and inserting the following:

''(c) Whoever knowingly and intentionally violates or attempts to violate an order issued under this section shall be fined under this title, imprisoned not more than 5 years, or both.

''(d)(1) As used in this section—

''(A) the term 'course of conduct' means a series of acts over a period of time, however short, indicating a continuity of purpose;

''(B) the term 'harassment' means a serious act or course of conduct directed at a specific person that—

''(i) causes substantial emotional distress in such person; and

''(ii) serves no legitimate purpose;

''(C) the term 'immediate family member' has the meaning given that term in section 115 and includes grandchildren;

''(D) the term 'intimidation' means a serious act or course of conduct directed at a specific person that—

''(i) causes fear or apprehension in such person; and

''(ii) serves no legitimate purpose;

''(E) the term 'restricted personal information' has the meaning give that term in section 119;

''(F) the term 'serious act' means a single act of threatening, retaliatory, harassing, or violent conduct that is reasonably likely to influence the willingness of a victim or witness to testify or participate in a Federal criminal case or investigation; and

''(G) the term 'specific person' means a victim or witness in a Federal criminal case or investigation, and includes an immediate family member of such a victim or witness.

''(2) For purposes of subparagraphs (B)(ii) and (D)(ii) of paragraph (1), a court shall presume, subject to rebuttal by the person, that the distribution or publication using the Internet of a photograph of, or restricted personal information regarding, a specific person serves no legitimate purpose, unless that use is authorized by that specific person, is for news reporting purposes, is designed to locate that specific person (who has been reported to law enforcement as a missing person), or is part of a government-authorized effort to locate a fugitive or person of interest in a criminal, antiterrorism, or national security investigation.''.

SEC. 9. SENTENCING GUIDELINES.

Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and policy statements to ensure—

(1) that the guidelines provide an additional penalty increase of up to 8 offense levels, if appropriate, above the sentence otherwise applicable in Part J of the Guidelines Manual if the defendant was convicted of a violation of section 1591 of title 18, United States Code, or chapters 109A, 109B, 110 or 117 of title 18, United States Code; and

(2) if the offense described in paragraph (1) involved causing or threatening to cause physical injury to a person under 18 years of age, in order to obstruct the administration of justice, an additional penalty increase of up to 12 levels, if appropriate, above the sentence otherwise applicable in Part J of the Guidelines Manual.

SEC. 10. MINIMUM PENALTIES FOR POSSESSION OF CHILD PORNOGRAPHY.

(a) CERTAIN ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—Section 2252(b)(2) of title 18, United States Code, is amended by inserting after ''but if'' the following: ''any visual depiction involved in the offense involved a prepubescent minor or a minor who had not attained 12 years of age, such person shall be fined under this title and imprisoned for not less than 1 year nor more than 20 years, or if''.

(b) CERTAIN ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(b)(2) of title 18, United States Code, is amended by inserting after ''but, if'' the following: ''any image of child pornography involved in the offense involved a prepubescent minor or a minor who had not attained 12 years of age, such person shall be fined under this title and imprisoned for not less than 1 year nor more than 20 years, or if''.

SEC. 11. ADMINISTRATIVE SUBPOENAS.

(a) IN GENERAL.—Section 3486(a)(1) of title 18, United States Code, is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking ''or'' at the end;

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) the following:

''(ii) an unregistered sex offender conducted by the United States Marshals Service, the Director of the United States Marshals Service; or''; and

(2) in subparagraph (D)—

(A) by striking ''paragraph, the term'' and inserting the following: ''paragraph—

''(i) the term'';

(B) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(ii) the term 'sex offender' means an individual required to register under the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.).''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 3486(a) of title 18, United States Code, is amended—

(1) in paragraph (6)(A), by striking ''United State'' and inserting ''United States'';

(2) in paragraph (9), by striking ''(1)(A)(ii)'' and inserting ''(1)(A)(iii)''; and

(3) in paragraph (10), by striking ''paragraph (1)(A)(ii)'' and inserting ''paragraph (1)(A)(iii)''.

SEC. 12. REDUCING UNNECESSARY PRINTING AND PUBLISHING COSTS OF GOVERNMENT DOCUMENTS.

Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of Federal departments and independent agencies to—

(1) determine which Government publications could be available on Government websites and no longer printed and to devise a strategy to reduce overall Government printing costs beginning with fiscal year 2012, except that the Director shall ensure that essential printed documents prepared for Social Security recipients, Medicare beneficiaries, and other populations in areas with limited internet access or use continue to remain available;

(2) establish government-wide Federal guidelines on employee printing;

(3) issue on the Office of Management and Budget's public website the results of a cost-benefit analysis on implementing a digital signature system and on establishing employee printing identification systems, such as the use of individual employee cards or codes, to monitor the amount of printing done by Federal employees, except that the Director of the Office of Management and Budget shall ensure that Federal employee printing costs unrelated to national defense, homeland security, border security, national disasters, and other emergencies do not exceed $860,000,000 annually for fiscal years 2012 through 2014; and

(4) issue guidelines requiring every department, agency, commission or office to list at

a prominent place near the beginning of each publication distributed to the public and issued or paid for by the Federal Government the following:

(A) The name of the issuing agency, department, commission or office.

(B) The total number of copies of the document printed.

(C) The collective cost of producing and printing all of the copies of the document.

(D) The name of the firm publishing the document.

SEC. 13. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Mr. WYDEN. Mr. President, with the passage of S. 2925, the Senate is sending to the House the first ever all-out battle plan to defeat one of the fastest growing criminal enterprises in our country; that is, trafficking children for sex.

Senator CORNYN and I have worked together on this issue for many months on a bipartisan basis with tremendous help from Chairman LEAHY, from Senator SESSIONS, from Senator DURBIN, and Senator KYL, and before I begin my statement tonight, I wish to express my thanks to them. This is a textbook for how the Senate ought to work together on an important issue in a bipartisan way, and I am very grateful to my colleagues for their leadership.

When I first approached Senator CORNYN, he said in our very first conversation: This has nothing to do with Democrats and Republicans; this is about doing what is right for young people. So I am very grateful to my colleagues on both sides of the aisle for the support they have shown on this matter.

Each year, an estimated 100,000 children in America are trafficked for sex. They are recruited by violent criminals, and their average age is between 12 and 14. The fact is, sex trafficking in children is modern day slavery, pure and simple.

Tragically, my home State of Oregon has become a hub for those who would exploit women and young girls, and the tragedy is my State is not alone. What we have seen—and this was brought out in hearings—is that the reason this is such a fast-growing crime is it is so easy to perpetrate and there is such big money involved.

For example, experts in the field said for some time, you would see gangs zero in on drugs. The fact is, trafficking in children, according to many of the experts, is easier than trafficking in drugs, and today, with the Internet and the anonymity that the Internet provides these dangerous criminals who traffic in children, it is, as I say, one of the fastest growing crimes in American life.

I got a sense of what this was all about this summer when I had a chance to go out with Portland police officers in my hometown on 82nd Avenue. What I saw is something I will never forget: a heart-wrenching example of why this bipartisan legislation is so important. I saw a 15-year-old girl essentially out there with the tools of the trade. She had a cell phone so she could be in constant contact with her pimp, and all night long they were getting messages: Made $80, made $100 on a customer here or somewhere else. So she had her cell phone. She had a butcher knife because she knew she needed a butcher knife to protect herself, and she had a purse full of condoms, because she knew she was going to have a bunch more customers during the course of the evening. So what you have—and this is not primarily about statistics. If one young woman, whether it is in the State of West Virginia or Oregon or anywhere else, is prostituted this way, trafficked this way, that is one young woman too many.

What the Senate has done now with the passage of S. 2925 is draw a line in the sand and say, for the first time, that we are going to put in place a comprehensive strategy, bring together the law enforcement people and the human services people to deal with this in a way that is going to allow us to send a message on the streets of this country—and particularly the interstate highways which have become such a magnet for sex trafficking—that the odds are going to be different; that this time those who traffic in young women are going to face real prospects of a deterrent.

The reality is these young women don't end up working as prostitutes by accident. The growing army of pimps I mentioned—violent, ruthless criminals—see this group as an ideal group of young people to prey on. The fact is, a pimp can make $200,000 a year trafficking just one victim. Of course, many of those pimps traffic multiple victims on any particular occasion. Once a young girl is under the control of a pimp, it is very difficult for that youngster to escape. The pimps use violence to control girls, as well as traumatize them. They move the girls constantly from city to city, keeping them isolated from any source of support and preventing them from developing any kind of other more healthy relationships.

In talking to law enforcement officials, I learned that removing sex trafficking victims from the control of a pimp is very difficult. It is one that requires training, resources, and in effect a strategy, bringing together law enforcement people and social services people in order to break this degrading and often deadly spiral of sex trafficking in youngsters.

There are a variety of needs these young people have. One that Senator CORNYN and I learned about in the course of our work is the need for dedicated shelter for these youngsters who have been trafficked. Without shelter, for example, there is no place to keep trafficking victims safe from the pimps and to give them the counseling and services they need. If there is no safe place for the victims to stay, there is no way the law enforcement authorities can build a case against the pimp. So this is a perfect example of how the important work being done by our social service providers, in terms of the work in the shelters, is absolutely a prerequisite to tough, aggressive prosecution of the pimps because if you don't have a safe place for the young women, there is no place for them to get the health care and services and counseling they need.

In fact, the night when I was out in Portland and saw, in particular, that 15-year-old with what I call the tools of the trade, when the police picked her up—and Portland's professionals in the sex trafficking field are extraordinarily talented. I saw that firsthand, and officials from around the country tell me the same thing. One of the big questions they were faced with was, where would they send the young women they found that evening for the next couple of days in order to just work out a more permanent living arrangement? In Portland, we have been able to do it. But even in our city, which is now mobilizing all through the community, it has been very difficult.

At present, there are only about 70 shelter beds for sex trafficking victims in the whole country. So that is why I mentioned that pimps know their chances of getting prosecuted for forcing girls to engage in prostitution are very low. We have some laws on the books, but we also need a strategy bringing together shelters, training for law enforcement officials and other resources if we are going to have the strongest possible battle plan against sex trafficking.

Senator CORNYN and I got together to introduce this legislation. We would set up what amounts to model projects across the country to test out the best approaches for combating sex trafficking of children. We do make clear these approaches have to bring together law enforcement people and social services.

It makes me very proud. The Chair, having served as Governor of West Virginia, knows from time to time you see some debates between law enforcement people and social services folks. Law enforcement people believe prosecution is the way to go. The social services folks believe their model is more effective.

What Senator CORNYN and I found is that this is an area where the law enforcement people support the social services folks and vice versa because they know both elements—social services and law enforcement—are going to be necessary to fight this scourge.

I mentioned shelters. There would also be block grants available for mental and physical health care, treatment for substance abuse and sexual abuse, and also assistance with trauma care. There would be help for the victims

with food, clothing, and other necessities; and together it means the youngsters—primarily young women—who are going to be in these shelters will know from the time they get to the shelter that caring individuals want them to have a different life.

That is what drew me to this legislation. When you are talking about preying on young people, every Member of the Senate is concerned. What I think galvanized my attention was that a lot of these young women don't think anybody cares about them except their pimp. They have gotten to the point in life where they believe there isn't anybody in their corner.

Their pimp says: You know, sweetheart, I care about you. You are what's really important to me. Let's just make some money, and eventually you will be out on your own.

What you have with these shelters, and also the law enforcement people I saw in Portland, is young women saying for the first time that there is an adult, a role model, who wants them to have a different life, who wants them to have the prospect of a different future, where they are not degrading themselves, where they are not victimized, where they have a different set of possibilities for their lives.

The human services aspects of this legislation are extremely important, and they complement the help that law enforcement would get as well. I was particularly struck, as we got into the law enforcement aspect of this fight against sex trafficking, that there, again, had been some model approaches. The law enforcement official I was particularly impressed with was the Dallas, TX, police sergeant Byron Fassett. He explained to me that without the right training, law enforcement officers would not know how to spot the signs of sex trafficking and would not know how to handle the victims.

So Senator CORNYN and I thought, with the counsel of our colleagues on both sides of the aisle, it would be important to provide specialized training for police officers and prosecutors to help them understand how to handle sex trafficking cases. The fact is, Sergeant Fassett of Dallas, TX, can only be at one place at a time.

What this legislation is going to do is make it possible for other leaders in the law enforcement field to get the training out across the country, the state-of-the-art approaches about how to best fight the violent criminals who engaged in this activity, and I am very pleased that we were able to make possible part of the grant in this legislation assistance for the law enforcement community.

Finally, the bill would address another issue that is a major component of sex trafficking, and that is runaway children. One-third of runaway children are lured into prostitution within 48 hours of leaving their home. The evidence also shows that the children who have run away multiple times are at the greatest risk of being drawn into sex trafficking.

So what we are doing in this legislation is making it possible for law enforcement officials to, in effect, make priority the children at greatest risk; that is, these runaways. I am very pleased we were able to work out a bipartisan agreement for our approach in this area.

It would be hard to give appropriate thanks to all who participated in this effort—certainly, to do it without keeping you here until breakfast time. Let me name just a small number of the many groups and individuals who provided extremely valuable insight: the Polaris Project, Shared Hope International, National Center for Missing and Exploited Children, the FBI's Innocence Lost Project, and ECPAT-USA. I could go on with the list of many groups.

Mr. President, I will tell you I am especially grateful to the faith community for all of their efforts. Throughout this debate, Senator CORNYN and I have been contacted by religious leaders from all over the country, from all particular denominations, talking about how important this legislation is to them; and what they conveyed to us is that this is what they see in their congregations. This is what parents go to bed at night worrying about—the prospect of seeing one of their youngsters caught up in this vicious cycle of degradation, crime, and lost hope for the future.

We could not be here tonight if it wasn't for the faith community that, all across the country, contacted their Senators, contacted various civic groups, and made common cause with rallies and marches and petitions. This is what has made this night possible.

So I have tried to make sure the Senate knows that a whole host of colleagues on both sides of the aisle have worked on this. I will say my older daughter said the other night: Dad, I have figured it out. You are in the only profession on Earth where somebody your age is considered one of the young guys. I thought about that, because I have had the honor of serving in the Senate for some time—recently was reelected—and I can't recall a time when I felt prouder of the Senate coming together to deal with something that would make a real difference.

This one piece of legislation is not going to wipe out this reprehensible, heinous crime, where youngsters who are 12 and 13 and 14 are trafficked for sex. But with this legislation, from Portland, OR, to Portland, ME—and, frankly, this will have benefits internationally because a lot of these youngsters are also trafficked for sex far from the shores of the United States—tonight the Senate is making a difference. Tonight, the Senate is giving hope to parents who are concerned about their kids' future. For young women who are literally going to be hiding tonight near some of these interstates—Interstate 5, which goes all through the West—with the passage of this legislation and, hopefully, quick action by the House, this is a chance to make a difference for these young people.

This is what public service is supposed to be all about—making a difference for young people and families and doing it not on the basis of Democrats and Republicans but on the basis of what is right, what is moral, what is just. There are a lot of people who deserve credit here tonight, especially my friend and colleague, Senator CORNYN, but I am very hopeful the House will act on this legislation. I am going to put additional remarks into the RECORD, but Joel Shapiro, of my office, did yeoman's work on this legislation and deserves considerable credit tonight. I will leave my additional remarks for the CONGRESSIONAL RECORD, but tonight, through the good-faith efforts of lots of community and faith leaders, there is an opportunity to help reduce one of the fastest growing criminal enterprises in our country—certainly one of the most immoral—the trafficking of young people for sex.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIRPORT AND AIRWAY EXTENSION ACT OF 2010—Resumed

Pending:

Reid motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Reid amendment No. 4727 (to the House amendment to the Senate amendment), to change the enactment date.

Reid amendment No. 4728 (to amendment No. 4727), of a perfecting nature.

Reid motion to refer the message of the House on the bill to the Committee on Finance, with instructions, Reid amendment No. 4729, to provide for a study.

Reid amendment No. 4730 (the instructions) (to amendment No. 4729), of a perfecting nature.

Reid amendment No. 4731 (to amendment No. 4730), of a perfecting nature.

Mr. REID. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is the motion to concur——

Mr. REID. The message to accompany H.R. 4853.

Mr. President, I move to table my motion and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. BEGICH), the Senator from California (Mrs. BOXER), the Senator from Delaware (Mr.

COONS), the Senator from Connecticut (Mr. DODD), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Florida (Mr. NELSON), the Senator from Montana (Mr. TESTER), the Senator from Virginia (Mr. WARNER), and the Senator from Virginia (Mr. WEBB) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kentucky (Mr. BUNNING), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Texas (Mr. CORNYN), the Senator from Arizona (Mr. KYL), the Senator from Kansas (Mr. BROWNBACK), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from North Carolina (Mr. BURR), the Senator from Idaho (Mr. CRAPO), the Senator from South Carolina (Mr. GRAHAM), the Senator from New Hampshire (Mr. GREGG), the Senator from Florida (Mr. LEMIEUX), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted ''yea,'' the Senator from Tennessee (Mr. ALEXANDER) would have voted ''yea,'' and the Senator from Texas (Mr. CORNYN) would have voted ''yea.''

The result was announced—yeas 65, nays 11, as follows:

[Rollcall Vote No. 271 Leg.]

YEAS—65

Akaka	Franken	Mikulski
Barrasso	Gillibrand	Murkowski
Baucus	Grassley	Murray
Bennet	Hagan	Nelson (NE)
Bennett	Hatch	Pryor
Bingaman	Inouye	Reed
Bond	Isakson	Reid
Brown (MA)	Johanns	Risch
Cantwell	Kerry	Roberts
Cardin	Kirk	Rockefeller
Carper	Klobuchar	Schumer
Casey	Kohl	Sessions
Chambliss	Lautenberg	Shaheen
Coburn	Leahy	Shelby
Cochran	Levin	Snowe
Collins	Lieberman	Specter
Conrad	Lincoln	Stabenow
Corker	Lugar	Thune
Dorgan	Manchin	Whitehouse
Durbin	McCain	Wicker
Enzi	McCaskill	Wyden
Feinstein	McConnell	

NAYS—11

Brown (OH)	Landrieu	Udall (CO)
DeMint	Menendez	Udall (NM)
Ensign	Merkley	Voinovich
Harkin	Sanders	

NOT VOTING—24

Alexander	Cornyn	Johnson
Bayh	Crapo	Kyl
Begich	Dodd	LeMieux
Boxer	Feingold	Nelson (FL)
Brownback	Graham	Tester
Bunning	Gregg	Vitter
Burr	Hutchison	Warner
Coons	Inhofe	Webb

The motion was agreed to.

Mr. REID. Mr. President, I ask unanimous consent to withdraw my motion to concur in the House amendment to the Senate amendment to H.R. 4853 with the Reid for Baucus amendment No. 4727.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO CONCUR WITH AMENDMENT NO. 4753

Mr. REID. Mr. President, I move to concur in the House amendment to the Senate amendment to H.R. 4853 with the Reid-McConnell amendment No. 4753 and that the amendment be considered read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the House amendment to the Senate amendment No. 4753 to H.R. 4853.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. REID. I ask for the yeas and nays on that, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4754 TO AMENDMENT NO. 4753

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4754 to amendment No. 4753.

Mr. REID. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end insert the following: ''The provisions of this Act shall become effective in 5 days upon enactment.''

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 4853, the Middle Class Tax Relief Act, with an amendment No. 4753.

Max Baucus, Joseph I. Lieberman, John D. Rockefeller IV, Byron L. Dorgan, John F. Kerry, Sheldon Whitehouse, Mark L. Pryor, Robert P. Casey, Jr., Richard J. Durbin, Mark R. Warner, Jeanne Shaheen, Ben Nelson, Evan Bayh, Christopher J. Dodd, Kent Conrad, Jim Webb, Bill Nelson, Amy Klobuchar.

MOTION TO REFER WITH AMENDMENT NO. 4755

Mr. REID. Mr. President, I move to refer the House message to the Finance Committee with instructions to report back forthwith, with the following amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to refer the House message to the Senate Committee on Finance with instructions to report back forthwith, with an amendment numbered 4755.

The amendment (No. 4755) is as follows:

At the end, add the following: ''The Senate Finance Committee is requested to study the impact of any delay in extending tax cuts to middle income Americans with incomes up to $250,000.''

Mr. REID. On that I ask for the yeas and nays.

The PRESIDING OFFICER. Is there sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4756

Mr. REID. I have an amendment to my instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4756 to the instructions to the motion to refer H.R. 4853.

The amendment is as follows:

At the end, insert the following: ''including specific information on the impact of the delay in extending the tax cuts.''

Mr. REID. On that I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4757 TO AMENDMENT NO. 4756

Mr. REID. I have a second-degree amendment to my instructions.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4757 to amendment No. 4756.

The amendment is as follows:

At the end, insert the following: ''and include statistics which reflect regional differences.''

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote occur on Monday, December 13, at 3 p.m., with the mandatory quorum being waived.

Before the Chair rules on this, there are some people who need the ability—anyway, there is no need to go into detail, but for those people who can't get here on time, if people can't get back until 5:30, it would be our normal vote. We are not going to cut anyone off at an unreasonable time. There will be plenty of time for people to vote, within reason.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, as I think almost everyone knows, President Obama and the Republican leaders have reached an agreement on taxes. It is, in my view, a bad deal, and I think we can do a lot better. Tonight, I wish to speak briefly, and I think I will have some other Senators join me. Tomorrow, I intend to be back to speak a lot longer about this issue because I think this is an issue the American people want serious discussion about.

I can tell my colleagues that representing the small State of Vermont, we have received in the last 3 days thousands—thousands—of phone calls from my State and from other States, and what I will tell my colleagues is that 99 percent of those calls were against this agreement. What I wish to do tonight, briefly, and at greater length tomorrow, is to tell my colleagues why I vigorously oppose the deal that has been cut and how we have to move in a very different way if we are going to save the disappearing middle class of our country.

In my view, the American people are against this agreement. They want to hear Members of the Senate speak out against this agreement, and that is what I will do this evening.

Let me explain, very briefly, why I am opposing the agreement reached by the Republican leadership and President Obama. First, at a time when our country has a recordbreaking $13.8 trillion national debt and a collapsing middle class, it is unconscionable to me that we could support an agreement that drives up our national debt because we have given huge tax breaks to millionaires and billionaires who don't need it. Here is an interesting irony: In many cases, they are telling us they don't even want it. Two of the richest people in the world, Bill Gates and Warren Buffett, have said: Thank you. We don't need this tax break.

This country has serious problems. Use the money on those problems, not giving billionaires a tax break.

In my own State, the founder of Ben & Jerry's ice cream, Ben Cohen, said: Yes, I would like a tax break, but I don't need it. You know what.

There are millionaires all over this country who are saying the same thing.

We have been told that the extension of the tax breaks for the rich will go on for only 2 years. The Bush tax breaks for the rich will go on for 2 years. Maybe that is the case, but I personally don't believe that. I believe that given the political reality that exists in Washington, my guess is that 2 years from now, when this same debate happens again, these tax breaks for the rich will once again be extended. Our Republican colleagues have been very clear they wanted a 10-year extension. It is hard for me to believe that 2 years from now they are going to say: Oh, 2 years, that is fine. That is enough. We give up. I don't think so.

The difficulty is, we have a President who campaigned vigorously against extending these tax breaks for the rich, but those tax breaks for the rich are in this agreement. So my fear is that if the President is the Democratic nominee 2 years from now and he says: Trust me, we are going to stop these tax breaks for the rich, I think his credibility might not be too high.

So my fear is, in fact, if these Bush tax cuts for the top 2 percent, many of whom are millionaires and billionaires, are extended over a 10-year period, we are looking at a $700 billion increase in the national debt.

Secondly, extending income tax breaks for the top 2 percent is not the only unfair tax proposal in this agreement. This agreement struck by the President and the Republican leadership continues the Bush-era 15-percent tax rate on capital gains and dividends, meaning that those people who make their living off their investments will continue to pay a substantially lower tax rate than the vast majority of the people in the middle class—people such as firemen, teachers, and nurses.

On top of all that, this agreement includes a horrendous proposal regarding the estate tax, a Teddy Roosevelt initiative which was enacted in 1916. It will be celebrating its 100th birthday in a few years. Under the agreement we will be debating here, the estate tax rate, which was 55 percent under President Clinton, will decline to 35 percent under this agreement, with an exemption on the first $5 million of an individual's estate, $10 million for couples.

I suspect there are people who are watching this evening and they are saying: Oh, my goodness. I don't want to pay a 55-percent estate tax. So let me be very clear in saying this, in telling you something the Republicans do not tell you: that the estate tax applies only to the top three-tenths of 1 percent, so 99.7 percent of American families do not pay 5 cents in the estate tax. So this is not just a tax for the rich; this is a tax for the very rich.

I know many of my Republican colleagues would like to abolish, repeal the estate tax altogether, and that would cost us $1 trillion over 10 years to our national debt, but they are making significant progress by lowering the rate to 35 percent.

Does my colleague from Ohio wish to respond?

Mr. BROWN of Ohio. Mr. President, I thank the Senator for yielding. I hear what the Senator says about the tax burden in this country; that it falls predominantly on the middle class. When I hear him talk about the estate tax, couples pay no estate tax on the first $10 million of their assets after they both die. Considering they shelter a good bit beyond that, then the tax rate only on the dollars above $10 million were lowered significantly in this proposal—and then what has happened with extending the tax cuts.

I was intrigued, I guess it was yesterday, when the Senator offered a motion on the floor. In light of the fact that a relatively small group of people are getting huge tax cuts—millionaires and billionaires—whether it is the estate tax upon their death that their heirs enjoy this huge tax break or whether it is when earning $1 million or $2 million or $5 million a year and getting a huge tax cut, the motion yesterday simply said, if I recall, that every Social Security beneficiary—and that is tens of millions—

Mr. SANDERS. Over 50 million.

Mr. BROWN of Ohio. Fifty million people would get a check for $250 from the government, because, I believe, about $13 billion for 1 year, it wouldn't have been a long-term deficit issue; it would have been a one-time cost for people who didn't get a cost-of-living adjustment this year. So we know the average Social Security beneficiary gets about $14,000 a year. We know an awful lot of Social Security beneficiaries live mostly on their Social Security. Most people have a little bit more than that, but an awful lot have only a little bit more or nothing more so that is what they live on. They have no cost-of-living adjustment this year because of this sort of complicated formula.

But what was pretty amazing to me is how at the same time, every Republican signed a letter, 42 Republican Senators signed a letter saying they will do nothing else until they get their tax cuts for the rich. It is almost like a work stoppage. It is almost like the Republican Senators are on strike, saying: We are not going to vote or we are not going to do anything around here. We are not going to work or vote yes on anything around here until you give my people a tax cut, my wealthy friends and contributors in my States.

So the contrast of their saying we will not do anything for anybody else except millionaires and billionaires, we will not—even a $250 check, since there was no cost-of-living adjustment to seniors who are making about $14,000 a year from Social Security.

What that check would mean to them is—I think that contrast made was so important to understand. Give us some more about what that contrast means with those Social Security beneficiaries.

Mr. SANDERS. I thank the Senator for his very strong ethics in trying to get that $250 emergency check out to senior citizens on Social Security and disabled vets—over 15 million people.

Mr. BROWN from Ohio. One more point. A majority of Senators voted for it.

Mr. SANDERS. Yes, 53.

Mr. BROWN of Ohio. It was filibustered again, blocked by a minority of Senators, right?

Mr. SANDERS. Absolutely. We won 53 to 45, but around here the majority does not rule. The Republicans filibustered, as they almost always do on anything of substance, and we could not get the 60 votes because we did not get one Republican vote.

The point the Senator was making gets to the heart of this entire issue, which is that our friends over there are fighting vigorously for $700 billion in tax breaks for the top 2 percent—$70 billion a year for the richest people in this country. And when we say to them that senior citizens and disabled vets who are living on $14,000 or $15,000 a year need a check of $250, oh, we can't afford that. But we can afford to give a billionaire a $1 million tax break.

Mr. BROWN of Ohio. That $750 billion is $75 billion a year for 10 years for millionaires and billionaires versus $13 billion once for senior citizens. In essence, that $750 billion—without getting too much into the weeds on numbers—in essence, we are borrowing that money from China, charging it to our children and grandchildren, putting it on their credit cards. They will pay it off who knows when. Then we are giving that $750 billion to people who are fabulously wealthy already, right? But they are unwilling to move forward on unemployment benefits or on your proposal to help a senior with $250 because they really are on strike.

They say: We are not doing anything until you give tax cuts to the rich, to my people.

Mr. SANDERS. That is right. Most of us—I am sure Senator BROWN has received a lot of calls from people in Ohio—I know seniors who are hanging on by their fingernails, trying to pay their bills, heat their homes, pay prescription drug costs, and take care of their health care needs. And $250 will not profoundly impact people's lives, but it will help a little bit. These guys say: Sorry, we can't afford a $250 check for a senior or a disabled vet because that would cost $13 billion or $14 billion a year. But we can afford $70 billion a year to go to the top 2 percent.

Frankly, I think that is what this whole debate is about. That is what it is about.

What I want to do is continue for a moment on some of the other objections. Senator BROWN made an excellent point in contrasting the priorities we are seeing in the Senate, especially from our Republican friends. We didn't get one vote—not one—for a $250 check for seniors or disabled vets. I want to continue with some of the problems that I see in this agreement struck by the President and the Republican leadership.

Some folks may have heard a bit about the so-called payroll tax holiday. What that would do is cut about $120 billion in Social Security payroll taxes for workers.

On the surface, this sounds like a great idea. Instead of paying 6.2 percent, they will be paying 4.2 percent. They might think: Hey, that is great. I am paying less in taxes. My paycheck is a bit bigger. It is a great idea.

Well, let's stop for a minute and ask: Where did this idea originally come from? Well, the truth is this payroll tax holiday originated from conservative Republicans whose ultimate goal is the destruction of Social Security.

What does that mean? Well, it is not very hard to figure out. If you are substantially cutting the amount of money that goes into Social Security by cutting back on the payroll tax, that makes Social Security less financially viable. Today, Social Security can pay out every benefit owed to every eligible American for the next 29 years. Those of us who believe strongly in Social Security—that it has worked extraordinarily well for the last 75 years—and want to see it work well for the next 75 years, we want to strengthen it.

I know the occupant of the Chair, the Senator from Oregon, has ideas about putting increased revenue into the Social Security trust funds. Those are the ideas we should be looking at, not cutting funding that goes into that trust fund. Furthermore, while this payroll tax holiday is a 1-year provision, and this agreement says the money will be covered, for the very first time, by Federal dollars from the Treasury going into the Social Security trust fund, which historically has gotten all of its money from the payroll tax—while the proponents of this agreement say don't worry about it, it is a 1-year agreement, I make the same argument on this point that I made on the other. A year from now, people will be discussing whether we extend that payroll tax holiday. While those of us will say Social Security needs that money and you can't expend it, our Republican friends will say you are raising taxes on workers, and you can't do that. Then what we would be talking about over a period of years is less money going into Social Security, making it less financially solvent, which is exactly what many Republicans want to do. I think that is a bad idea.

I will tell you, the National Committee to Preserve Social Security and Medicare, which is led by a woman named Barbara Kennelly, who used to be in the House—I know Barbara very well—says this about that provision:

> Even though Social Security contributed nothing to the current economic crisis, it has been bartered in a deal that provides deficit busting tax cuts for the wealthy. Diverting $120 billion in Social Security contributions for a so-called ''tax holiday'' may sound like a good idea for workers now, but it is bad business for the program that a majority of middle-class seniors will rely upon in the future.
>
> Conservatives have long dreamed of a payroll tax holiday because it fulfills two ideological goals, lower taxes and weakening Social Security finances. The White House claims the 2 percent payroll tax cut won't impact Social Security; however, we disagree.
>
> There's no such thing as a ''temporary'' tax cut.

And the fear right here is that cut will, in fact, go on indefinitely.

Mr. President, I talked about the payroll tax for a moment. Let me talk about another aspect of the agreement the President signed with Republicans; that is, while some of the business tax cuts in this agreement may work well to create jobs and some may not, economists on both ends of the political spectrum believe the better way to spur the economy and create jobs is to spend money rebuilding our crumbling infrastructure.

With corporate America already sitting on close to $2 trillion in cash on hand, the problem we are seeing in our economy today is not that large corporations are taxed too highly, it is that the middle class doesn't have enough money to purchase their goods. Creating decent-paying jobs and rebuilding our infrastructure could seriously address that problem.

What we have right now, as I think you know, Mr. President, is an infrastructure that is crumbling. There are very credible estimates out there that we need to invest, in the next 5 years, several trillion dollars in rebuilding our roads, bridges, water systems, wastewater plants, our mass transportation, our railroads. China is exploding with high-speed rail. We do not have any significant high-speed rail in this country. If we are serious about creating jobs, in my view, the most effective way to do that is to rebuild our crumbling infrastructure, which makes our entire country stronger, more competitive and, at the same time, short term it gives us the best bang we can get for the buck in terms of job creation. That is another issue.

Tax breaks for businesses may work; maybe they won't. But I don't think that type of investment is anywhere near as effective in terms of job creation as investing in the infrastructure.

The fifth point I want to make on why I think this agreement is not a good one: One of the positive aspects of the agreement—one that I certainly support, and I know you do, Mr. President—is the need to extend unemployment benefits for millions of workers today who face the possibility that within a few weeks those extended unemployment benefits may end. These are workers who are experiencing extraordinarily difficult times through no fault of their own, often caught up in the Wall Street crisis, but they have lost their jobs.

In various parts of this country it is awfully hard to get a job. More and more people are applying for jobs, and the jobs are not there. We have the moral responsibility to extend unemployment benefits and allow those working families the opportunity to pay their bills and give them at least a modicum of security.

Here is the point I want to make. I strongly, absolutely believe any agreement has to have an extension of unemployment benefits for at least 13 months, maybe longer. But when folks who support this agreement say we want a great compromise, we managed to get an extension of unemployment benefits there, what I would say is that for the past 40 years, under both Democratic and Republican administrations, whenever the unemployment rate has been above 7.2 percent—now we are

looking at 9.8 percent—unemployment insurance has always been extended.

So this great compromise is simply doing what we have already been doing as a matter of costs for the last 40 years, when Republicans ran the Senate and when Democrats ran the Senate, with Republican Presidents and Democratic Presidents. There was a consensus that we cannot leave fellow Americans high and dry when unemployment is high. Well, unemployment today is very high. In my view, this is not a great compromise. This is simply doing what this country has done under both Democrats and Republicans for 40 years.

Mr. President, I have been mentioning my concerns about this agreement, but let me also say, absolutely, there are positive elements to this agreement. I don't want to suggest for a moment there are not. Extending middle-class tax cuts for 98 percent of Americans is something that must be done, absolutely.

As you know, during the Bush years, median family income declined by over $2,000. What we are seeing in many parts of this country is that wages are actually going down, not up. People are working longer hours for lower wages.

Does the middle class of this country need to continue to have that tax break? Of course they do. I will fight as hard as I can to make sure they do. So this proposal is, in fact, an important proposal. There are other good proposals in it. The earned-income tax credit for working Americans is very important. The child and college tax credits are also very important. These proposals will keep millions of Americans from slipping out of the middle class and into poverty, and they will allow millions more to send their kids to college.

But when we look at the overall package, we must put it in a broader context. What will the message of this legislation mean for the future of our country? And I think one point that has to be made is that if we pass this agreement as written, it says we are going to continue the Bush policy of trickle-down economics for at least 2 more years. To my mind, that is absurd. This is a policy—based on all of the evidence—that grotesquely failed. After 8 years of Bush-style economics, with all of these tax breaks for the rich, we ended up losing 500,000 private sector jobs—not a very impressive record. In fact, it is about the worst record in job creation in modern history.

Here is another concern that I have that I think folks are not talking about enough. This is what I believe will happen right after this agreement is passed. And I am going to do everything I can to see that it is not passed, and I hope very much that it is not passed, but if it is passed, no one should have any illusions that our Republican friends will not be back in a month or two saying the following: Gee, our national debt is getting close to $14 trillion, we have a $1.4 trillion deficit, and, you know what, we are going to have to cut. We are going to have to cut and cut and cut. Nobody should have any illusion that in 2 months there will not be ferocious debates on the floor of the Senate on the part of people who want to cut Social Security, who want to cut Medicare, who want to cut Medicaid, who want to cut childcare and education in general and environmental protection. Tax breaks for billionaires is good, but cutting back on Social Security, Medicare, and Medicaid is also what they want to do.

I think Senator SHERROD BROWN, a moment ago, just crystallized that. That is what it is about. We can afford to give $70 billion a year to the top 2 percent, the wealthiest people, but we can't afford to spend $14 billion a year to make sure senior citizens and disabled vets get a $250 check. That is what this whole thing is going to be about—tax breaks for the rich and cutbacks on all of the programs the middle-class and working families of this country desperately need.

Mr. President, I will be back tomorrow because there is a lot more that has to be said on this issue, but let me conclude by saying I will give credit to my Republican colleagues in that they have been pretty honest and straightforward about what they intend to do. There is nothing mysterious about it. What they want to do is to take this country back to the 1920s. They want to take us back to the days where, when you were old, there was no Social Security and you had to fend for yourself in the waning years of your life when you couldn't work. They want to ultimately destroy Medicare.

I would suggest to all of the senior citizens in this country—the people who are 70, 75, 80; people who are maybe struggling with one illness or another—good luck in going to a private insurance company to get help when you are low-income and sick. It ain't gonna happen. They are not going to be there because they can't make any money off of you.

Those people are going to be out there on the street all alone because they are not going to be able to get the help they need if Medicare is destroyed, and the same thing with Medicaid.

You know, Mr. President, you and I heard in this Chamber the great debate over the death panels, the famous death panels that were included, supposedly, in the health care reform bill we passed. Well, it turns out that death panels are, in fact, now arising in America but not because of the health care reform passed here in Washington.

In Arizona, right now the Governor there apparently is deciding they do not have the money in their Medicaid Program to provide transplants to people who, without those transplants, will die. That is called a death panel. If you are poor and you need a transplant and you are living in Arizona, good luck to you.

Let me conclude by simply saying that I believe very strongly that we can forge a much better agreement than the current one before us. I believe, in my State of Vermont and all over this country, that the vast majority of people do not think it makes any sense at all to give hundreds of billions of dollars in tax breaks to the wealthiest people in this country so that we can drive up the national debt and have our kids and grandchildren pay higher taxes in order to pay off that debt. That doesn't make sense to progressives like me, and it doesn't make sense to conservatives out there.

So I think the American people are on our side—at least the side that opposes this agreement. Our job here—I know it is a shocking idea—is to represent the middle-class and working families, not just millionaires and billionaires.

With that, Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I rise tonight to share some of my concerns about the package that has been negotiated between the President and the Republicans and has now been presented here on the floor of the Senate.

First, I wish to emphasize the size of the decision that is going to be made in the next couple of days. This deficit spending stimulus package is a $1 trillion package. Let's turn the clock back to the debate over the stimulus package we had in 2009. That stimulus was about $800 billion—only 80 percent of the size of this package. That stimulus had in it direct construction jobs across America. Every community, every county benefited from an increase in production. It also had the making work pay tax deduction. It had a host of small business tax deductions, and it had direct assistance to our States to enable them to meet some of the crises they were experiencing in health care and in education, so we could keep our schools across America open during this great Bush recession.

I have listened over the last year and a half to tremendous attacks on that stimulus package. Yet this is a much larger decision. This is a $1 trillion decision, and it is a package that much less thought has gone into. We have this package here on the floor, but we haven't actually gotten the paper in our hands as to what is in it. We have to rely on newspaper accounts as to what is going to be in it.

Tonight, in offices across this Nation, folks are trying to get it off the Internet, and they are going to be trying to analyze it and understand it. We

know the basic outlines, and the basic outlines raise a significant number of concerns. I encourage our citizens to look at this package over the weekend and to share their concerns with their Congressmen and Congresswomen and certainly with their Senators.

This is a $1 trillion deficit. There has been a lot of talk on the floor not only about the stimulus last year but about the size of our national debt. This is a $1 trillion increase in our national debt. I would think that is something we would be tearing apart and looking at every part of it and asking if each dollar is being spent to the maximum effect. We should have amendments that say: Hey, we can create a lot more jobs if we spend these few million dollars over here rather than here, so that every dollar makes a maximum impact in putting America back to work. But not a single amendment is going to be allowed on this bill, as far as we are aware tonight. I believe that in a decision of this magnitude, there should be amendments that compare the effect of spending money here versus there and about what is going to have the greatest impact in a favorable way for America.

My good colleague from Vermont pointed out that this reduces the flow of resources into Social Security. I think we should have an extensive debate about coming to rely on the general fund, which is what the administration wants to do. They are going to substitute payroll revenue for general fund revenue. I think we should have a substantial debate about depending upon general revenue to supply funds to the Social Security fund.

Let me explain this. The approximately $120 billion that will flow into Social Security from the general fund under this program comes from borrowed funds. Those borrowed funds come primarily from China. So Social Security—a program for Americans in which we save our own money and invest that money so there can be a very modest steady income in the retirement years—now is going to rely upon borrowed funds from China. That is the American retirement plan? We should be debating that on the floor of the Senate, and it should be an extensive debate, not a debate in which cloture is going to be rushed on Monday and then have 30 hours split among 100 Members, because we are spending $1 trillion of deficit money under this plan.

My first main concern is that we are taking a step to greatly increase the national debt with this plan. My second concern is this plan 100 percent endorses the Bush tax structure that has so deeply damaged our Nation. Many of you will recall that when the economy grew under President Bush II, the living wages of working Americans actually failed to increase. The economy grew but the wages didn't grow for working Americans. In addition, we doubled our national debt.

That is what happens when we say we are going to create a plan that gives away our national treasure to the most affluent. We are going to do so in a manner that doesn't create living wage jobs, doesn't reward the productivity of American workers.

I am going to tell you that we made a major decision in about 1974, about the year I graduated from high school, and that was to adopt strategies, which failed, to link the productivity of American workers to their compensation. Up until that point in the postwar era, as our productivity as a nation grew, the financial success of our working families grew along with that increase in productivity. But since 1974, the tremendous, spectacular increase in the productivity and national wealth of our Nation has not been shared with the workers of our Nation. Is that the type of America we want, where many work to make this Nation a success and do not share in the reward? The Bush tax cut structure is the ultimate embodiment of that philosophy of carving off the national treasure for the very few.

I do not think our success as a nation should be measured by the success of our wealthiest families. I applaud them for their entrepreneurship. I applaud them when the strategies to create companies succeed. But it is up to us to create a structure that says, as the work product increases we are going to enable all families to thrive—not for a few to thrive spectacularly while everyone else stays on a level plain.

Back in my home community, the community in which I grew up, a working class community of three-bedroom ranch houses, so many children now consider it a success if they can simply afford to purchase their parents' home because it is only their parents' home, with the assistance from their parents, that they can afford on a working American family's salary because while the worker's share of the national income has not increased with productivity, housing prices have gone up enormously, making it harder and harder for a working family to afford a home.

Embodied in these Bush breaks that have so deeply damaged our Nation we have a very interesting feature, and that is that under this plan President Obama has proposed with the Republicans—it says we are going to extend breaks not just so the wealthiest can enjoy the same breaks on their first $1 million that others receive for the money they are earning up to $1 million, but bonus breaks on top of that.

Let me give you a sense of that. The amount of the tax break that is given to everyone who earns their first $1 million is about $43,000. Let's round it off: $40,000. Under this plan, those families earning over $1 million receive an average of an additional bonus of $100,000 per taxpayer, a $100,000 bonus to the most successful families in the country. That is pretty generous. That is enormously generous. Are we going to be generous with our working families? Unfortunately, no. Under this plan a family earning in the vicinity of $40,000 to $50,000 gets about $1,700. A family that earns $40,000 or less gets somewhere in the nature of $1,000. So $1,000 for a working family versus $43,000 plus a $100,000 bonus for our wealthiest families in America.

Let's see, $1,000; $143,000. There is very little to those who are building the success and wealth of our Nation through the productivity of our workmanship, and a whole lot to those who are spectacularly wealthy already.

The structure of the capital gains tax under this proposal and the structure of the estate tax add to the impact of the income tax brackets I was just describing. If you add it all up, and if you have been spectacularly successful through this recession, then you can count on a whole lot of help, generous gifts from Uncle Sam. If you have been struggling and you are earning near minimum wage, or maybe you are working 60 hours a week, three jobs, each 20 hours earning a minimum wage, you get about $1,000 under this plan. That sort of reinforcement of the fundamental disparity between working families and those who are best off is not healthy for America. That does not build the financial foundation so families can afford to give their children substantial opportunities.

The America in which I grew up, the vision of my father and mother's generation was that we would have an America with opportunity for every family. We are leaving that vision behind with this bill.

Let me turn to my next main concern. The $1 trillion package is designed to be a stimulus. But has it been designed well, to spend every tax dollar in a smart way? There are many folks in this Chamber who say they are fiscal conservatives. I am a fiscal conservative because I believe every dollar needs to be spent in a smart way. Let's test this.

Parts of this package get an A, and parts of this package get an F. The part that gets an A is unemployment insurance. This is important and fundamental to our families. We have always had the philosophy that when there are no jobs to be had, when people cannot get a job through no fault of their own, we are going to extend unemployment benefits to help families through that rough time. We have always done it, Democrats and Republicans, until this year when our Republicans have turned their backs on working families and said: Not now. We will not support extending support unless we take it away from some other important part of the budget. But, they said, we will support $100,000 bonuses without taking anything away from anyone else.

That unity of support for our working families during hard times disappeared this year. That is too bad. That is a tragedy.

The fundamental premise has been, by my colleagues across the aisle: We are going to hold those families hostage to get a $100,000 bonus on top of a

very generous basic tax break for the wealthiest, hold working families hostage for a lot of help for the very few at the very top. Those bonus tax breaks are rated dead last by the Congressional Budget Office in creating jobs in this Nation. Unemployment assistance is rated at the top, the most effective way of creating jobs in this Nation—and it should be in any package. It should be extended and has been extended in a bipartisan manner in the past until this year when, unfortunately, it seems that my colleagues across the aisle became all about the few and not about helping families when there are no jobs.

There is great irony in this because we don't have jobs in this Nation because of the great Bush recession created by my friends across the aisle. First of all, they deregulated the retail mortgages, and they allowed predatory loans. Those predatory loans meant, according to the Wall Street Journal, 60 percent of the families in America who qualified for a basic, amortizing, inexpensive, prime mortgage were steered into subprime mortgages. Then my good friends said: Let's let Wall Street do whatever it wants in packaging these mortgages. Let's end the oversight and let's end the caps on leverage. So they created securities; that is, packages of mortgages. And they sold the rights to those packages. Those securities were doomed to blow up when the predatory features of the mortgages kicked in after 2 years and interest rates jumped from 4.5 percent to 9 percent.

We have been dealing, since I came into office in the Senate, with the tremendous economic bomb produced by the Bush policies, the great Bush recession that created the unemployment so that people cannot get jobs. Now the same folks who created that disaster are saying: We are not going to help those who are being hurt by the disaster we created. It is like setting your house on fire and then cutting off the water to the fire hose.

If my Republican friends are so determined to adopt the very worst job-creating strategy, we should take it out of this bill, or at least have a debate on this floor of the Senate about whether we put it in the worst strategy or move those funds over here to the best strategy or to some other good job-creating strategy. Maybe all the features don't need to be As or A-pluses. But we have the Republican F plan because it is the worst as rated by the CBO. We have the Democratic A plan, support for the uninsured—it should be in here.

What about some of the other things? One of the very best ways to get our country going is low-cost loans to create energy-saving renovations in homes and buildings. It creates a tremendous number of jobs for dollars spent because it is a low-cost jobs program, not a grant program. It is ranked very high in the number of jobs it creates. We have a construction industry in this country that would love to go to work, and we have three bills sitting here before the Senate.

We have the HOME Star bill for families to do energy saving renovations to their home. We have the Building Star bill to allow commercial buildings, office suites, industrial site buildings to be improved in energy renovation. The loans are paid back through the energy savings. So it creates a long-term positive in terms of the energy strategy of this Nation. It works very well for the families, very well for the businesses, and puts the construction industry back to work. That is the type of program we should be weighing against the F plan—that is from A to F, F for last, F for failure, F in CBO's analysis for the worst job-creating plan, which is what the Republicans have forced into this package.

Without amendments to this package, we cannot have that debate. There is a tradition of saying the Senate is the world's greatest deliberative body. Don't we have to have amendments to do that? Don't we have to have a debate on where to put different pieces of this puzzle to do that? I have been advocating for a guaranteed way to make sure the minority and the majority get to have amendments on this floor.

I happen to be a member of the majority right now, but I will be a member of the minority down the road—if I am here long enough, and I guess that is a big if—because the pendulum swings back and forth. But to be accountable before the people of this Nation, amendments have to be offered and debate has to be held and votes have to be taken and that is not being done on this bill as far as we know.

I know there is a possibility. I praise leaders of both sides in advance if they work out a deal that everyone can offer their amendments, or even a modest number of amendments on both sides.

Because that is the way it should be on the floor. That is what I have been advocating, that we have regular order that allows amendments. But I am afraid that Monday will come, that a deal will not get worked out, and we will not have the ability to have that debate, will not have the ability to be transparent before the American people in where we stand.

My good colleague from Vermont has shared a concern I also share; that is, the payroll tax being cut off, snuffed out as a supply of Social Security, that our retirement plan that we pay for ourselves is being changed to a retirement plan financed by China.

So the national debt, $1 trillion—that is a concern. The structure of the Bush tax breaks that so deeply damaged our Nation over the last decade being extended into the next decade is a major concern, as is the poor design of the stimulus where every dollar has not been tested against its ability to create jobs at a time we desperately need jobs, and the change in our funding of Social Security, and it is dependent upon Chinese funds. Those items need to be debated. They are profound concerns. Maybe there are answers that make sense. I look forward to hearing such answers, if they exist. I would like to see those answers tested through amendments offered on this floor.

I have an amendment I would like to see offered on the floor. I have an amendment that says: Take the $100,000 bonus breaks for the wealthiest 2 percent and instead dedicate that to Social Security. Let's make sure our seniors who need basic support in their retirement are well-secured before handing out $100,000 bonus breaks to the very few. Well, I do not know if that would pass on this floor. I do not know where people would stand. But I know people should have to declare where they stand so the voters can decide if they like it or not, so the voters can call and say: We would encourage you to vote this way or that way.

The other thing I like about that particular approach is it says: If we are going to reduce the payroll tax in the short term to create jobs, we are going to do something else to make sure our Social Security does not depend on funds from China. I would like to see that debate.

I would like to see the energy tax credits debated. They are not in this package as of now, as far as we know. Energy tax credits pay us back in a number of ways. The first is that currently we import a tremendous amount of oil from the Middle East and from Venezuela, from Nigeria, from places that do not necessarily share our national outlook. A lot of that money ends up in the hands of terrorist organizations.

Military security analysts now say this is the first set of wars we are in right now—the first wars in which we are funding both sides. And how are we doing that? Through our energy policies which send funds to countries that then pass on funds to terrorists. That is not smart. It makes more sense to free our energy here at home.

I will tell you something else. In addition to increasing our national security and spending those dollars here at home on energy we create ourselves, red, white, and blue American energy, that keeps those dollars here in our communities, and when those dollars stay in our communities, they create jobs in our communities. It means families get jobs, and they spend the money from those jobs in these communities. So it cycles through into the retail stores, into the grocery markets, keeping those dollars here creating jobs rather than shipping them overseas for oil.

It does another thing as well; that is, it reduces our energy consumption from abroad, which largely means shifting from oil to clean sources. And those clean sources will put less carbon dioxide in the air. That means we do a much better job being good stewards of our planet.

So energy tax credits encourage clean energy, keep jobs here, improving our national security and being

good stewards of the planet. Why don't we have that debate on the floor of this Senate before we send this bill back to the House?

Another colleague has amendments that say: OK, we are going to vote on a trillion-dollar stimulus package that creates a trillion-dollar debt. Shouldn't we tie it to some kind of trigger for fiscal responsibility that will kick in maybe 24 months out so we do not head recklessly down a path into extraordinary debt that deeply damages our Nation even further?

So fiscal responsibility—tie some fiscal responsibility measures to this package. That is a good idea. I applaud my colleague from Oregon who has raised that idea, Senator WYDEN, who has done a lot of work on how we can create fiscal responsibility tied to a package going through now. It will say something to the international financiers that this short-term deficit spending is going to be marked by substantial fiscal discipline, and that in itself may serve other things, such as keeping the interest rate low that we pay, so fewer of our dollars go out in interest.

These ideas, these amendments deserve a debate on this major decision facing this body over the next few days.

I will close by saying that I am deeply concerned—deeply concerned—about the deficit and the debt. I am deeply concerned about the Bush tax breaks that have done so much damage and are being extended into the next decade. I am deeply concerned about the poor design of the stimulus, deeply concerned about Social Security being made dependent upon borrowing from China, deeply concerned that this package is being put together and may not have the opportunity to have the debate over elements that should be debated because if they do not stand up on the floor of the Senate in debate, they do not belong in this package.

So with that, I say to our friends across the Nation, you have a few days only to weigh in. Please do weigh in. Let us hear your voice. Let us consider your views. And let us fully deliberate on this package before we pass it.

TRIBUTES TO RETIRING SENATORS

BYRON L. DORGAN

Mr. DURBIN. Mr. President, I join my colleagues in honoring the service of Senator BYRON DORGAN. Over his nearly 30 years in Congress, Senator DORGAN has been a strong and dedicated advocate for the people of the State of North Dakota.

Senator DORGAN's long career in public service began in 1969 when he was appointed North Dakota State Tax Commissioner. Assuming this position at the age of only 26, Senator DORGAN became the youngest constitutional officer in North Dakota's history.

Since 1980, Senator DORGAN has been a voice for the people of North Dakota in Washington, DC. After serving six terms in the House of Representatives, he was first elected to the Senate in 1992.

It is clear that Senator DORGAN's upbringing in the small town of Regent, ND, has shaped his tenure in Congress. Throughout his years in Congress, Senator DORGAN has been a formidable advocate for rural America and the family farmers of his state. He led the effort to make permanent the disaster aid program, which provides an essential safety-net for farmers and ranchers affected by severe weather, in the 2008 farm bill.

Senator DORGAN also has been a great advocate for North Dakota's energy sector. As the country moves toward renewable and domestic energy sources, he has worked to put his state at the forefront of the industry.

After so many years of public service for the people of North Dakota, Senator DORGAN's time in the Senate is coming to a close. I am proud to have served with him, and I thank him for his service in the Senate. I wish Senator DORGAN and his family the best in the next chapters in their lives.

ROBERT F. BENNETT

Mr. President, I also join my colleagues in recognizing Senator ROBERT BENNETT of Utah.

I have had the privilege of working with Senator BENNETT since I entered the Senate in 1997, four years after Senator BENNETT began his Senate service. I have admired his enthusiasm and dedication to serving the people of Utah ever since.

It was clear that public service was in his blood. From his election as student body president at the University of Utah, to his time in the Utah Army National Guard, Senator BENNETT's priority for his entire adult life has been serving the people of his home State.

His first taste of real politics came in the 1960s when he helped his father Wallace Bennett win re-election to this very Chamber. And while he did not seek office himself until almost 20 years following his father's retirement, he worked in the private sector in Utah, deepening his ties to the State and his devotion to the people of Utah.

I have had the privilege of working side-by-side with Senator BENNETT on the Appropriations Committee for many years. I have seen his passion for service, his respect for the Senate, and above all else, his love of Utah.

He has managed to stay true to the fiscal principles that he gained as a businessman and CEO, while understanding the need for compromise when it was required of him for the sake of his State and the rest of America.

During his tenure here, Utah has become a premiere destination of the West—he has worked for quality education for Utah's children, fought to preserve its natural landscapes, and paved the way for the development of 21st century infrastructure back home.

Senator BENNETT also made America proud in 2002 when he helped the Salt Lake City Winter Olympics become one of the most successful and safe Olympic games in recent memory.

Of course, Senator BENNETT and I have not always seen eye-to-eye on many issues. But my respect for his beliefs has always been deep. And in 2008, when America was on the brink of financial collapse, I was moved by his eagerness to reach across the aisle to do what was right for Utah and Illinois, alike. This has always been his character, and the Senate will miss him for it.

Senator BENNETT leaves us this month in the same way that he has served here for almost 20 years: with dignity and conviction. I am proud to call him a friend, and wish him and his family all the best in the future.

REMEMBERING CHARLES WHEELER

Mr. MCCONNELL. Mr. President, I rise today in solemn remembrance of a dear friend of mine from Ashland, KY, who passed away peacefully at his home this Veterans Day. Mr. Charles Wheeler was a consummate small businessman, local official, and advocate for higher education. I knew Charles for over 30 years, and I can tell you that the love he felt for his community in the Commonwealth was surpassed only by his affection for his beloved wife of 60 years, Mary Kathryn Wheeler.

Born in Paintsville, KY, Charles owned and operated a local hardware store in Boyd County for nearly 40 years—helping to build his community and assist all who met him, literally and figuratively. It is no wonder then, that Charles's friendly manner and smart tact got him elected as an Ashland city commissioner by the age of 28. Before long, his friends and neighbors elected him to represent them in the Kentucky General Assembly, where he served for 8 years.

My friend continued to serve his community by serving on the Morehead State University Board of Regents for a decade during a period when that institution saw great growth. His pursuit of excellence in higher education undoubtedly changed the lives of countless students.

I could surely continue to draw to mind the instances when Charles helped meet the need of his community, and this Senator, but I would simply ask that my colleagues join me in remembering the life of a humble man who showed incredible character throughout his entire life. And I would further ask that they join me in expressing my sincerest condolences to Charles's beloved wife, children, grandchildren, great-grandchildren, siblings and other family members.

The Ashland Daily Independent recently published an editorial that highlights some of Charles Wheeler's accomplishments, and I ask unanimous consent that it be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Ashland Daily Independent, Nov. 17, 2010]

CHARLES WHEELER: HE WAS A LEADER IN BUSINESS, POLITICS AND EDUCATION IN AREA

ASHLAND.—Charles Dona Wheeler spent most of his adult life as a business, political and education leader in this region. He died quietly at his residence on Veterans Day. He was 81.

As a business leader, he owned and operated Wheeler-Williams Hardware in Boyd County from 1962 until he closed the business in 2000. He also was a developer of Southern Hills Estates, a beautiful, upscale subdivision off Boy Scout Road.

Wheeler's political career began early in life when he was elected to the Ashland Board of City Commissioners at the age of 28. He went on to serve for eight years—or four terms—as the representative from the 100th District in Kentucky. After leaving office, he remained a leader of the Republican Party in Boyd County and in Kentucky for many years.

Although he never earned a college degree, Wheeler helped open the doors to a college education for thousands of young people in this region by serving on the Morehead State University Board of Regents. His decade of service on the MSU governing body during a time of great growth for the university continues to benefit this region by the many students the university has helped train who continue to play important roles in this area's business, educational, cultural and social life.

To his wife of 60 years, Mary Kathryn Wheeler, and his large extended family, Charles Wheeler was a loving husband, father, grandfather, great-grandfather, brother and uncle. To others in this community, Charles Wheeler was a leader who made a difference through his many years of quietly working for the betterment of this community and this region.

NATIONAL ALZHEIMER'S PROJECT ACT

Ms. COLLINS. Mr. President, Alzheimer's is a devastating disease that takes a tremendous personal and economic toll on both the individual and the family. Today, an estimated 5.3 million Americans—including more than 25,000 Mainers—are living with Alzheimer's disease, more than double the number in 1980. If nothing is done to change the current trajectory, 13.5 million Americans over the age of 65 will have Alzheimer's disease by 2050.

In addition to the suffering it causes, Alzheimer's costs the United States $172 billion a year, primarily in nursing home and other long-term care costs. This figure will only increase exponentially as the baby boom generation ages. If nothing is done to slow or stop the disease, Alzheimer's will cost the United States $20 trillion over the next 40 years.

At a time of mounting deficits, the increasing number of Alzheimer's cases has dire implications for our Federal budget as well. The average annual Medicare payment for an individual with Alzheimer's is three times higher than for those without the condition. For Medicaid, average payments are nine times higher. Failure to achieve progress in the fight against the disease will result in Alzheimer's costs to Medicare skyrocketing more than 600 percent and costs to Medicaid growing more than 400 percent by 2050.

Despite these alarming projections, to date there is no national strategy to defeat Alzheimer's, and our efforts to combat the disease have lacked coordination and focus. That is why I am so pleased that the Senate last night passed the National Alzheimer's Project Act, which I introduced with Senator BAYH, to create a coordinated strategic national plan for combating Alzheimer's disease.

The National Alzheimer's Project Act, which is based on a key recommendation of the nonpartisan Alzheimer's Study Group led by former House Speaker Newt Gingrich and former Senator Bob Kerrey of Nebraska, will launch a campaign within the Federal Government to overcome Alzheimer's disease. First, it directs the Secretary of Health and Human Services to create a coordinated National Alzheimer's Disease Plan to combat Alzheimer's disease. This plan will be updated annually and a report will be submitted to Congress assessing the Nation's progress in preparing for the growing burden of Alzheimer's disease.

The legislation also establishes an Interagency Advisory Council to advise the Secretary of Health and Human Services on the plan, which is also to include implementation steps and recommendations for priority actions. The advisory council is also charged with coordinating all Federal efforts on Alzheimer's research, care, institutional services, and home and community-based programs.

Funding for these activities will come from existing funding appropriated for the Department of Health and Human Services. No new funding is authorized. The coordinated effort called for in the legislation will simply ensure that our existing resources are maximized and leveraged to combat Alzheimer's disease.

Our legislation has broad, bipartisan support. It was passed out of the Senate HELP Committee unanimously, and it has now been approved unanimously by the full Senate, clearing it for action by the House of Representatives.

TRIBUTE TO MAJOR LANCE BURNETT

Mr. SPECTER. Mr. President, I wish to recognize MAJ Lance Burnett's service to his country and as an Air Force fellow on my staff. Major Burnett joined my office through the Congressional Fellows Program. Over the past year, he has been an invaluable addition to my staff. He has demonstrated an expertise with military policy issues and built close relationships both within the office and on Capitol Hill.

As a member of my staff, Major Burnett has been closely involved in a number of policy areas. He has assisted with the defense appropriations process, liaised with the Veterans Affairs Committee, and coordinated congressional delegations. He has served as an adviser on issues relating to the armed services to me and my staff, adding invaluable perspective. He has exemplified the Air Force values of ''Integrity First, Service before Self, and Excellence in All We Do'' through his work. The Air Force has recognized his service through his selection for promotion to the rank of lieutenant colonel on August 26, 2010.

Major Burnett hails from Cameron, TX. He received his bachelor of science degree from Texas A&M University and his commission from the Air Force Officer and Training School. Since earning his flight wings in 1998, Major Burnett has become a senior navigator, completing over 2,800 flight hours of with 613 hours of them in combat.

Major Burnett has served as an instructor and evaluator navigator in both the Air Mobility Command and the Air Force Special Operations Command, flying support missions for Operations Southern Watch, Joint Forge, Joint Endeavor, Enduring Freedom, Iraqi Freedom, as well as numerous counternarcotics missions in South America.

Prior to being accepted into the Congressional Fellows Program, Major Burnett was the MC–130E/H standardization and evaluation branch chief at Headquarters Air Force Special Operations Command where he was responsible for all 30 MC–130E Combat Talon and MC–130H Combat Talon II aircraft in the USAF inventory and their associated 390 aircrew members. He has been honored with the Meritorious Service Medal, the Air Medal with six Oak Leaf Clusters, the Air Force Commendation Medal, the Air Force Combat Action Medal, and the 2006 General P.K. Carlton Award for Valor. Major Burnett and his wife Andrea have two children, Peyton and Andrew.

I would like to pay a special tribute to Major Burnett's tremendous public service and recognize his work on behalf of Pennsylvanians.

TAKE A VETERAN TO SCHOOL

Ms. SNOWE. Mr. President, I rise today to express my profound appreciation for the Take a Veteran to School Day program in my home State of Maine with ceremonies that took place on November 9 and 10 of this year, appropriately right before Veterans Day on November 11. And it is especially fitting that we recognize these events this week as we paused this past Tuesday, on December 7, to remember those who perished 69 years ago at Pearl Harbor, a day that President Franklin Roosevelt declared ''will live in infamy.''

First and foremost, I want to extend my enormous gratitude to the Maine

National Guard, and especially MG John Libby, Maine's Adjutant General, who not only reached out to our veterans to encourage their engagement in the program, but who also participated in the Rockland District Middle School ceremony. In addition, joining with the Guard in bringing the History Channel's national award-winning program to fruition in Maine was Time Warner Cable, which sponsored the program and should be commended for its example and dedication to this outstanding endeavor.

Together, leaders of our military and our media have combined efforts in the noble undertaking of saluting our veterans through the Take a Veteran to School Day initiative, which brings veterans into our schools to share their personal stories of service and sacrifice for the Nation with students and educators. It has become an invaluable opportunity for students to learn what Veterans Day and serving our Nation in uniform truly means—and it provides a unique chance to express a heartfelt and well-earned ''thank you'' to the brave men and women who from generation to generation have woven the fabric of America's greatness.

And I couldn't be more pleased that more than 650 students and educators, 200 local community members, and 100 veterans from every military conflict since World War II made Maine's inaugural Take a Veteran to School Day program a resounding success. This year, in my State of Maine, three schools—York Middle School, Biddeford High School, and Rockland District Middle School—shared in paying tribute to our veterans in our first ever program.

I cannot thank the sponsors and supporters of this program enough for recognizing how vital it is that young Americans are able to hear the personal stories of service in the military, and to remember the sacrifices made by Maine veterans for our country. In fact, Time Warner Cable recorded 20 veterans' stories for the Library of Congress's Veterans' History Project, which will be added to its archives so that future generations will have an opportunity to hear veterans speak about their service to the Nation, bringing a personal perspective to military history that students otherwise would only learn about through books.

As The York Weekly reported, York Middle School Principal Steve Bishop introduced the veterans in attendance by saying, ''my hope is that you gain a sense that the opportunities you have today are made possible by the veterans behind me.'' As you can imagine, I am looking forward to next year's program, and I hope that States and school districts around the Nation will follow suit in shining a spotlight on our veterans through this wonderful enterprise. Make no mistake, it is because of our veterans that America is the greatest Nation on Earth, and the Take a Veteran to School Day program is a shining testament to that immutable truth.

When we pay homage to our courageous veterans, we are demonstrating that we always reserve our deepest respect and praise for those who have summoned the courage to place themselves in harm's way on our behalf. That they have done so in order to ensure the blessings of liberty makes us grateful beyond words.

ADDITIONAL STATEMENTS

AIRBORNE

• Ms. MURKOWSKI. Mr. President, for the past 2 years I have had the honor and the privilege of joining with my colleague from Rhode Island, Mr. REED, and other colleagues, in bringing before the Senate a resolution honoring those who are serving and have served in Airborne units of our armed services on the occasion of National Airborne Day. Albert Caswell, an employee of the Capitol Guide Service, has penned a poem in honor of a member of the 82nd Airborne Division, SGT Jared Lemon who is recovering from injuries suffered from the detonation of an Improvised Explosive Device while deployed to Afghanistan. I ask that this poem be printed in the RECORD.

The material follows:

AIRBORNE

Airborne!
Men of Honor, who wear that uniform. . . .
Strength In Honor, who march on!
An Alaskan son. . . a Freedom Fighter, Jared this one
Who marched off to war, to do what must be done!
All there, walking through the valley of death. . . .
Where courage crests!
As upon a battlefield of honor, lie dying. . . .
With his Brother in Arms Joseph, heroically dead beside him. . . .
As with tears he would find then!
As on the morning he awoke. . . .
As to him his fine heart so spoke. . . .
So spoke to him. . . .
About living for his fallen brother, whose blood that binds them!
As his new battle had begun!
To rebuild, as to new heights his great Alaskan heart would run!
And even though he had lost an arm, to heights he has flown!
For he's Airborne!
With a heart so bold, so warm!
For no mountain is too big to climb!
For there are new frontiers, in his heart which appears. . . .
Bringing us all to such tears!
For he's Airborne!
As yes Jared you so march on!
The 82nd, lock and load. . . .
As a man who so lives, so lives by such a most heroic code!
One of such selfless, as have all of those!
America's men and women in uniform!
Who are Airborne. . . .
As where the face of courage is worn!
And if I ever had a son. . . .
I but wish, that he could but be as heroic you Jared, the one!
For Jared, you will Teach Us, Reach Us and so Beseech Us!
For you are Airborne!•

REMEMBERING SENATOR TED STEVENS

• Ms. MURKOWSKI. Mr. President, the loss of our dear friend, Senator Ted Stevens of Alaska, last August touched everyone in this body and a great many Members of the Senate's extended family here in the Capitol complex. Albert Caswell, a member of the Capitol Guide Service, has penned a poem in honor and remembrance of this great American, patriot, husband, father and public servant. I ask that Mr. Caswell's poem be printed in the RECORD.

The material follows:

A GLACIER

America.
Our Country Tis of Thee . . .
Was but built, but by such most patriotic men as he . . .
Brave hearts of strength, pioneers of courage and liberty . . .
A trail blazer, as Ted was he . . .
A Giant . . .
A Glacier . . .
A mountain of a man . . .
A mirror of this great frontier . . . of this great land!
A magnificent Alaskan, who to greatness he ran . . .
Ted Stevens, is but an Icon of this great land . . .
A Founding Father, who helped this 49th State stand . . .
One of The Greatest Generation, who helped Save The World . . . as was this man . . .
The longest serving Republican Senator, in history . . .
'Oh what A Tour 'De Force, as upon the Senate floor was he . . .
Uncle Ted, was but the very height to which a public servant can be!
Don't get even, Get Stevens . . . to succeed!
Tough on the outside, but inside such a gentle heart would beat . . .
Words like, God, Family, Country, Alaska, Military, Courage, leadership, in his heart we see!
A Glacier died this day, as we cried this day . . .
Mountains may break apart, and fall to the sea . . .
But Glaciers like Ted, your memory will never . . . so be lost in history . . .
And all of those giants you walked with like, Dole, Byrd, Inouye, Simpson and Kennedy . . .
As your fine life of public service, will upon this floor forever speak!
Rise up now to Heaven our fine son, Alaska's and America's great friend . . .
For Angel's with Distinguished Flying Crosses, our Lord so needs them . . .•

RECOGNIZING FIBER MATERIALS, INC.

• Ms. SNOWE. Mr. President, America has maintained its role as the world's most innovative and predominant economy in large part due to its 27.5 million small businesses. And many of these companies partake in significant Federal contracting and subcontracting opportunities, affording these businesses with the ability to participate in the development of new and cutting-edge technologies and products. I rise today to recognize one Maine company that has taken part in the Federal procurement process and

contributed tremendously to a number of highly advanced projects.

Fiber Materials was established in the southern Maine town of Biddeford in 1969 and has become a global leader in the design, manufacture, and testing of a variety of advanced composites in its 40 years of operation. The company produces a wide range of materials, from carbon/carbon composites used in the construction of heatshields and missile nosetips, to quartz products designed for printed circuit boards or electrical and thermal insulation. Fiber Materials now employs roughly 180 employees at its facilities in Biddeford and Presque Isle, and its Space Technology Division in Columbus, OH.

Fiber Materials has earned a number of financial awards to fund the development of critical projects through the Small Business Innovation Research, or SBIR, program at the National Aeronautics and Space Administration, NASA. The SBIR program provides funding to small businesses with innovative, early stage ideas that align with the research and development goals of 11 different Federal agencies, including NASA, the Department of Defense, and the National Institutes of Health. One of the most recent systems that Fiber Materials contributed to under NASA's purview is ORION Launch Abort System, which will allow the crew to escape the spacecraft in the case of an emergency. The system was successfully tested in May 2010.

In recognition of Fiber Materials' dedicated efforts to NASA, the Johnson Space Center recently recognized the company with its 2010 Small Business Subcontractor of the Year Award. According to NASA's Office of Small Business Programs, the award acknowledges '' successful and innovative practices that promote small business participation in the initiatives that NASA undertakes.'' Fiber Materials has been an invaluable resource to the Federal government from the beginning, and I commend the company for playing such an integral part in some of NASA's most critical initiatives.

Small businesses that are versatile and multifaceted such as Fiber Materials will be critical as the United States seeks to continue in its role as a world leader. Undoubtedly, participating in programs like SBIR will provide the company with countless additional opportunities to simultaneously contribute to NASA's mission and create jobs in Maine. I thank everyone at Fiber Materials for their strong work ethic, ingenuity, and dedication, and I wish them continued success in the years to come.●

TRIBUTE TO CAPTAIN GEORGE M. VUJNOVICH

● Mr. VOINOVICH. Mr. President, I wish to honor an outstanding Serbian-American, Captain (Ret.) George M. Vujnovich, who was recently awarded the Bronze Star Medal, for his heroic actions during World War II.

The Bronze Star is awarded to military service personnel for bravery, acts of merit or meritorious service. When awarded for bravery, it is the fourth-highest combat award of the U.S. Armed Forces. Captain Vujnovich's determination to rescue and save the trapped airmen and subsequent participation in the planning and execution of Operation Halyard—resulted in one of the most successful air force rescue missions in history; and an operation so secret that the records were only declassified in 1997.

I was made aware of the Halyard Mission as a boy in 1946. I was in attendance at a social event in my parents' home to honor Captain Nick Lalich as one of the leaders who was part of the military team that parachuted into Serbia to execute and carry out Captain Vujnovich's plan to rescue and evacuate the airmen.

Captain Vujnovich served with the Office of Strategic Services; the predecessor of the modern Central Intelligence Agency, CIA, and the wartime organization charged with coordinating activities behind enemy lines for the branches of the U.S. military. Operation Halyard evolved in wake of the Allied bombing campaign to destroy Nazi Germany's vast network of petroleum resources in occupied Eastern Europe. The most vital target of bombing was the facilities located in Ploesti, Romania, which supplied 35 percent of Germany's wartime petroleum. Beginning in April 1944, bombers of the Fifteenth Allied Air Force began a relentless campaign to blast the heavily guarded facilities in Ploesti in an attempt to halt petroleum production altogether. By August, Ploesti was virtually destroyed—but at the cost of 350 bombers lost, with their crews either killed, captured, or missing in action.

The assault on Ploesti forced hundreds of Allied airmen to bail out over Nazi-occupied eastern Serbia, an area patrolled by the Allied-friendly Chetnik guerrilla army. When the Chetnik commander, General Draza Mihailovich, realized that Allied airmen were parachuting into his territory, he ordered his troops, as well as the local peasantry, to aid the aviators by taking them to Chetnik headquarters in Pranjani, Serbia for evacuation.

General Mihailovich's attempts to alert American authorities to the situation regrettably initially failed to produce action. Fortunately, fate would have it that when Mirjana Vujnovich, a Serb employee of the Yugoslav embassy in Washington, DC, heard of the trapped airmen, and immediately wrote to her husband, Captain Vujnovich, stationed in Bari, Italy. As an American, descending from Serb parents, Vujnovich knew the region intimately and also knew how to escape from Nazi-occupied territory: he had been a medical student in Belgrade when Yugoslavia fell to the Axis powers in 1941, and he and his wife spent months sneaking through minefields and begging for visas before they finally escaped from Nazi-occupied Europe.

I was excited that someone with a name like mine was such a hero and was the genesis of my interest in Yugoslavia. In fact it left such an impression on me that my first paper in undergrad school was titled ''How the U.S. sold out Yugoslavia at Yalta and Tehran''.

Captain Vujnovich made it his personal crusade to get the airmen home. From the outset though, Operation Halyard encountered opposition from Allied leaders—from the U.S. State Department, from communist sympathizers in the British Special Operations Executive, SOE, even from British Prime Minister Winston Churchill himself. It was an operation that seemed condemned from the start, but Captain Vujnovich persevered rather than let the mission die. His persistence paid off. Even thought the operation endured from August 9, 1944, through December 27, 1944, within only the first 2 days, Operation Halyard successfully retrieved 241 American and Allied airmen. By the time the Operation was officially ended, Vujnovich's team had airlifted 512 downed Allied airmen to safety without the loss of a single life or aircraft—a truly impressive accomplishment.

Captain George Vujnovich's recognition as a hero and valued asset to this country and the U.S. Air Force is long over due. Frankly, had the records of the operation not remained sealed until 1997, I feel certain Captain Vujnovich would have received this honor years ago. Nevertheless, the decades do not and cannot diminish the valor and patriotism of this extraordinary man. I ask all my colleagues to join me now to honor this Serbian-American hero, to thank him for his dedicated service to our country and to congratulate him for winning the Bronze Star. Captain Vujnovich, I salute you.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Health, Education, Labor, and Pensions.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:33 a.m., a message from the House of Representatives, delivered by

Mrs. Cole, one of its reading clerks, announced that the House agreed to the amendment of the Senate to the bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, with an amendment.

ENROLLED BILLS SIGNED

At 10:47 a.m., a message from the House of Representatives, delivered by Mr. Novotny, announced that the Speaker has signed the following enrolled bills:

S. 3789. An act to limit access to Social Security account numbers.

S. 3987. An act to amend the Fair Credit Reporting Act with respect to the applicability of identity theft guidelines to creditors.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUYE).

A message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3353. An act to provide for American Samoa and the Commonwealth of the Northern Marianas to be treated as States for certain criminal justice programs.

H.R. 4501. An act to require certain return policies from businesses that purchase precious metals from consumers and solicit such transactions through an Internet website.

H.R. 5012. An act to amend the Richard B. Russell National School Lunch Act to establish a weekend and holiday feeding program to provide nutritious food to at-risk school children on weekends and during extended school holidays during the school year.

H.R. 5470. An act to exclude an external power supply for certain security or life safety alarms and surveillance system components from the application of certain energy efficiency standards under the Energy Policy and Conservation Act.

The message also announced that the House agree to the amendments numbered 1 and 2 of the Senate to the bill (H.R. 5281) to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes; and, further, that the House agree to the amendment numbered 3 of the Senate to the aforementioned bill, with an amendment.

The message further announced that the House agreed to the bill (S. 3998) to extend the Child Safety Pilot Program, without amendment.

At 4:17 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 6412. An act to amend title 28, United States Code, to require the Attorney General to share criminal records with State sentencing commissions, and for other purposes.

The message also announced that the House has agreed to the amendments of the Senate to the bill (H.R. 4994) to amend the Internal Revenue Code of 1986 to reduce taxpayer burdens and enhance taxpayer protections, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3353. An act to provide for American Samoa and the Commonwealth of the Northern Marianas to be treated as States for certain criminal justice programs; to the Committee on the Judiciary.

H.R. 4501. An act to require certain return policies from businesses that purchase precious metals from consumers and solicit such transactions through an Internet website; to the Committee on Commerce, Science, and Transportation.

H.R. 5012. An act to amend the Richard B. Russell National School Lunch to establish a weekend and holiday feeding program to provide nutritious food to at-risk school children on weekends and during extended school holidays during the school year; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 6412. An act to amend title 28, United States Code, to require the Attorney General to share criminal records with State sentencing commissions, and for other purposes; to the Committee on the Judiciary.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, December 9, 2010, she had presented to the President of the United States the following enrolled bill:

S. 3789. An act to limit access to Social Security account numbers.

S. 3987. An act to amend the Fair Credit Reporting Act with respect to applicability of identity theft guidelines to creditors.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8399. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fisheries; Suspension of Minimum Atlantic Surfclam Size Limit for Fishing Year 2011'' (RIN0648–XZ16) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8400. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XA038) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8401. A communication from the Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Section 90.617 Frequencies in the 809.750–824.750.750–869 MHz Bands Available for Trunked, Conventional or Cellular System Use in Non-border Areas; Section 90.677 Reconfiguration of the 806–824/851–869 Band in Order to Separate Cellular Systems From Non-cellular Systems'' ((DA10–695)(WT Docket No. 02–55)) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8402. A communication from the Deputy Assistant General Counsel for Regulations, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, a rule entitled ''Relocation of Standard Time Zone Boundary in the State of North Dakota: Mercer County'' (RIN2105–AD98) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8403. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (25); Amdt. 3398'' (RIN2120–AA65) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8404. A communication from the Policy Advisor/Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amateur Service Rules'' (FCC 10–189) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8405. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Unlicensed Operation in the TV Broadcast Bands; ET Docket No. 04–186; Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band; ET Docket No. 02–380'' (FCC 10–174) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8406. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 10–429, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, without amendment:

H.R. 5811. A bill to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe (Rept. No. 111–359).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 2782. A bill to provide personal jurisdiction in causes of action against contractors

of the United States performing contracts abroad with respect to members of the Armed Forces, civilian employees of the United States, and United States citizen employees of companies performing work for the United States in connection with contractor activities, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CASEY:

S. 4018. A bill to amend the Internal Revenue Code of 1986 to provide incentives for life sciences research; to the Committee on Finance.

By Mr. CASEY:

S. 4019. A bill to clarify the applicability of the Buy American Act to products purchased for the use of the legislative branch, to prohibit the application of any of the exceptions to the requirements of such Act to products bearing an official Congressional insignia, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WICKER (for himself and Mr. BARRASSO):

S. 4020. A bill to protect 10th Amendment rights by providing special standing for State government officials to challenge proposed regulations, and for other purposes; to the Committee on the Judiciary.

By Mr. CARDIN (for himself and Mr. WHITEHOUSE):

S. 4021. A bill to reduce the ability of terrorists, spies, criminals , and other malicious actors to compromise, disrupt, damage, and destroy computer networks, critical infrastructure, and key resources, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. UDALL of Colorado, and Mrs. GILLIBRAND):

S. 4022. A bill to provide for the repeal of the Department of Defense policy concerning homosexuality in the Armed Forces known as ''Don't Ask, Don't Tell''; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. SHAHEEN (for herself and Mr. GRAHAM):

S. Res. 698. A resolution expressing the sense of the Senate with respect to the territorial integrity of Georgia and the situation within Georgia's internationally recognized borders; to the Committee on Foreign Relations.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 699. A resolution to authorize testimony and legal representation in City of St. Paul v. Irene Victoria Andrews, Bruce Jerome Berry, John Joseph Braun, David Eugene Luce, and Elizabeth Ann McKenzie; considered and agreed to.

ADDITIONAL COSPONSORS

S. 602

At the request of Mr. BROWN of Ohio, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 602, a bill to direct the Secretary of Homeland Security to conduct a survey to determine the level of compliance with national voluntary consensus standards and any barriers to achieving compliance with such standards, and for other purposes.

S. 738

At the request of Ms. LANDRIEU, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 738, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 1221

At the request of Mr. SPECTER, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1221, a bill to amend title XVIII of the Social Security Act to ensure more appropriate payment amounts for drugs and biologicals under part B of the Medicare Program by excluding customary prompt pay discounts extended to wholesalers from the manufacturer's average sales price.

S. 2885

At the request of Ms. LANDRIEU, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2885, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide adequate benefits for public safety officers injured or killed in the line of duty, and for other purposes.

S. 3424

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3424, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 3447

At the request of Mr. AKAKA, the names of the Senator from Colorado (Mr. UDALL) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 3447, a bill to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes.

S. 3739

At the request of Mr. CASEY, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 3739, a bill to amend the Safe and Drug-Free Schools and Communities Act to include bullying and harassment prevention programs.

S. 3925

At the request of Mr. BINGAMAN, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 3925, a bill to amend the Energy Policy and Conservation Act to improve the energy efficiency of, and standards applicable to, certain appliances and equipment, and for other purposes.

S. RES. 694

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Res. 694, a resolution condemning the Government of Iran for its state-sponsored persecution of religious minorities in Iran and its continued violation of the International Covenant on Human Rights.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARDIN (for himself and Mr. WHITEHOUSE):

S. 4021. A bill to reduce the ability of terrorists, spies, criminals, and other malicious actors to compromise, disrupt, damage, and destroy computer networks, critical infrastructure, and key resources, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. CARDIN. Mr. President, the Internet has had a profound impact on the daily lives of millions of Americans by enhancing communications, commerce, education, and socialization between and among persons regardless of their location. However, computers and other devices that connect to the Internet may be used, exploited, and compromised by terrorists, criminals, spies, and other malicious actors. As a result, they pose a risk to computer networks, critical infrastructure, and key resources in the United States. Users of computers and other devices that connect to the Internet are generally unaware that these devices can be easily used, exploited and compromised by others with spam, viruses, and other malicious software and agents. Internet and cybersecurity safety has therefore become an urgent homeland security issue that needs to be addressed by internet service providers, technology companies, other entities that enable devices to connect to the Internet, and by individuals.

I have been focusing on cybersecurity issues for quite some time. More than a year ago, as chairman of the Terrorism and Homeland Security Subcommittee of the Judiciary Committee, I chaired a Subcommittee hearing titled ''Cybersecurity: Preventing Terrorist Attacks and Protecting Privacy in Cyberspace.'' The hearing included witnesses from key Federal agencies responsible for cybersecurity, as well as representatives of the private sector. We reviewed governmental and private sector efforts to prevent a terrorist cyber attack that could cripple large sectors of our government, economy, and essential services. It was both illuminating and frightening.

The expertise that I have developed in regard to cybersecurity has convinced me that the Government and the private sector need to work together to develop and enforce minimum Internet and cybersecurity safety standards for users of computers and

other devices that connect to the Internet. In the same way that automobiles cannot and should not be sold or operated on public highways unless they meet certain minimum safety standards, minimum Internet and cybersecurity safety standards are essential for the nation's information superhighway.

As a result, today I am introducing the Internet and Cybersecurity Safety Standards Act, ICSSA. My bill will require the Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of Commerce, to conduct an analysis to determine the costs and benefits of requiring internet service providers and others to develop and enforce minimum Internet and cybersecurity safety standards. The Secretary will be required to consider all relevant factors in this analysis, including the effect that the development and enforcement of minimum Internet and cybersecurity safety standards would have on homeland security, the global economy, innovation, individual liberty, and privacy. My bill will also require the Secretary of Homeland Security, the Attorney General and the Secretary of Commerce to consult with relevant stakeholders in the Government and, most importantly, the private sector, including the academic community and groups or institutions that have scientific and technical expertise related to standards for computer networks, critical infrastructure, or key resources. The private sector must be a partner in the efforts to secure the nation's information superhighway. Under my bill, the Secretary of Homeland Security will be required to report to Congress within one year with specific recommendations for minimum voluntary or mandatory Internet and cybersecurity standards for computers and other devices that connect to the Internet, so that we can prevent them from being used, exploited, and compromised by terrorists, criminals, spies, and other malicious actors.

In December of 2009, I praised the appointment of Howard Schmidt as the new White House Cybersecurity Coordinator to make sure that agencies are all working together on this critical challenge. In April of this year, I also stressed with Secretary Napolitano, at a Senate Judiciary Committee oversight hearing for the Department of Homeland Security, the need to continue to make cybersecurity a top priority. But we can and must do more. My bill will help secure our nation's digital future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 4021

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 ''Internet and Cybersecurity Safety Standards Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COMPUTERS.—Except as otherwise specifically provided, the term ''computers'' means computers and other devices that connect to the Internet.

(2) PROVIDERS.—The term ''providers'' means Internet service providers, communications service providers, electronic messaging providers, electronic mail providers, and other persons who provide a service or capability to enable computers to connect to the Internet.

(3) SECRETARY.—Except as otherwise specifically provided, the term ''Secretary'' means the Secretary of Homeland Security.

SEC. 3. FINDINGS.

Congress finds the following:

(1) While the Internet has had a profound impact on the daily lives of the people of the United States by enhancing communications, commerce, education, and socialization between and among persons regardless of their location, computers may be used, exploited, and compromised by terrorists, criminals, spies, and other malicious actors, and, therefore, computers pose a risk to computer networks, critical infrastructure, and key resources in the United States. Indeed, users of computers are generally unaware that their computers may be used, exploited, and compromised by others with spam, viruses, and other malicious software and agents.

(2) Since computer networks, critical infrastructure, and key resources of the United States are at risk of being compromised, disrupted, damaged, or destroyed by terrorists, criminals, spies, and other malicious actors who use computers, Internet and cybersecurity safety is an urgent homeland security issue that needs to be addressed by providers, technology companies, and persons who use computers.

(3) The Government and the private sector need to work together to develop and enforce minimum Internet and cybersecurity safety standards for users of computers to prevent terrorists, criminals, spies, and other malicious actors from compromising, disrupting, damaging, or destroying the computer networks, critical infrastructure, and key resources of the United States.

SEC. 4. COST-BENEFIT ANALYSIS.

(a) REQUIREMENT FOR ANALYSIS.—The Secretary, in consultation with the Attorney General and the Secretary of Commerce, shall conduct an analysis to determine the costs and benefits of requiring providers to develop and enforce minimum Internet and cybersecurity safety standards for users of computers to prevent terrorists, criminals, spies, and other malicious actors from compromising, disrupting, damaging, or destroying computer networks, critical infrastructure, and key resources.

(b) FACTORS.—In conducting the analysis required by subsection (a), the Secretary shall consider all relevant factors, including the effect that the development and enforcement of minimum Internet and cybersecurity safety standards may have on homeland security, the global economy, innovation, individual liberty, and privacy.

SEC. 5. CONSULTATION.

In conducting the analysis required by section 4, the Secretary, in consultation with the Attorney General and the Secretary of Commerce, shall consult with relevant stakeholders in the Government and the private sector, including the academic community, groups, or other institutions, that have scientific and technical expertise related to standards for computer networks, critical infrastructure, or key resources.

SEC. 6. REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a final report on the results of the analysis required by section 4. Such report shall include the consensus recommendations, if any, for minimum voluntary or mandatory Internet and cybersecurity safety standards that should be developed and enforced for users of computers to prevent terrorists, criminals, spies, and other malicious actors from compromising, disrupting, damaging, or destroying computer networks, critical infrastructure, and key resources.

(b) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Commerce, Science, and Transportation, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate; and

(2) the Committee on Energy and Commerce, the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Oversight and Government Reform of the House of Representatives.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 698—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO THE TERRITORIAL INTEGRITY OF GEORGIA AND THE SITUATION WITHIN GEORGIA'S INTERNATIONALLY RECOGNIZED BORDERS

Mrs. SHAHEEN (for herself and Mr. GRAHAM) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 698

Whereas, since 1993, the territorial integrity of Georgia has been reaffirmed by the international community and 36 United Nations Security Council resolutions;

Whereas the Helsinki Final Act resulting from the Conference on Security and Cooperation in Europe in 1975 states that parties ''shall regard as inviolable all one another's frontiers'' and that ''participating States will likewise refrain from making each other's territory the object of military occupation'';

Whereas the United States-Georgia Strategic Charter, signed on January 9, 2009, underscores that ''support for each other's sovereignty, independence, territorial integrity and inviolability of borders constitutes the foundation of our bilateral relations'';

Whereas, in October 2010, at the meeting of the United States-Georgia Charter on Strategic Partnership, Secretary of State Clinton stated, ''The United States will not waiver in its support for Georgia's sovereignty and territorial integrity'';

Whereas the White House released a fact sheet on July 24, 2010, calling for ''Russia to end its occupation of the Georgian territories of Abkhazia and South Ossetia'' and for ''a return of international observers to the two occupied regions of Georgia'';

Whereas Vice President Joseph Biden stated in Tbilisi in July 2009 that the United States ''will not recognize Abkhazia and South Ossetia as independent states'' and went on to ''urge the world not to recognize [Abkhazia and South Ossetia] as independent states'';

Whereas the August 2008 conflict between the Governments of Russia and Georgia resulted in civilian and military causalities, the violation of the sovereignty and territorial integrity of Georgia, and large numbers of internally-displaced persons;

Whereas the August 12, 2008, ceasefire agreement, agreed to by the Governments of Russia and Georgia, provides that all Russian troops shall be withdrawn to pre-conflict positions;

Whereas the August 12, 2008, ceasefire agreement provides that free access shall be granted to organizations providing humanitarian assistance in regions affected by violence in August 2008;

Whereas the International Crisis Group concluded in its June 7, 2010, report on South Ossetia that ''Moscow has not kept important ceasefire commitments, and some 20,000 ethnic Georgians from the region remain forcibly displaced'';

Whereas Human Rights Watch concluded in its World Report 2010 that ''Russia continued to exercise effective control over South Ossetia and . . . Abkhazia, preventing international observers' access and vetoing international missions working there'';

Whereas, in October 2010, Russian troops withdrew from the small Georgian village of Perevi;

Whereas the withdrawal of Russian troops from Perevi is a positive step, but it does not constitute compliance with the terms of the August 2008 Russia-Georgia ceasefire agreement;

Whereas, on November 23, 2010, before the European Parliament, Georgian President Saakashvili committed Georgia to not use force to restore control over the Georgian territories of Abkhazia and South Ossetia;

Whereas Secretary of State Clinton stated in Tbilisi on July 5, 2010, ''We continue to call for Russia to abide by the August 2008 cease-fire commitment . . . including ending the occupation and withdrawing Russian troops from South Ossetia and Abkhazia to their pre-conflict positions.'';

Whereas the Russian Federation vetoed the extension of the Organization for Security and Co-operation in Europe (OSCE) Mission to Georgia and the United Nations Observer Mission in Georgia, forcing the missions to withdraw from the regions of South Ossetia and Abkhazia;

Whereas Russian troops stationed in the regions of Abkhazia and South Ossetia continue to be present without a mandate from the United Nations or other multilateral organizations;

Whereas the Senate supports United States efforts to develop a productive relationship with the Russian Federation in areas of mutual interest, including non-proliferation and arms control, cooperation concerning the failure of the Government of Iran to meet its international obligations with regard to its nuclear programs, counter-terrorism, Afghanistan, anti-piracy, economics and trade, and others; and

Whereas the Senate agrees that these efforts must not compromise longstanding United States policy, principles of the Helsinki Final Act, and United States support for United States allies and partners worldwide: Now, therefore, be it

Resolved, That the Senate—

(1) affirms that it is the policy of the United States to support the sovereignty, independence, and territorial integrity of Georgia and the inviolability of its borders and to recognize the areas of Abkhazia and South Ossetia as regions of Georgia occupied by the Russian Federation;

(2) calls upon the Government of Russia to take steps to fulfill all the terms and conditions of the 2008 ceasefire agreements, including returning military forces to pre-war positions and ensuring access to international humanitarian aid to all those affected by the conflict;

(3) urges the Government of Russia and the de facto authorities in the regions of South Ossetia and Abkhazia to allow for the full and dignified return of internally-displaced persons and international observer missions to the territories of Abkhazia and South Ossetia;

(4) supports constructive engagement and confidence-building measures between the Government of Georgia and the de facto authorities in the regions of South Ossetia and Abkhazia; and

(5) affirms that the path to lasting stability in this region is through peaceful means and long-term diplomatic and political dialogue.

SENATE RESOLUTION 699—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN CITY OF ST. PAUL V. IRENE VICTORIA ANDREWS, BRUCE JEROME BERRY, JOHN JOSEPH BRAUN, DAVID EUGENE LUCE, AND ELIZABETH ANN McKENZIE

Mr. REID (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 699

Whereas, in the case of *City of St. Paul v. Irene Victoria Andrews, Bruce Jerome Berry, John Joseph Braun, David Eugene Luce, and Elizabeth Ann McKenzie*, Case No. 10–071–634, pending in Ramsey County District Court in St. Paul, Minnesota, the prosecution has sought testimony from Shelly Schafer, an employee of Senator Al Franken;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Shelly Schafer is authorized to testify in the case of *City of St. Paul v. Irene Victoria Andrews, Bruce Jerome Berry, John Joseph Braun, David Eugene Luce, and Elizabeth Ann McKenzie*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Shelly Schafer, and any other employee from whom evidence may be sought, in connection with the testimony authorized in section one of this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4746. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4747. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4748. Mr. LIEBERMAN (for himself, Mr. BROWN of Massachusetts, Mr. LEAHY, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4749. Mr. SESSIONS (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4750. Mr. WYDEN (for Mr. KERRY) proposed an amendment to the bill S. 841, to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

SA 4751. Mr. WYDEN proposed an amendment to the bill S. 2925, to establish a grant program to benefit victims of sex trafficking, and for other purposes.

SA 4752. Mr. WYDEN proposed an amendment to the bill S. 2925, supra.

SA 4753. Mr. REID (for himself and Mr. McCONNELL) proposed an 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.

SA 4754. Mr. REID proposed an amendment to amendment SA 4753 proposed by Mr. REID (for himself and Mr. McCONNELL) to the bill H.R. 4853, supra.

SA 4755. Mr. REID proposed an amendment to the bill H.R. 4853, supra.

SA 4756. Mr. REID proposed an amendment to amendment SA 4755 proposed by Mr. REID to the bill H.R. 4853, supra.

SA 4757. Mr. REID proposed an amendment to amendment SA 4756 proposed by Mr. REID to the amendment SA 4755 proposed by Mr. REID to the bill H.R. 4853, supra.

SA 4758. Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 4753 proposed by Mr. REID (for himself and Mr. McCONNELL) to the bill H.R. 4853, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4756. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate end of subtitle B of title X, add the following:

SEC. 1012. REPLACEMENT COMBAT LOGISTICS FORCE UNDERWAY REPLENISHMENT SHIP CAPABILITIES FOR THE NAVY ON A COMMERCIAL FEE-FOR-SERVICE BASIS.

(a) IN GENERAL.—

(1) PROGRAM REQUIRED.—The Secretary of the Navy shall carry out a program, in response to Naval Surface Warfare Center Carderock Division Combat Logistics Force Energy Saving Program, BAA N000167–09–

BAA–01, to obtain replacement combat logistics force underway replenishment ship capabilities for the Navy on a commercial fee-for-service basis.

(2) DETERMINATION OF REPLACEMENT SHIPS REQUIRED.—As part of the program required by this section, the Secretary—

(A) shall determine an initial number of fleet oiler ships to be constructed, leased, or both under the program to meet anticipated demands of the Navy for combat logistics force underway replenishment ships; and

(B) may from time to time determine an additional number of fleet oiler ships to be constructed, leased, or both for such purpose.

(3) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated for research, development, test, and evaluation by section 201 and available for the Navy as specified in the funding table in section 4201, $20,000,000 shall be available for contractor activities for phase 1 (detailed combat logistics force fee-for-service performance requirements specification and detailed feasibility study reflecting such performance requirements) and phase 2 (completion of adequate development work to support contractor delivery of a fixed-price multi-year fee-for service proposal, consistent with this section and with sufficient detail and cost definition support to meet government contracting requirements) of the program required by this section. Such funds shall be available for that purpose without fiscal year limitation.

(4) BUDGETING.—The budget of the President for each fiscal year after fiscal year 2011 (as submitted to Congress pursuant to section 1105(a) of title 31, United States Code) shall specify the funds to be required in such fiscal year for the program required by this section, including amounts to be required for the following:

(A) The capital costs to be incurred in such fiscal year in connection with national defense features or modifications of fleet oiler ships constructed or leased under phase 3 of the program.

(B) The costs of executing multi-year contracts authorized by subsection (b) during such fiscal year.

(b) MULTIYEAR CONTRACTS TO OBTAIN REPLENISHMENT SUPPORT USING SHIPS CONSTRUCTED UNDER PROGRAM.—

(1) IN GENERAL.—In carrying out the program required by this section, the Secretary of the Navy may not enter into one or more multiyear contracts for the purpose of obtaining combat logistics force underway replenishment support for the Navy using ships constructed or leased under the program on a commercial fee-for-service basis unless an appropriation is provided in advance specifically for all obligations to be made under the contract, including any obligations for payments to be made in years after the year in which the contract is entered into, any obligations for payments for early cancellation of the contract, and any obligations for payments for the exercise of contract options.

(2) ELEMENTS.—Each contract under this subsection shall provide for payment by the United States of the following:

(A) The operational cost of combat logistics force underway replenishment support provided the Navy by the ship or ships covered by the contract.

(B) The costs of any national defense features or modifications on the ship or ships covered by the contract, which costs shall be paid in full through equal monthly installments under the contract over a number of months (not to exceed 60 months) beginning on or after the date on which the Navy certifies that the ship or ships covered by the contract are qualified and meet Navy standards to provide combat logistics force underway replenishment support for the Navy.

(3) COMPLIANCE WITH LAW APPLICABLE TO MULTIYEAR CONTRACTS.—Any contract entered into under this subsection shall be entered into in accordance with the provisions of section 2306c of title 10, United States Code, except that—

(A) notwithstanding subsection (b) of such section, the combat logistics force underway replenishment support for the Navy to be obtained under the contract shall be treated as services to which the authority in subsection (a) of such section applies;

(B) the term of the contract may not be more than eight years; and

(C) notwithstanding subsections (d) and (e) of such section—

(i) the contract may not be entered into unless amounts necessary to cover all costs of cancellation of the contract are appropriated before the contract is entered into; and

(ii) funds appropriated in advance for performance of the contract shall be the only funds available for costs of cancellation of the contract.

(4) COMPLIANCE WITH LAW APPLICABLE TO SERVICE CONTRACTS.—A contract entered into under this subsection shall be entered into in accordance with the provisions of section 2401 of title 10, United States Code, except that—

(A) the Secretary shall not be required to certify to the congressional defense committees that the contract is the most cost-effective means of obtaining combat logistics force underway replenishment support for the Navy; and

(B) the Secretary shall not be required to certify to the congressional defense committees that there is no alternative for meeting urgent operational requirements other than making the contract.

(5) LIMITATION ON AMOUNT.—The amount of any contract (including any options) under this subsection may not exceed $999,999,999.

(c) PREFERENCE FOR FINANCING UNDER FEDERAL SHIP FINANCING PROGRAM.—A contractor seeking financing for a ship whose principal service will be the provision of combat logistics force underway replenishment support for the Navy under a contract under subsection (b) shall be given approval preference by the Secretary of Transportation for the Federal Ship Financing Program under chapter 537 of title 46, United States Code.

(d) GOVERNMENT WAR RISK INSURANCE.—A contractor with the Navy under subsection (b) shall be eligible for Government-provided war risk insurance for the ship or ships covered by the contract in accordance with chapter 539 of title 46, United States Code, with the following exceptions:

(1) With regard to section 53902(a) of such title, the Secretary of the Navy may act for the Secretary of Transportation in approving the issuance of such insurance.

(2) While an insured ship is completely dedicated to the provision of combat logistics force underway replenishment support for the Navy, the insurance may be issued as agency insurance in accordance with section 53905 of such title.

(3) The authority to waive the premium under section 53905(b) of such title does not apply to war-risk insurance issued pursuant to this subsection.

SA 4747. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 126. ADDITIONAL COMBAT SHIP MATTERS.

(a) MODIFICATIONS TO LITTORAL COMBAT SHIP PROGRAM AUTHORITY.—Section 121 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2211) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''ten Littoral Combat Ships and 15 Littoral Combat Ship ship control and weapon systems'' and inserting ''20 Littoral Combat Ships (LCS), including ship control and weapon systems,''; and

(ii) by striking ''a contract'' and inserting ''one or more contracts''; and

(B) in paragraph (2)—

(i) by striking ''A contract'' and inserting ''Any contract''; and

(ii) by striking ''liability to'' and inserting ''liability of'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''a procurement'' and inserting ''any contract''; and

(B) in paragraph (2)—

(i) by striking ''a Littoral'' and inserting ''any Littoral''; and

(ii) in subparagraph (A), by striking ''a second shipyard, as soon as practicable'' and inserting ''another shipyard to build to a design specification for that Littoral Combat Ship''; and

(3) in subsection (c)(1), by striking ''awarded to a contractor selected as part of a procurement'' and inserting ''under any contract''.

(b) REPLACEMENT COMBAT LOGISTICS FORCE UNDERWAY REPLENISHMENT SHIP CAPABILITIES FOR THE NAVY ON A COMMERCIAL FEE-FOR-SERVICE BASIS.—

(1) PROGRAM REQUIRED.—The Secretary of the Navy shall carry out a program, in response to Naval Surface Warfare Center Carderock Division Combat Logistics Force Energy Saving Program, BAA N000167–09–BAA–01, to obtain replacement combat logistics force underway replenishment ship capabilities for the Navy on a commercial fee-for-service basis.

(2) DETERMINATION OF REPLACEMENT SHIPS REQUIRED.—As part of the program required by this subsection, the Secretary—

(A) shall determine an initial number of fleet oiler ships to be constructed, leased, or both under the program to meet anticipated demands of the Navy for combat logistics force underway replenishment ships; and

(B) may from time to time determine an additional number of fleet oiler ships to be constructed, leased, or both for such purpose.

(3) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated for research, development, test, and evaluation by section 201 and available for the Navy as specified in the funding table in section 4201, $20,000,000 shall be available for contractor activities for phase 1 (detailed combat logistics force fee-for-service performance requirements specification and detailed feasibility study reflecting such performance requirements) and phase 2 (completion of adequate development work to support contractor delivery of a fixed-price multi-year fee-for service proposal, consistent with this section and with sufficient detail and cost definition support to meet government contracting requirements) of the program required by this section. Such funds shall be available for that purpose without fiscal year limitation.

(4) BUDGETING.—The budget of the President for each fiscal year after fiscal year 2011 (as submitted to Congress pursuant to section 1105(a) of title 31, United States Code)

shall specify the funds to be required in such fiscal year for the program required by this section, including amounts to be required for the following:

(A) The capital costs to be incurred in such fiscal year in connection with national defense features or modifications of fleet oiler ships constructed or leased under phase 3 of the program.

(B) The costs of executing multi-year contracts authorized by subsection (c) during such fiscal year.

(c) MULTIYEAR CONTRACTS TO OBTAIN REPLENISHMENT SUPPORT USING SHIPS CONSTRUCTED UNDER PROGRAM.—

(1) IN GENERAL.—In carrying out the program required by this section, the Secretary of the Navy may not enter into one or more multiyear contracts for the purpose of obtaining combat logistics force underway replenishment support for the Navy using ships constructed or leased under the program on a commercial fee-for-service basis unless an appropriation is provided in advance specifically for all obligations to be made under the contract, including any obligations for payments to be made in years after the year in which the contract is entered into, any obligations for payments for early cancellation of the contract, and any obligations for payments for the exercise of contract options.

(2) ELEMENTS.—Each contract under this subsection shall provide for payment by the United States of the following:

(A) The operational cost of combat logistics force underway replenishment support provided the Navy by the ship or ships covered by the contract.

(B) The costs of any national defense features or modifications on the ship or ships covered by the contract, which costs shall be paid in full through equal monthly installments under the contract over a number of months (not to exceed 60 months) beginning on or after the date on which the Navy certifies that the ship or ships covered by the contract are qualified and meet Navy standards to provide combat logistics force underway replenishment support for the Navy.

(3) COMPLIANCE WITH LAW APPLICABLE TO MULTIYEAR CONTRACTS.—Any contract entered into under this subsection shall be entered into in accordance with the provisions of section 2306c of title 10, United States Code, except that—

(A) notwithstanding subsection (b) of such section, the combat logistics force underway replenishment support for the Navy to be obtained under the contract shall be treated as services to which the authority in subsection (a) of such section applies;

(B) the term of the contract may not be more than eight years; and

(C) notwithstanding subsections (d) and (e) of such section—

(i) the contract may not be entered into unless amounts necessary to cover all costs of cancellation of the contract are appropriated before the contract is entered into; and

(ii) funds appropriated in advance for performance of the contract shall be the only funds available for costs of cancellation of the contract.

(4) COMPLIANCE WITH LAW APPLICABLE TO SERVICE CONTRACTS.—A contract entered into under this subsection shall be entered into in accordance with the provisions of section 2401 of title 10, United States Code, except that—

(A) the Secretary shall not be required to certify to the congressional defense committees that the contract is the most cost-effective means of obtaining combat logistics force underway replenishment support for the Navy; and

(B) the Secretary shall not be required to certify to the congressional defense committees that there is no alternative for meeting urgent operational requirements other than making the contract.

(5) LIMITATION ON AMOUNT.—The amount of any contract (including any options) under this subsection may not exceed $999,999,999.

(d) PREFERENCE FOR FINANCING UNDER FEDERAL SHIP FINANCING PROGRAM.—A contractor seeking financing for a ship whose principal service will be the provision of combat logistics force underway replenishment support for the Navy under a contract under subsection (c) shall be given approval preference by the Secretary of Transportation for the Federal Ship Financing Program under chapter 537 of title 46, United States Code.

(e) GOVERNMENT WAR RISK INSURANCE.—A contractor with the Navy under subsection (c) shall be eligible for Government-provided war risk insurance for the ship or ships covered by the contract in accordance with chapter 539 of title 46, United States Code, with the following exceptions:

(1) With regard to section 53902(a) of such title, the Secretary of the Navy may act for the Secretary of Transportation in approving the issuance of such insurance.

(2) While an insured ship is completely dedicated to the provision of combat logistics force underway replenishment support for the Navy, the insurance may be issued as agency insurance in accordance with section 53905 of such title.

(3) The authority to waive the premium under section 53905(b) of such title does not apply to war-risk insurance issued pursuant to this subsection.

SA 4748. Mr. LIEBERMAN (for himself, Mr. BROWN of Massachusetts, Mr. LEAHY, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 414 and insert the following:

SEC. 414. FISCAL YEAR 2011 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2011, may not exceed the following:

(A) For the Army National Guard of the United States, 2,520.

(B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2011, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2011, may not exceed 90.

(b) PERMANENT INCREASE IN LIMITATION ON ARMY NATIONAL GUARD DUAL-STATUS TECHNICIANS.—Effective as of October 1, 2010, section 10217(c)(2) of title 10, United States Code, is amended by striking ''1,950'' and inserting ''2,870''.

(c) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term ''non-dual status technician'' has the meaning given that term in section 10217(a) of title 10, United States Code.

SA 4749. Mr. SESSIONS (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 126. LITTORAL COMBAT SHIP PROGRAM.

(a) CONTRACT AUTHORITY.—Subsection (a) of section 121 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2211) is amended—

(1) in paragraph (1)—

(A) by striking ''ten Littoral Combat Ships and 15 Littoral Combat Ship ship control and weapon systems'' and inserting ''20 Littoral Combat Ships, including any ship control and weapon systems the Secretary determines necessary for such ships,''; and

(B) by striking ''a contract'' and inserting ''one or more contracts''; and

(2) in paragraph (2), by striking ''liability to'' and inserting ''liability of''.

(b) TECHNICAL DATA PACKAGE.—Subsection (b)(2)(A) of such section is amended by striking ''a second shipyard, as soon as practicable'' and inserting ''another shipyard to build to a design specification for that Littoral Combat Ship''.

(c) LIMITATION OF COSTS.—Subsection (c)(1) of such section is amended by striking ''awarded to a contractor selected as part of a procurement'' and inserting ''under a contract''.

SA 4750. Mr. WYDEN (for Mr. KERRY) proposed an amendment to the bill S. 841, to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation; as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pedestrian Safety Enhancement Act of 2010'.

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term ''Secretary'' means the Secretary of Transportation;

(2) the term ''alert sound'' (herein referred to as the ''sound'') means a vehicle-emitted sound to enable pedestrians to discern vehicle presence, direction, location, and operation;

(3) the term ''cross-over speed'' means the speed at which tire noise, wind resistance, or other factors eliminate the need for a separate alert sound as determined by the Secretary;

(4) the term ''motor vehicle'' has the meaning given such term in section 30102(a)(6) of title 49, United States Code, except that such term shall not include a trailer (as such term is defined in section 571.3 of title 49, Code of Federal Regulations);

(5) the term ''conventional motor vehicle'' means a motor vehicle powered by a gasoline, diesel, or alternative fueled internal combustion engine as its sole means of propulsion;

(6) the term ''manufacturer'' has the meaning given such term in section 30102(a)(5) of title 49, United States Code;

(7) the term ''dealer'' has the meaning given such term in section 30102(a)(1) of title 49, United States Code;

(8) the term ''defect'' has the meaning given such term in section 30102(a)(2) of title 49, United States Code;

(9) the term ''hybrid vehicle'' means a motor vehicle which has more than one means of propulsion; and

(10) the term ''electric vehicle'' means a motor vehicle with an electric motor as its sole means of propulsion.

SEC. 3. MINIMUM SOUND REQUIREMENT FOR MOTOR VEHICLES.

(a) RULEMAKING REQUIRED.—Not later than 18 months after the date of enactment of this Act the Secretary shall initiate rulemaking, under section 30111 of title 49, United States Code, to promulgate a motor vehicle safety standard—

(1) establishing performance requirements for an alert sound that allows blind and other pedestrians to reasonably detect a nearby electric or hybrid vehicle operating below the cross-over speed, if any; and

(2) requiring new electric or hybrid vehicles to provide an alert sound conforming to the requirements of the motor vehicle safety standard established under this subsection.

The motor vehicle safety standard established under this subsection shall not require either driver or pedestrian activation of the alert sound and shall allow the pedestrian to reasonably detect a nearby electric or hybrid vehicle in critical operating scenarios including, but not limited to, constant speed, accelerating, or decelerating. The Secretary shall allow manufacturers to provide each vehicle with one or more sounds that comply with the motor vehicle safety standard at the time of manufacture. Further, the Secretary shall require manufacturers to provide, within reasonable manufacturing tolerances, the same sound or set of sounds for all vehicles of the same make and model and shall prohibit manufacturers from providing any mechanism for anyone other than the manufacturer or the dealer to disable, alter, replace, or modify the sound or set of sounds, except that the manufacturer or dealer may alter, replace, or modify the sound or set of sounds in order to remedy a defect or noncompliance with the motor vehicle safety standard. The Secretary shall promulgate the required motor vehicle safety standard pursuant to this subsection not later than 36 months after the date of enactment of this Act.

(b) CONSIDERATION.—When conducting the required rulemaking, the Secretary shall—

(1) determine the minimum level of sound emitted from a motor vehicle that is necessary to provide blind and other pedestrians with the information needed to reasonably detect a nearby electric or hybrid vehicle operating at or below the cross-over speed, if any;

(2) determine the performance requirements for an alert sound that is recognizable to a pedestrian as a motor vehicle in operation; and

(3) consider the overall community noise impact.

(c) PHASE-IN REQUIRED.—The motor vehicle safety standard prescribed pursuant to subsection (a) of this section shall establish a phase-in period for compliance, as determined by the Secretary, and shall require full compliance with the required motor vehicle safety standard for motor vehicles manufactured on or after September 1st of the calendar year that begins 3 years after the date on which the final rule is issued.

(d) REQUIRED CONSULTATION.—When conducting the required study and rulemaking, the Secretary shall—

(1) consult with the Environmental Protection Agency to assure that the motor vehicle safety standard is consistent with existing noise requirements overseen by the Agency;

(2) consult consumer groups representing individuals who are blind;

(3) consult with automobile manufacturers and professional organizations representing them;

(4) consult technical standardization organizations responsible for measurement methods such as the Society of Automotive Engineers, the International Organization for Standardization, and the United Nations Economic Commission for Europe, World Forum for Harmonization of Vehicle Regulations.

(e) REQUIRED STUDY AND REPORT TO CONGRESS.—Not later than 48 months after the date of enactment of this Act, the Secretary shall complete a study and report to Congress as to whether there exists a safety need to apply the motor vehicle safety standard required by subsection (a) to conventional motor vehicles. In the event that the Secretary determines there exists a safety need, the Secretary shall initiate rulemaking under section 30111 of title 49, United States Code, to extend the standard to conventional motor vehicles.

SEC. 4. FUNDING.

Notwithstanding any other provision of law, $2,000,000 of any amounts made available to the Secretary of Transportation under under section 406 of title 23, United States Code, shall be made available to the Administrator of the National Highway Transportation Safety Administration for carrying out section 3 of this Act.

SA 4751. Mr. WYDEN proposed an amendment to the bill S. 2925, to establish a grant program to benefit victims of sex trafficking, and for other purposes; as follows:

Strike section 5 and insert the following:

SEC. 5. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENT FOR STATE CHILD WELFARE AGENCIES.—

(1) REQUIREMENT FOR STATE CHILD WELFARE AGENCIES TO REPORT CHILDREN MISSING OR ABDUCTED.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(A) in paragraph (32), by striking ''and'' after the semicolon;

(B) in paragraph (33), by striking the period and inserting ''; and''; and

(C) by inserting after paragraph (33) the following:

''(34) provides that the State has in effect procedures that require the State agency to promptly report information on missing or abducted children to the law enforcement authorities for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, established pursuant to section 534 of title 28, United States Code.''.

(2) REGULATIONS.—The Secretary of Health and Human Services shall promulgate regulations implementing the amendments made by paragraph (1). The regulations promulgated under this subsection shall include provisions to withhold Federal funds from any State that fails to substantially comply with the requirement imposed under the amendments made by paragraph (1).

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 6 months after the date of the enactment of this Act, without regard to whether final regulations required under paragraph (2) have been promulgated.

(b) ANNUAL STATISTICAL SUMMARY.—Section 3701(c) of the Crime Control Act of 1990 (42 U.S.C. 5779(c)) is amended by inserting '', which shall include the total number of reports received and the total number of entries made to the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, established pursuant to section 534 of title 28, United States Code.'' after ''this title''.

(c) STATE REPORTING.—Section 3702 of the Crime Control Act of 1990 (42 U.S.C. 5780) is amended in paragraph (4)—

(1) by striking ''(2)'' and inserting ''(3)'';

(2) in subparagraph (A), by inserting '', and a photograph taken within the previous 180 days'' after ''dental records'';

(3) in subparagraph (B), by striking ''and'' after the semicolon;

(4) by redesignating subparagraph (C) as subparagraph (D); and

(5) by inserting after subparagraph (B) the following:

''(C) notify the National Center for Missing and Exploited Children of each report received relating to a child reported missing from a foster care family home or childcare institution; and''.

SA 4752. Mr. WYDEN proposed an amendment to the bill S. 2925, to establish a grant program to benefit victims of sex trafficking, and for other purposes; as follows:

On page 23, line 2, insert ''(a) IN GENERAL.—'' before ''Section 204''.

On page 26, line 22, after the period add: ''Each eligible entity awarded a block grant under this subparagraph shall certify that Federal funds received under the block grant will be used to combat only interstate sex trafficking.''.

On page 28, line 9, strike ''50 percent'' and insert ''67 percent''.

On page 33, between lines 20 and 21, insert the following:

(b) SUNSET PROVISION.—Effective 3 years after the date of enactment of this Act, section 204 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044c) is amended to read as it read on the day before the date of enactment of this Act.

(c) GAO EVALUATION.—Not later than 30 months after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of and submit to Congress a report evaluating the impact of this Act and the amendments made by this Act in aiding minor victims of sex trafficking in the United States and increasing the ability of law enforcement agencies to prosecute sex trafficking offenders, which shall include recommendations, if any, regarding any legislative or administrative action the Comptroller General determines appropriate.

On page 36, line 14, insert ''(as defined in such section 3486)'' after ''sex offenders''.

On page 41, line 21, insert ''(a) IN GENERAL.—'' before ''Section 3486(a)(1)''.

On page 41, strike line 23 and all that follows through page 42, line 4, and insert the following:

(1) in subparagraph (A)—

(A) in clause (i), by striking ''or'' at the end;

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) the following:

''(ii) an unregistered sex offender conducted by the United States Marshals Service, the Director of the United States Marshals Service; or''; and

On page 42, strike line 9.

On page 42, line 10, strike ''(C)'' and insert ''(B)''.

On page 42, line 12, strike ''(D)'' and insert ''(C)''.

On page 42, after line 15, add the following:

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 3486(a) of title 18, United States Code, is amended—

(1) in paragraph (6)(A), by striking ''United State'' and inserting ''United States'';

(2) in paragraph (9), by striking ''(1)(A)(ii)'' and inserting ''(1)(A)(iii)''; and

(3) in paragraph (10), by striking ''paragraph (1)(A)(ii)'' and inserting ''paragraph (1)(A)(iii)''.

SEC. 12. REDUCING UNNECESSARY PRINTING AND PUBLISHING COSTS OF GOVERNMENT DOCUMENTS.

Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of Federal departments and independent agencies to—

(1) determine which Government publications could be available on Government websites and no longer printed and to devise a strategy to reduce overall Government printing costs beginning with fiscal year 2012, except that the Director shall ensure that essential printed documents prepared for Social Security recipients, Medicare beneficiaries, and other populations in areas with limited internet access or use continue to remain available;

(2) establish government-wide Federal guidelines on employee printing;

(3) issue on the Office of Management and Budget's public website the results of a cost-benefit analysis on implementing a digital signature system and on establishing employee printing identification systems, such as the use of individual employee cards or codes, to monitor the amount of printing done by Federal employees, except that the Director of the Office of Management and Budget shall ensure that Federal employee printing costs unrelated to national defense, homeland security, border security, national disasters, and other emergencies do not exceed $860,000,000 annually for fiscal years 2012 through 2014; and

(4) issue guidelines requiring every department, agency, commission or office to list at a prominent place near the beginning of each publication distributed to the public and issued or paid for by the Federal Government the following:

(A) The name of the issuing agency, department, commission or office.

(B) The total number of copies of the document printed.

(C) The collective cost of producing and printing all of the copies of the document.

(D) The name of the firm publishing the document.

SEC. 13. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 4753. Mr. REID (for himself and Mr. MCCONNELL) proposed an 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 I rust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Tax Relief, Unemployment Insurance Reauthorization, and Job Creation 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—TEMPORARY EXTENSION OF TAX RELIEF

Sec. 101. Temporary extension of 2001 tax relief.
Sec. 102. Temporary extension of 2003 tax relief.
Sec. 103. Temporary extension of 2009 tax relief.

TITLE II—TEMPORARY EXTENSION OF INDIVIDUAL AMT RELIEF

Sec. 201. Temporary extension of increased alternative minimum tax exemption amount.
Sec. 202. Temporary extension of alternative minimum tax relief for nonrefundable personal credits.

TITLE III—TEMPORARY ESTATE TAX RELIEF

Sec. 301. Reinstatement of estate tax; repeal of carryover basis.
Sec. 302. Modifications to estate, gift, and generation-skipping transfer taxes.
Sec. 303. Applicable exclusion amount increased by unused exclusion amount of deceased spouse.
Sec. 304. Application of EGTRRA sunset to this title.

TITLE IV—TEMPORARY EXTENSION OF INVESTMENT INCENTIVES

Sec. 401. Extension of bonus depreciation; temporary 100 percent expensing for certain business assets.
Sec. 402. Temporary extension of increased small business expensing.

TITLE V—TEMPORARY EXTENSION OF UNEMPLOYMENT INSURANCE AND RELATED MATTERS

Sec. 501. Temporary extension of unemployment insurance provisions.
Sec. 502. Temporary modification of indicators under the extended benefit program.
Sec. 503. Technical amendment relating to collection of unemployment compensation debts.
Sec. 504. Technical correction relating to repeal of continued dumping and subsidy offset.
Sec. 505. Additional extended unemployment benefits under the Railroad Unemployment Insurance Act.

TITLE VI—TEMPORARY EMPLOYEE PAYROLL TAX CUT

Sec. 601. Temporary employee payroll tax cut.

TITLE VII—TEMPORARY EXTENSION OF CERTAIN EXPIRING PROVISIONS

Subtitle A—Energy

Sec. 701. Incentives for biodiesel and renewable diesel.
Sec. 702. Credit for refined coal facilities.
Sec. 703. New energy efficient home credit.
Sec. 704. Excise tax credits and outlay payments for alternative fuel and alternative fuel mixtures.
Sec. 705. Special rule for sales or dispositions to implement FERC or State electric restructuring policy for qualified electric utilities.
Sec. 706. Suspension of limitation on percentage depletion for oil and gas from marginal wells.
Sec. 707. Extension of grants for specified energy property in lieu of tax credits.
Sec. 708. Extension of provisions related to alcohol used as fuel.
Sec. 709. Energy efficient appliance credit.
Sec. 710. Credit for nonbusiness energy property.
Sec. 711. Alternative fuel vehicle refueling property.

Subtitle B—Individual Tax Relief

Sec. 721. Deduction for certain expenses of elementary and secondary school teachers.
Sec. 722. Deduction of State and local sales taxes.
Sec. 723. Contributions of capital gain real property made for conservation purposes.
Sec. 724. Above-the-line deduction for qualified tuition and related expenses.
Sec. 725. Tax-free distributions from individual retirement plans for charitable purposes.
Sec. 726. Look-thru of certain regulated investment company stock in determining gross estate of nonresidents.
Sec. 727. Parity for exclusion from income for employer-provided mass transit and parking benefits.
Sec. 728. Refunds disregarded in the administration of Federal programs and federally assisted programs.

Subtitle C—Business Tax Relief

Sec. 731. Research credit.
Sec. 732. Indian employment tax credit.
Sec. 733. New markets tax credit.
Sec. 734. Railroad track maintenance credit.
Sec. 735. Mine rescue team training credit.
Sec. 736. Employer wage credit for employees who are active duty members of the uniformed services.
Sec. 737. 15-year straight-line cost recovery for qualified leasehold improvements, qualified restaurant buildings and improvements, and qualified retail improvements.
Sec. 738. 7-year recovery period for motorsports entertainment complexes.
Sec. 739. Accelerated depreciation for business property on an Indian reservation.
Sec. 740. Enhanced charitable deduction for contributions of food inventory.
Sec. 741. Enhanced charitable deduction for contributions of book inventories to public schools.
Sec. 742. Enhanced charitable deduction for corporate contributions of computer inventory for educational purposes.
Sec. 743. Election to expense mine safety equipment.
Sec. 744. Special expensing rules for certain film and television productions.
Sec. 745. Expensing of environmental remediation costs.
Sec. 746. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
Sec. 747. Modification of tax treatment of certain payments to controlling exempt organizations.
Sec. 748. Treatment of certain dividends of regulated investment companies.
Sec. 749. RIC qualified investment entity treatment under FIRPTA.
Sec. 750. Exceptions for active financing income.

Sec. 751. Look-thru treatment of payments between related controlled foreign corporations under foreign personal holding company rules.
Sec. 752. Basis adjustment to stock of S corps making charitable contributions of property.
Sec. 753. Empowerment zone tax incentives.
Sec. 754. Tax incentives for investment in the District of Columbia.
Sec. 755. Temporary increase in limit on cover over of rum excise taxes to Puerto Rico and the Virgin Islands.
Sec. 756. American Samoa economic development credit.
Sec. 757. Work opportunity credit.
Sec. 758. Qualified zone academy bonds.
Sec. 759. Mortgage insurance premiums.
Sec. 760. Temporary exclusion of 100 percent of gain on certain small business stock.

Subtitle D—Temporary Disaster Relief Provisions

SUBPART A—NEW YORK LIBERTY ZONE

Sec. 761. Tax-exempt bond financing.

SUBPART B—GO ZONE

Sec. 762. Increase in rehabilitation credit.
Sec. 763. Low-income housing credit rules for buildings in GO zones.
Sec. 764. Tax-exempt bond financing.
Sec. 765. Bonus depreciation deduction applicable to the GO Zone.

TITLE VIII—BUDGETARY PROVISIONS

Sec. 801. Determination of budgetary effects.
Sec. 802. Emergency designations.

TITLE I—TEMPORARY EXTENSION OF TAX RELIEF

SEC. 101. TEMPORARY EXTENSION OF 2001 TAX RELIEF.

(a) TEMPORARY EXTENSION.—

(1) IN GENERAL.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking ''December 31, 2010'' both places it appears and inserting ''December 31, 2012''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001.

(b) SEPARATE SUNSET FOR EXPANSION OF ADOPTION BENEFITS UNDER THE PATIENT PROTECTION AND AFFORDABLE CARE ACT.—

(1) IN GENERAL.—Subsection (c) of section 10909 of the Patient Protection and Affordable Care Act is amended to read as follows:

''(c) SUNSET PROVISION.—Each provision of law amended by this section is amended to read as such provision would read if this section had never been enacted. The amendments made by the preceding sentence shall apply to taxable years beginning after December 31, 2011.''.

(2) CONFORMING AMENDMENT.—Subsection (d) of section 10909 of such Act is amended by striking ''The amendments'' and inserting ''Except as provided in subsection (c), the amendments''.

SEC. 102. TEMPORARY EXTENSION OF 2003 TAX RELIEF.

(a) IN GENERAL.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking ''December 31, 2010'' and inserting ''December 31, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

SEC. 103. TEMPORARY EXTENSION OF 2009 TAX RELIEF.

(a) AMERICAN OPPORTUNITY TAX CREDIT.—

(1) IN GENERAL.—Section 25A(i) is amended by striking ''or 2010'' and inserting '', 2010, 2011, or 2012''.

(2) TREATMENT OF POSSESSIONS.—Section 1004(c)(1) of the American Recovery and Reinvestment Tax Act of 2009 is amended by striking ''and 2010'' each place it appears and inserting '', 2010, 2011, and 2012''.

(b) CHILD TAX CREDIT.—Section 24(d)(4) is amended—

(1) by striking ''2009 AND 2010'' in the heading and inserting ''2009, 2010, 2011, AND 2012'', and

(2) by striking ''or 2010'' and inserting '', 2010, 2011, or 2012''.

(c) EARNED INCOME TAX CREDIT.—Section 32(b)(3) is amended—

(1) by striking ''2009 AND 2010'' in the heading and inserting ''2009, 2010, 2011, AND 2012'', and

(2) by striking ''or 2010'' and inserting '', 2010, 2011, or 2012''.

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

TITLE II—TEMPORARY EXTENSION OF INDIVIDUAL AMT RELIEF

SEC. 201. TEMPORARY EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

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

(1) by striking ''$70,950'' and all that follows through ''2009'' in subparagraph (A) and inserting ''$72,450 in the case of taxable years beginning in 2010 and $74,450 in the case of taxable years beginning in 2011'', and

(2) by striking ''$46,700'' and all that follows through ''2009'' in subparagraph (B) and inserting ''$47,450 in the case of taxable years beginning in 2010 and $48,450 in the case of taxable years beginning in 2011''.

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

(c) REPEAL OF EGTRRA SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to title VII of such Act (relating to alternative minimum tax).

SEC. 202. TEMPORARY EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

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

(1) by striking ''or 2009'' and inserting ''2009, 2010, or 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.

TITLE III—TEMPORARY ESTATE TAX RELIEF

SEC. 301. REINSTATEMENT OF ESTATE TAX; REPEAL OF CARRYOVER BASIS.

(a) IN GENERAL.—Each provision of law amended by subtitle A or E of title V of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended to read as such provision would read if such subtitle had never been enacted.

(b) CONFORMING AMENDMENT.—On and after January 1, 2011, paragraph (1) of section 2505(a) of the Internal Revenue Code of 1986 is amended to read as such paragraph would read if section 521(b)(2) of the Economic Growth and Tax Relief Reconciliation Act of 2001 had never been enacted.

(c) SPECIAL ELECTION WITH RESPECT TO ESTATES OF DECEDENTS DYING IN 2010.—Notwithstanding subsection (a), in the case of an estate of a decedent dying after December 31, 2009, and before January 1, 2011, the executor (within the meaning of section 2203 of the Internal Revenue Code of 1986) may elect to apply such Code as though the amendments made by subsection (a) do not apply with respect to chapter 11 of such Code and with respect to property acquired or passing from such decedent (within the meaning of section 1014(b) of such Code). Such election shall be made at such time and in such manner as the Secretary of the Treasury or the Secretary's delegate shall provide. Such an election once made shall be revocable only with the consent of the Secretary of the Treasury or the Secretary's delegate. For purposes of section 2652(a)(1) of such Code, the determination of whether any property is subject to the tax imposed by such chapter 11 shall be made without regard to any election made under this subsection.

(d) EXTENSION OF TIME FOR PERFORMING CERTAIN ACTS.—

(1) ESTATE TAX.—In the case of the estate of a decedent dying after December 31, 2009, and before the date of the enactment of this Act, the due date for—

(A) filing any return under section 6018 of the Internal Revenue Code of 1986 (including any election required to be made on such a return) as such section is in effect after the date of the enactment of this Act without regard to any election under subsection (c),

(B) making any payment of tax under chapter 11 of such Code, and

(C) making any disclaimer described in section 2518(b) of such Code of an interest in property passing by reason of the death of such decedent,

shall not be earlier than the date which is 9 months after the date of the enactment of this Act.

(2) GENERATION-SKIPPING TAX.—In the case of any generation-skipping transfer made after December 31, 2009, and before the date of the enactment of this Act, the due date for filing any return under section 2662 of the Internal Revenue Code of 1986 (including any election required to be made on such a return) shall not be earlier than the date which is 9 months after the date of the enactment of this Act.

(e) EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall apply to estates of decedents dying, and transfers made, after December 31, 2009.

SEC. 302. MODIFICATIONS TO ESTATE, GIFT, AND GENERATION-SKIPPING TRANSFER TAXES.

(a) MODIFICATIONS TO ESTATE TAX.—

(1) $5,000,000 APPLICABLE EXCLUSION AMOUNT.—Subsection (c) of section 2010 is amended to read as follows:

''(c) APPLICABLE CREDIT AMOUNT.—

''(1) IN GENERAL.—For purposes of this section, the applicable credit amount is the amount of the tentative tax which would be determined under section 2001(c) if the amount with respect to which such tentative tax is to be computed were equal to the applicable exclusion amount.

''(2) APPLICABLE EXCLUSION AMOUNT.—

''(A) IN GENERAL.—For purposes of this subsection, the applicable exclusion amount is $5,000,000.

''(B) INFLATION ADJUSTMENT.—In the case of any decedent dying in a calendar year after 2011, the dollar amount in subparagraph (A) 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 such calendar year by substituting 'calendar year 2010' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.''.

(2) MAXIMUM ESTATE TAX RATE EQUAL TO 35 PERCENT.—Subsection (c) of section 2001 is amended—

(A) by striking ''Over $500,000'' and all that follows in the table contained in paragraph (1) and inserting the following:

''Over $500,000	$155,800, plus 35 percent of the excess of such amount over $500,000.'',

(B) by striking ''(1) IN GENERAL.—'', and

(C) by striking paragraph (2).

(b) MODIFICATIONS TO GIFT TAX.—

(1) RESTORATION OF UNIFIED CREDIT AGAINST GIFT TAX.—

(A) IN GENERAL.—Paragraph (1) of section 2505(a), after the application of section 301(b), is amended by striking ''(determined as if the applicable exclusion amount were $1,000,000)''.

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall apply to gifts made after December 31, 2010.

(2) MODIFICATION OF GIFT TAX RATE.—On and after January 1, 2011, subsection (a) of section 2502 is amended to read as such subsection would read if section 511(d) of the Economic Growth and Tax Relief Reconciliation Act of 2001 had never been enacted.

(c) MODIFICATION OF GENERATION-SKIPPING TRANSFER TAX.—In the case of any generation-skipping transfer made after December 31, 2009, and before January 1, 2011, the applicable rate determined under section 2641(a) of the Internal Revenue Code of 1986 shall be zero.

(d) MODIFICATIONS OF ESTATE AND GIFT TAXES TO REFLECT DIFFERENCES IN CREDIT RESULTING FROM DIFFERENT TAX RATES.—

(1) ESTATE TAX.—

(A) IN GENERAL.—Section 2001(b)(2) is amended by striking ''if the provisions of subsection (c) (as in effect at the decedent's death)'' and inserting ''if the modifications described in subsection (g)''.

(B) MODIFICATIONS.—Section 2001 is amended by adding at the end the following new subsection:

''(g) MODIFICATIONS TO GIFT TAX PAYABLE TO REFLECT DIFFERENT TAX RATES.—For purposes of applying subsection (b)(2) with respect to 1 or more gifts, the rates of tax under subsection (c) in effect at the decedent's death shall, in lieu of the rates of tax in effect at the time of such gifts, be used both to compute—

''(1) the tax imposed by chapter 12 with respect to such gifts, and

''(2) the credit allowed against such tax under section 2505, including in computing—

''(A) the applicable credit amount under section 2505(a)(1), and

''(B) the sum of the amounts allowed as a credit for all preceding periods under section 2505(a)(2).''.

(2) GIFT TAX.—Section 2505(a) is amended by adding at the end the following new flush sentence:

''For purposes of applying paragraph (2) for any calendar year, the rates of tax in effect under section 2502(a)(2) for such calendar year shall, in lieu of the rates of tax in effect for preceding calendar periods, be used in determining the amounts allowable as a credit under this section for all preceding calendar periods.''.

(e) CONFORMING AMENDMENT.—Section 2511 is amended by striking subsection (c).

(f) EFFECTIVE DATE.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, after December 31, 2009.

SEC. 303. APPLICABLE EXCLUSION AMOUNT INCREASED BY UNUSED EXCLUSION AMOUNT OF DECEASED SPOUSE.

(a) IN GENERAL.—Section 2010(c), as amended by section 302(a), is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) APPLICABLE EXCLUSION AMOUNT.—For purposes of this subsection, the applicable exclusion amount is the sum of—

''(A) the basic exclusion amount, and

''(B) in the case of a surviving spouse, the deceased spousal unused exclusion amount.

''(3) BASIC EXCLUSION AMOUNT.—

''(A) IN GENERAL.—For purposes of this subsection, the basic exclusion amount is $5,000,000.

''(B) INFLATION ADJUSTMENT.—In the case of any decedent dying in a calendar year after 2011, the dollar amount in subparagraph (A) 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 such calendar year by substituting 'calendar year 2010' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.

''(4) DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—For purposes of this subsection, with respect to a surviving spouse of a deceased spouse dying after December 31, 2010, the term 'deceased spousal unused exclusion amount' means the lesser of—

''(A) the basic exclusion amount, or

''(B) the excess of—

''(i) the basic exclusion amount of the last such deceased spouse of such surviving spouse, over

''(ii) the amount with respect to which the tentative tax is determined under section 2001(b)(1) on the estate of such deceased spouse.

''(5) SPECIAL RULES.—

''(A) ELECTION REQUIRED.—A deceased spousal unused exclusion amount may not be taken into account by a surviving spouse under paragraph (2) unless the executor of the estate of the deceased spouse files an estate tax return on which such amount is computed and makes an election on such return that such amount may be so taken into account. Such election, once made, shall be irrevocable. No election may be made under this subparagraph if such return is filed after the time prescribed by law (including extensions) for filing such return.

''(B) EXAMINATION OF PRIOR RETURNS AFTER EXPIRATION OF PERIOD OF LIMITATIONS WITH RESPECT TO DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—Notwithstanding any period of limitation in section 6501, after the time has expired under section 6501 within which a tax may be assessed under chapter 11 or 12 with respect to a deceased spousal unused exclusion amount, the Secretary may examine a return of the deceased spouse to make determinations with respect to such amount for purposes of carrying out this subsection.

''(6) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this subsection.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 2505(a), as amended by section 302(b)(1), is amended to read as follows:

''(1) the applicable credit amount in effect under section 2010(c) which would apply if the donor died as of the end of the calendar year, reduced by''.

(2) Section 2631(c) is amended by striking ''the applicable exclusion amount'' and inserting ''the basic exclusion amount''.

(3) Section 6018(a)(1) is amended by striking ''applicable exclusion amount'' and inserting ''basic exclusion amount''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to estates of decedents dying and gifts made after December 31, 2010.

(2) CONFORMING AMENDMENT RELATING TO GENERATION-SKIPPING TRANSFERS.—The amendment made by subsection (b)(2) shall apply to generation-skipping transfers after December 31, 2010.

SEC. 304. APPLICATION OF EGTRRA SUNSET TO THIS TITLE.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall apply to the amendments made by this section.

TITLE IV—TEMPORARY EXTENSION OF INVESTMENT INCENTIVES

SEC. 401. EXTENSION OF BONUS DEPRECIATION; TEMPORARY 100 PERCENT EXPENSING FOR CERTAIN BUSINESS ASSETS.

(a) IN GENERAL.—Paragraph (2) of section 168(k) is amended—

(1) by striking ''January 1, 2012'' in subparagraph (A)(iv) and inserting ''January 1, 2014'', and

(2) by striking ''January 1, 2011'' each place it appears and inserting ''January 1, 2013''.

(b) TEMPORARY 100 PERCENT EXPENSING.—Subsection (k) of section 168 is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE FOR PROPERTY ACQUIRED DURING CERTAIN PRE-2012 PERIODS.—In the case of qualified property acquired by the taxpayer (under rules similar to the rules of clauses (ii) and (iii) of paragraph (2)(A)) after September 8, 2010, and before January 1, 2012, and which is placed in service by the taxpayer before January 1, 2012 (January 1, 2013, in the case of property described in subparagraph (2)(B) or (2)(C)), paragraph (1)(A) shall be applied by substituting '100 percent' for '50 percent'.''.

(c) EXTENSION OF ELECTION TO ACCELERATE THE AMT CREDIT IN LIEU OF BONUS DEPRECIATION.—

(1) EXTENSION.—Clause (iii) of section 168(k)(4)(D) is amended by striking ''or production'' and all that follows and inserting ''or production—

''(I) after March 31, 2008, and before January 1, 2010, and

''(II) after December 31, 2010, and before January 1, 2013,

shall be taken into account under subparagraph (B)(ii) thereof,''.

(2) RULES FOR ROUND 2 EXTENSION PROPERTY.—Paragraph (4) of section 168(k) is amended by adding at the end the following new subparagraph:

''(I) SPECIAL RULES FOR ROUND 2 EXTENSION PROPERTY.—

''(i) IN GENERAL.—In the case of round 2 extension property, this paragraph shall be applied without regard to—

''(I) the limitation described in subparagraph (B)(i) thereof, and

''(II) the business credit increase amount under subparagraph (E)(iii) thereof.

''(ii) TAXPAYERS PREVIOUSLY ELECTING ACCELERATION.—In the case of a taxpayer who made the election under subparagraph (A) for its first taxable year ending after March 31, 2008, or a taxpayer who made the election under subparagraph (H)(ii) for its first taxable year ending after December 31, 2008—

''(I) the taxpayer may elect not to have this paragraph apply to round 2 extension property, but

''(II) if the taxpayer does not make the election under subclause (I), in applying this paragraph to the taxpayer the bonus depreciation amount, maximum amount, and maximum increase amount shall be computed and applied to eligible qualified property which is round 2 extension property.

The amounts described in subclause (II) shall be computed separately from any amounts computed with respect to eligible qualified property which is not round 2 extension property.

''(iii) TAXPAYERS NOT PREVIOUSLY ELECTING ACCELERATION.—In the case of a taxpayer who neither made the election under subparagraph (A) for its first taxable year ending after March 31, 2008, nor made the election under subparagraph (H)(ii) for its first taxable year ending after December 31, 2008—

''(I) the taxpayer may elect to have this paragraph apply to its first taxable year ending after December 31, 2010, and each subsequent taxable year, and

''(II) if the taxpayer makes the election under subclause (I), this paragraph shall only apply to eligible qualified property which is round 2 extension property.

''(iv) ROUND 2 EXTENSION PROPERTY.—For purposes of this subparagraph, the term 'round 2 extension property' means property which is eligible qualified property solely by reason of the extension of the application of the special allowance under paragraph (1) pursuant to the amendments made by section 401(a) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (and the application of such extension to this paragraph pursuant to the amendment made by section 401(c)(1) of such Act).''.

(d) CONFORMING AMENDMENTS.—

(1) The heading for subsection (k) of section 168 is amended by striking ''JANUARY 1, 2011'' and inserting ''JANUARY 1, 2013''.

(2) The heading for clause (ii) of section 168(k)(2)(B) is amended by striking ''PRE-JANUARY 1, 2011'' and inserting ''PRE-JANUARY 1, 2013''.

(3) Subparagraph (D) of section 168(k)(4) is amended—

(A) by striking clauses (iv) and (v),

(B) by inserting ''and'' at the end of clause (ii), and

(C) by striking the comma at the end of clause (iii) and inserting a period.

(4) Paragraph (5) of section 168(l) is amended—

(A) by inserting ''and'' at the end of subparagraph (A),

(B) by striking subparagraph (B), and

(C) by redesignating subparagraph (C) as subparagraph (B).

(5) Subparagraph (C) of section 168(n)(2) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2013''.

(6) Subparagraph (D) of section 1400L(b)(2) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2013''.

(7) Subparagraph (B) of section 1400N(d)(3) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2013''.

(e) EFFECTIVE DATES.—

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

(2) TEMPORARY 100 PERCENT EXPENSING.—The amendment made by subsection (b) shall apply to property placed in service after September 8, 2010, in taxable years ending after such date.

SEC. 402. TEMPORARY EXTENSION OF INCREASED SMALL BUSINESS EXPENSING.

(a) DOLLAR LIMITATION.—Section 179(b)(1) is amended by striking ''and'' at the end of subparagraph (B) and by striking subparagraph (C) and inserting the following new subparagraphs:

''(C) $125,000 in the case of taxable years beginning in 2012, and

''(D) $25,000 in the case of taxable years beginning after 2012.''.

(b) REDUCTION IN LIMITATION.—Section 179(b)(2) is amended by striking ''and'' at the end of subparagraph (B) and by striking subparagraph (C) and inserting the following new subparagraphs:

''(C) $500,000 in the case of taxable years beginning in 2012, and

''(D) $200,000 in the case of taxable years beginning after 2012.''.

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

''(6) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of any taxable year beginning in calendar year 2012, 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, 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) COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) is amended by striking ''2012'' and inserting ''2013''.

(e) CONFORMING AMENDMENT.—Section 179(c)(2) is amended by striking ''2012'' and inserting ''2013''.

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

TITLE V—TEMPORARY EXTENSION OF UNEMPLOYMENT INSURANCE AND RELATED MATTERS

SEC. 501. TEMPORARY EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking ''November 30, 2010'' each place it appears and inserting ''January 3, 2012'';

(B) in the heading for subsection (b)(2), by striking ''NOVEMBER 30, 2010'' and inserting ''JANUARY 3, 2012''; and

(C) in subsection (b)(3), by striking ''April 30, 2011'' and inserting ''June 9, 2012''.

(2) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking ''December 1, 2010'' each place it appears and inserting ''January 4, 2012''; and

(B) in subsection (c), by striking ''May 1, 2011'' and inserting ''June 11, 2012''.

(3) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''April 30, 2011'' and inserting ''June 10, 2012''.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (E), by striking ''and'' at the end; and

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

''(G) the amendments made by section 501(a)(1) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010; and''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2010 (Public Law 111–205).

SEC. 502. TEMPORARY MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.

(a) INDICATOR.—Section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended, in the flush matter following paragraph (2), by inserting after the first sentence the following sentence: ''Effective with respect to compensation for weeks of unemployment beginning after the date of enactment of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (or, if later, the date established pursuant to State law), and ending on or before December 31, 2011, the State may by law provide that the determination of whether there has been a state 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection as if the word 'two' were 'three' in subparagraph (1)(A).''.

(b) ALTERNATIVE TRIGGER.—Section 203(f) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) Effective with respect to compensation for weeks of unemployment beginning after the date of enactment of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (or, if later, the date established pursuant to State law), and ending on or before December 31, 2011, the State may by law provide that the determination of whether there has been a state 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection as if the word 'either' were 'any', the word ''both'' were 'all', and the figure '2' were '3' in clause (1)(A)(ii).''.

SEC. 503. TECHNICAL AMENDMENT RELATING TO COLLECTION OF UNEMPLOYMENT COMPENSATION DEBTS.

(a) IN GENERAL.—Section 6402(f)(3)(C), as amended by section 801 of the Claims Resolution Act of 2010, is amended by striking ''is not a covered unemployment compensation debt'' and inserting ''is a covered unemployment compensation debt''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in section 801 of the Claims Resolution Act of 2010.

SEC. 504. TECHNICAL CORRECTION RELATING TO REPEAL OF CONTINUED DUMPING AND SUBSIDY OFFSET.

(a) IN GENERAL.—Section 822(2)(A) of the Claims Resolution Act of 2010 is amended by striking ''or'' and inserting ''and''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the provisions of the Claims Resolution Act of 2010.

SEC. 505. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) and as amended by section 9 of the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111–92), is amended—

(1) by striking ''June 30, 2010'' and inserting ''June 30, 2011''; and

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

(b) CLARIFICATION ON AUTHORITY TO USE FUNDS.—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of the enactment of this Act.

TITLE VI—TEMPORARY EMPLOYEE PAYROLL TAX CUT

SEC. 601. TEMPORARY EMPLOYEE PAYROLL TAX CUT.

(a) IN GENERAL.—Notwithstanding any other provision of law, —

(1) with respect to any taxable year which begins in the payroll tax holiday period, the rate of tax under section 1401(a) of the Internal Revenue Code of 1986 shall be 10.40 percent, and

(2) with respect to remuneration received during the payroll tax holiday period, the rate of tax under 3101(a) of such Code shall be 4.2 percent (including for purposes of determining the applicable percentage under sections 3201(a) and 3211(a)(1) of such Code).

(b) COORDINATION WITH DEDUCTIONS FOR EMPLOYMENT TAXES.—

(1) DEDUCTION IN COMPUTING NET EARNINGS FROM SELF-EMPLOYMENT.—For purposes of applying section 1402(a)(12) of the Internal Revenue Code of 1986, the rate of tax imposed by subsection 1401(a) of such Code shall be determined without regard to the reduction in such rate under this section.

(2) INDIVIDUAL DEDUCTION.—In the case of the taxes imposed by section 1401 of such Code for any taxable year which begins in the payroll tax holiday period, the deduction under section 164(f) with respect to such taxes shall be equal to the sum of—

(A) 59.6 percent of the portion of such taxes attributable to the tax imposed by section 1401(a) (determined after the application of this section), plus

(B) one-half of the portion of such taxes attributable to the tax imposed by section 1401(b).

(c) PAYROLL TAX HOLIDAY PERIOD.—The term ''payroll tax holiday period'' means calendar year 2011.

(d) EMPLOYER NOTIFICATION.—The Secretary of the Treasury shall notify employers of the payroll tax holiday period in any manner the Secretary deems appropriate.

(e) TRANSFERS OF FUNDS.—

(1) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the application of subsection (a). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(2) TRANSFERS TO SOCIAL SECURITY EQUIVALENT BENEFIT ACCOUNT.—There are hereby appropriated to the Social Security Equivalent Benefit Account established under section 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n–1(a)) amounts equal to the reduction in revenues to the Treasury by reason of the application of subsection (a)(2). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Account had such amendments not been enacted.

(3) COORDINATION WITH OTHER FEDERAL LAWS.—For purposes of applying any provision of Federal law other than the provisions of the Internal Revenue Code of 1986, the rate of tax in effect under section 3101(a) of such Code shall be determined without regard to the reduction in such rate under this section.

TITLE VII—TEMPORARY EXTENSION OF CERTAIN EXPIRING PROVISIONS

Subtitle A—Energy

SEC. 701. INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.

(a) CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.—Subsection (g) of section 40A is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.—

(1) Paragraph (6) of section 6426(c) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(2) Subparagraph (B) of section 6427(e)(6) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(c) SPECIAL RULE FOR 2010.—Notwithstanding any other provision of law, in the case of any biodiesel mixture credit properly determined under section 6426(c) of the Internal Revenue Code of 1986 for periods during 2010, such credit shall be allowed, and any refund or payment attributable to such credit (including any payment under section 6427(e) of such Code) shall be made, only in such manner as the Secretary of the Treasury (or the Secretary's delegate) shall provide. Such Secretary shall issue guidance within 30 days after the date of the enactment of this Act providing for a one-time submission of claims covering periods during 2010. Such guidance shall provide for a 180-day period for the submission of such claims (in such manner as prescribed by such Secretary) to begin not later than 30 days after such guidance is issued. Such claims shall be paid by such Secretary not later than 60 days after receipt. If such Secretary has not paid pursuant to a claim filed under this subsection within 60 days after the date of the filing of such claim, the claim shall be paid with interest from such date determined by using the overpayment rate and method under section 6621 of such Code.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

SEC. 702. CREDIT FOR REFINED COAL FACILITIES.

(a) IN GENERAL.—Subparagraph (B) of section 45(d)(8) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to facilities placed in service after December 31, 2009.

SEC. 703. NEW ENERGY EFFICIENT HOME CREDIT.

(a) IN GENERAL.—Subsection (g) of section 45L is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to homes acquired after December 31, 2009.

SEC. 704. EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURES.

(a) IN GENERAL.—Sections 6426(d)(5), 6426(e)(3), and 6427(e)(6)(C) are each amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EXCLUSION OF BLACK LIQUOR FROM CREDIT ELIGIBILITY.—The last sentence of section 6426(d)(2) is amended by striking ''or biodiesel'' and inserting ''biodiesel, or any fuel (including lignin, wood residues, or spent pulping liquors) derived from the production of paper or pulp''.

(c) SPECIAL RULE FOR 2010.—Notwithstanding any other provision of law, in the case of any alternative fuel credit or any alternative fuel mixture credit properly determined under subsection (d) or (e) of section 6426 of the Internal Revenue Code of 1986 for periods during 2010, such credit shall be allowed, and any refund or payment attributable to such credit (including any payment under section 6427(e) of such Code) shall be made, only in such manner as the Secretary of the Treasury (or the Secretary's delegate) shall provide. Such Secretary shall issue guidance within 30 days after the date of the enactment of this Act providing for a one-time submission of claims covering periods during 2010. Such guidance shall provide for a 180-day period for the submission of such claims (in such manner as prescribed by such Secretary) to begin not later than 30 days after such guidance is issued. Such claims shall be paid by such Secretary not later than 60 days after receipt. If such Secretary has not paid pursuant to a claim filed under this subsection within 60 days after the date of the filing of such claim, the claim shall be paid with interest from such date determined by using the overpayment rate and method under section 6621 of such Code.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

SEC. 705. SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY FOR QUALIFIED ELECTRIC UTILITIES.

(a) IN GENERAL.—Paragraph (3) of section 451(i) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to dispositions after December 31, 2009.

SEC. 706. SUSPENSION OF LIMITATION ON PERCENTAGE DEPLETION FOR OIL AND GAS FROM MARGINAL WELLS.

(a) IN GENERAL.—Clause (ii) of section 613A(c)(6)(H) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

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

SEC. 707. EXTENSION OF GRANTS FOR SPECIFIED ENERGY PROPERTY IN LIEU OF TAX CREDITS.

(a) IN GENERAL.—Subsection (a) of section 1603 of division B of the American Recovery and Reinvestment Act of 2009 is amended—

(1) in paragraph (1), by striking ''2009 or 2010'' and inserting ''2009, 2010, or 2011'', and

(2) in paragraph (2)—

(A) by striking ''after 2010'' and inserting ''after 2011'', and

(B) by striking ''2009 or 2010'' and inserting ''2009, 2010, or 2011''.

(b) CONFORMING AMENDMENT.—Subsection (j) of section 1603 of division B of such Act is amended by striking ''2011'' and inserting ''2012''.

SEC. 708. EXTENSION OF PROVISIONS RELATED TO ALCOHOL USED AS FUEL.

(a) EXTENSION OF INCOME TAX CREDIT FOR ALCOHOL USED AS FUEL.—

(1) IN GENERAL.—Paragraph (1) of section 40(e) is amended—

(A) by striking ''December 31, 2010'' in subparagraph (A) and inserting ''December 31, 2011'', and

(B) by striking ''January 1, 2011'' in subparagraph (B) and inserting ''January 1, 2012''.

(2) REDUCED AMOUNT FOR ETHANOL BLENDERS.—Subsection (h) of section 40 is amended by striking ''2010'' both places it appears and inserting ''2011''.

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

(b) EXTENSION OF EXCISE TAX CREDIT FOR ALCOHOL USED AS FUEL.—

(1) IN GENERAL.—Paragraph (6) of section 6426(b) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to periods after December 31, 2010.

(c) EXTENSION OF PAYMENT FOR ALCOHOL FUEL MIXTURE.—

(1) IN GENERAL.—Subparagraph (A) of section 6427(e)(6) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to sales and uses after December 31, 2010.

(d) EXTENSION OF ADDITIONAL DUTIES ON ETHANOL.—

(1) IN GENERAL.—Headings 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States are each amended in the effective period column by striking ''1/1/2011'' and inserting ''1/1/2012''.

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

SEC. 709. ENERGY EFFICIENT APPLIANCE CREDIT.

(a) DISHWASHERS.—Paragraph (1) of section 45M(b) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting a comma, and by adding at the end the following new subparagraphs:

''(C) $25 in the case of a dishwasher which is manufactured in calendar year 2011 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings),

''(D) $50 in the case of a dishwasher which is manufactured in calendar year 2011 and which uses no more than 295 kilowatt hours per year and 4.25 gallons per cycle (4.75 gallons per cycle for dishwashers designed for greater than 12 place settings), and

''(E) $75 in the case of a dishwasher which is manufactured in calendar year 2011 and which uses no more than 280 kilowatt hours per year and 4 gallons per cycle (4.5 gallons per cycle for dishwashers designed for greater than 12 place settings).''.

(b) CLOTHES WASHERS.—Paragraph (2) of section 45M(b) is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by adding at the end the following new subparagraphs:

''(E) $175 in the case of a top-loading clothes washer manufactured in calendar year 2011 which meets or exceeds a 2.2 modified energy factor and does not exceed a 4.5 water consumption factor, and

''(F) $225 in the case of a clothes washer manufactured in calendar year 2011—

''(i) which is a top-loading clothes washer and which meets or exceeds a 2.4 modified energy factor and does not exceed a 4.2 water consumption factor, or

''(ii) which is a front-loading clothes washer and which meets or exceeds a 2.8 modified energy factor and does not exceed a 3.5 water consumption factor.''.

(c) REFRIGERATORS.—Paragraph (3) of section 45M(b) is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by adding at the end the following new subparagraphs:

''(E) $150 in the case of a refrigerator manufactured in calendar year 2011 which consumes at least 30 percent less energy than the 2001 energy conservation standards, and

''(F) $200 in the case of a refrigerator manufactured in calendar year 2011 which consumes at least 35 percent less energy than the 2001 energy conservation standards.''.

(d) REBASING OF LIMITATIONS.—

(1) IN GENERAL.—Paragraph (1) of section 45M(e) is amended—

(A) by striking ''$75,000,000'' and inserting ''$25,000,000'', and

(B) by striking ''December 31, 2007'' and inserting ''December 31, 2010''.

(2) EXCEPTION FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended—

(A) by striking ''subsection (b)(3)(D)'' and inserting ''subsection (b)(3)(F)'', and

(B) by striking ''subsection (b)(2)(D)'' and inserting ''subsection (b)(2)(F)''.

(3) GROSS RECEIPTS LIMITATION.—Paragraph (3) of section 45M(e) is amended by striking ''2 percent'' and inserting ''4 percent''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (c) shall apply to appliances produced after December 31, 2010.

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

SEC. 710. CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) EXTENSION.—Section 25C(g)(2) is amended by striking ''2010'' and inserting ''2011''.

(b) RETURN TO PRE-ARRA LIMITATIONS AND STANDARDS.—

(1) IN GENERAL.—Subsections (a) and (b) of section 25C are amended to read as follows:

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

''(1) 10 percent of the amount paid or incurred by the taxpayer for qualified energy efficiency improvements installed during such taxable year, and

''(2) the amount of the residential energy property expenditures paid or incurred by the taxpayer during such taxable year.

''(b) LIMITATIONS.—

''(1) LIFETIME LIMITATION.—The credit allowed under this section with respect to any taxpayer for any taxable year shall not exceed the excess (if any) of $500 over the aggregate credits allowed under this section with respect to such taxpayer for all prior taxable years ending after December 31, 2005.

''(2) WINDOWS.—In the case of amounts paid or incurred for components described in subsection (c)(2)(B) by any taxpayer for any taxable year, the credit allowed under this section with respect to such amounts for such year shall not exceed the excess (if any) of $200 over the aggregate credits allowed under this section with respect to such amounts for all prior taxable years ending after December 31, 2005.

''(3) LIMITATION ON RESIDENTIAL ENERGY PROPERTY EXPENDITURES.—The amount of the credit allowed under this section by reason of subsection (a)(2) shall not exceed—

''(A) $50 for any advanced main air circulating fan,

''(B) $150 for any qualified natural gas, propane, or oil furnace or hot water boiler, and

''(C) $300 for any item of energy-efficient building property.''.

(2) MODIFICATION OF STANDARDS.—

(A) IN GENERAL.—Paragraph (1) of section 25C(c) is amended by striking ''2000'' and all that follows through ''this section'' and inserting ''2009 International Energy Conservation Code, as such Code (including supplements) is in effect on the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009''.

(B) WOOD STOVES.—Subparagraph (E) of section 25C(d)(3) is amended by striking '', as measured using a lower heating value''.

(C) OIL FURNACES AND HOT WATER BOILERS.—

(i) IN GENERAL.—Paragraph (4) of section 25C(d) is amended to read as follows:

''(4) QUALIFIED NATURAL GAS, PROPANE, OR OIL FURNACE OR HOT WATER BOILER.—The term 'qualified natural gas, propane, or oil furnace or hot water boiler' means a natural gas, propane, or oil furnace or hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 95.''.

(ii) CONFORMING AMENDMENT.—Clause (ii) of section 25C(d)(2)(A) is amended to read as follows:

''(ii) a qualified natural gas, propane, or oil furnace or hot water boiler, or''.

(D) EXTERIOR WINDOWS, DOORS, AND SKYLIGHTS.—

(i) IN GENERAL.—Subsection (c) of section 25C is amended by striking paragraph (4).

(ii) APPLICATION OF ENERGY STAR STANDARDS.—Paragraph (1) of section 25C(c) is amended by inserting ''an exterior window, a skylight, an exterior door,'' after ''in the case of'' in the matter preceding subparagraph (A).

(E) INSULATION.—Subparagraph (A) of section 25C(c)(2) is amended by striking ''and meets the prescriptive criteria for such material or system established by the 2009 International Energy Conservation Code, as such Code (including supplements) is in effect on the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009''.

(3) SUBSIDIZED ENERGY FINANCING.—Subsection (e) of section 25C is amended by adding at the end the following new paragraph:

''(3) PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING.—For purposes of determining the amount of expenditures made by any individual with respect to any property, there shall not be taken into account expenditures which are made from subsidized energy financing (as defined in section 48(a)(4)(C)).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2010.

SEC. 711. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.

(a) EXTENSION OF CREDIT.—Paragraph (2) of section 30C(g) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2010.

Subtitle B—Individual Tax Relief

SEC. 721. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking ''or 2009'' and inserting ''2009, 2010, or 2011''.

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

SEC. 722. DEDUCTION OF STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

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

SEC. 723. CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES.

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) CONTRIBUTIONS BY CERTAIN CORPORATE FARMERS AND RANCHERS.—Clause (iii) of section 170(b)(2)(B) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

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

SEC. 724. ABOVE-THE-LINE DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

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

SEC. 725. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2009.

(2) SPECIAL RULE.—For purposes of subsections (a)(6), (b)(3), and (d)(8) of section 408 of the Internal Revenue Code of 1986, at the election of the taxpayer (at such time and in such manner as prescribed by the Secretary of the Treasury) any qualified charitable distribution made after December 31, 2010, and before February 1, 2011, shall be deemed to have been made on December 31, 2010.

SEC. 726. LOOK-THRU OF CERTAIN REGULATED INVESTMENT COMPANY STOCK IN DETERMINING GROSS ESTATE OF NONRESIDENTS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to estates of decedents dying after December 31, 2009.

SEC. 727. PARITY FOR EXCLUSION FROM INCOME FOR EMPLOYER-PROVIDED MASS TRANSIT AND PARKING BENEFITS.

(a) IN GENERAL.—Paragraph (2) of section 132(f) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to months after December 31, 2010.

SEC. 728. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

(a) IN GENERAL.—Subchapter A of chapter 65 is amended by adding at the end the following new section:

''SEC. 6409. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

''(a) IN GENERAL.—Notwithstanding any other provision of law, any refund (or advance payment with respect to a refundable credit) made to any individual under this title shall not be taken into account as income, and shall not be taken into account as resources for a period of 12 months from receipt, for purposes of determining the eligibility of such individual (or any other individual) for benefits or assistance (or the amount or extent of benefits or assistance) under any Federal program or under any State or local program financed in whole or in part with Federal funds.

''(b) TERMINATION.—Subsection (a) shall not apply to any amount received after December 31, 2012.''.

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

''Sec. 6409. Refunds disregarded in the administration of Federal programs and federally assisted programs.''.

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

Subtitle C—Business Tax Relief

SEC. 731. RESEARCH CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 41(h)(1) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2009.

SEC. 732. INDIAN EMPLOYMENT TAX CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

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

SEC. 733. NEW MARKETS TAX CREDIT.

(a) IN GENERAL.—Paragraph (1) of section 45D(f) is amended—

(1) by striking ''and'' at the end of subparagraph (E),

(2) by striking the period at the end of subparagraph (F), and

(3) by adding at the end the following new subparagraph:

''(G) $3,500,000,000 for 2010 and 2011.''.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 45D(f) is amended by striking ''2014'' and inserting ''2016''.

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

SEC. 734. RAILROAD TRACK MAINTENANCE CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45G is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2009.

SEC. 735. MINE RESCUE TEAM TRAINING CREDIT.

(a) IN GENERAL.—Subsection (e) of section 45N is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

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

SEC. 736. EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Subsection (f) of section 45P is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2009.

SEC. 737. 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS, QUALIFIED RESTAURANT BUILDINGS AND IMPROVEMENTS, AND QUALIFIED RETAIL IMPROVEMENTS.

(a) IN GENERAL.—Clauses (iv), (v), and (ix) of section 168(e)(3)(E) are each amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) CONFORMING AMENDMENTS.—

(1) Clause (i) of section 168(e)(7)(A) is amended by striking ''if such building is placed in service after December 31, 2008, and before January 1, 2010,''.

(2) Paragraph (8) of section 168(e) is amended by striking subparagraph (E).

(3) Section 179(f)(2) is amended—

(A) by striking ''(without regard to the dates specified in subparagraph (A)(i) thereof)'' in subparagraph (B), and

(B) by striking ''(without regard to subparagraph (E) thereof)'' in subparagraph (C).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2009.

SEC. 738. 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 739. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON AN INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 740. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

SEC. 741. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES TO PUBLIC SCHOOLS.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(D) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

SEC. 742. ENHANCED CHARITABLE DEDUCTION FOR CORPORATE CONTRIBUTIONS OF COMPUTER INVENTORY FOR EDUCATIONAL PURPOSES.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

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

SEC. 743. ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.

(a) IN GENERAL.—Subsection (g) of section 179E is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 744. SPECIAL EXPENSING RULES FOR CERTAIN FILM AND TELEVISION PRODUCTIONS.

(a) IN GENERAL.—Subsection (f) of section 181 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to productions commencing after December 31, 2009.

SEC. 745. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2009.

SEC. 746. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) is amended—

(1) by striking ''first 4 taxable years'' and inserting ''first 6 taxable years''; and

(2) by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

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

SEC. 747. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2009.

SEC. 748. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Paragraphs (1)(C) and (2)(C) of section 871(k) are each amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

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

SEC. 749. RIC QUALIFIED INVESTMENT ENTITY TREATMENT UNDER FIRPTA.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on January 1, 2010. Notwithstanding the preceding sentence, such amendment shall not apply with respect to the withholding requirement under section 1445 of the Internal Revenue Code of 1986 for any payment made before the date of the enactment of this Act.

(2) AMOUNTS WITHHELD ON OR BEFORE DATE OF ENACTMENT.—In the case of a regulated investment company—

(A) which makes a distribution after December 31, 2009, and before the date of the enactment of this Act; and

(B) which would (but for the second sentence of paragraph (1)) have been required to withhold with respect to such distribution under section 1445 of such Code,

such investment company shall not be liable to any person to whom such distribution was made for any amount so withheld and paid over to the Secretary of the Treasury.

SEC. 750. EXCEPTIONS FOR ACTIVE FINANCING INCOME.

(a) IN GENERAL.—Sections 953(e)(10) and 954(h)(9) are each amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) CONFORMING AMENDMENT.—Section 953(e)(10) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

SEC. 751. LOOK-THRU TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER FOREIGN PERSONAL HOLDING COMPANY RULES.

(a) IN GENERAL.—Subparagraph (C) of section 954(c)(6) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

SEC. 752. BASIS ADJUSTMENT TO STOCK OF S CORPS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 1367(a) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

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

SEC. 753. EMPOWERMENT ZONE TAX INCENTIVES.

(a) IN GENERAL.—Section 1391 is amended—

(1) by striking ''December 31, 2009'' in subsection (d)(1)(A)(i) and inserting ''December 31, 2011''; and

(2) by striking the last sentence of subsection (h)(2).

(b) INCREASED EXCLUSION OF GAIN ON STOCK OF EMPOWERMENT ZONE BUSINESSES.—Subparagraph (C) of section 1202(a)(2) is amended—

(1) by striking ''December 31, 2014'' and inserting ''December 31, 2016''; and

(2) by striking ''2014'' in the heading and inserting ''2016''.

(c) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of an empowerment zone the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A)(i) of section 1391(d)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation if, after the date of the enactment of this section, the entity which made such nomination amends the nomination to provide for a new termination date in such manner as the Secretary of the Treasury (or the Secretary's designee) may provide.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2009.

SEC. 754. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Subsection (f) of section 1400 is amended by striking ''December 31, 2009'' each place it appears and inserting ''December 31, 2011''.

(b) TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.—Subsection (b) of section 1400A is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(c) ZERO-PERCENT CAPITAL GAINS RATE.—

(1) ACQUISITION DATE.—Paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i)(I) of section 1400B(b) are each amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(2) LIMITATION ON PERIOD OF GAINS.—

(A) IN GENERAL.—Paragraph (2) of section 1400B(e) is amended—

(i) by striking ''December 31, 2014'' and inserting ''December 31, 2016''; and

(ii) by striking ''2014'' in the heading and inserting ''2016''.

(B) PARTNERSHIPS AND S-CORPS.—Paragraph (2) of section 1400B(g) is amended by striking ''December 31, 2014'' and inserting ''December 31, 2016''.

(d) FIRST-TIME HOMEBUYER CREDIT.—Subsection (i) of section 1400C is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2009.

(2) TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.—The amendment made by subsection (b) shall apply to bonds issued after December 31, 2009.

(3) ACQUISITION DATES FOR ZERO-PERCENT CAPITAL GAINS RATE.—The amendments made by subsection (c) shall apply to property acquired or substantially improved after December 31, 2009.

(4) HOMEBUYER CREDIT.—The amendment made by subsection (d) shall apply to homes purchased after December 31, 2009.

SEC. 755. TEMPORARY INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAXES TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2009.

SEC. 756. AMERICAN SAMOA ECONOMIC DEVELOPMENT CREDIT.

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking ''first 4 taxable years'' and inserting ''first 6 taxable years'', and

(2) by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

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

SEC. 757. WORK OPPORTUNITY CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 51(c)(4) is amended by striking ''August 31, 2011'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

SEC. 758. QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Section 54E(c)(1) is amended—

(1) by striking ''2008 and'' and inserting ''2008,'', and

(2) by inserting ''and $400,000,000 for 2011'' after ''2010,''.

(b) REPEAL OF REFUNDABLE CREDIT FOR QZABS.—Paragraph (3) of section 6431(f) is amended by inserting ''determined without regard to any allocation relating to the national zone academy bond limitation for 2011 or any carryforward of such allocation'' after ''54E)'' in subparagraph (A)(iii).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

SEC. 759. MORTGAGE INSURANCE PREMIUMS.

(a) IN GENERAL.—Clause (iv) of section 163(h)(3)(E) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or accrued after December 31, 2010.

SEC. 760. TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.

(a) IN GENERAL.—Paragraph (4) of section 1202(a) is amended—

(1) by striking ''January 1, 2011'' and inserting ''January 1, 2012'', and

(2) by inserting ''AND 2011'' after ''2010'' in the heading thereof.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after December 31, 2010.

Subtitle D—Temporary Disaster Relief Provisions

PART

Subpart A—New York Liberty Zone

SEC. 761. TAX-EXEMPT BOND FINANCING.

(a) IN GENERAL.—Subparagraph (D) of section 1400L(d)(2) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 2009.

Subpart B—GO Zone

SEC. 762. INCREASE IN REHABILITATION CREDIT.

(a) IN GENERAL.—Subsection (h) of section 1400N is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after December 31, 2009.

SEC. 763. LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN GO ZONES.

Section 1400N(c)(5) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2012''.

SEC. 764. TAX-EXEMPT BOND FINANCING.

(a) IN GENERAL.—Paragraphs (2)(D) and (7)(C) of section 1400N(a) are each amended by striking ''January 1, 2011'' and inserting ''January 1, 2012''.

(b) CONFORMING AMENDMENTS.—Sections 702(d)(1) and 704(a) of the Heartland Disaster Tax Relief Act of 2008 are each amended by striking ''January 1, 2011'' each place it appears and inserting ''January 1, 2012''.

SEC. 765. BONUS DEPRECIATION DEDUCTION APPLICABLE TO THE GO ZONE.

(a) IN GENERAL.—Paragraph (6) of section 1400N(d) is amended—

(1) by striking ''December 31, 2010'' both places it appears in subparagraph (B) and inserting ''December 31, 2011'', and

(2) by striking ''January 1, 2010'' in the heading and the text of subparagraph (D) and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

TITLE VIII—BUDGETARY PROVISIONS

SEC. 801. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

SEC. 802. EMERGENCY DESIGNATIONS.

(a) STATUTORY PAYGO.—This Act is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g)) except to the extent that the budgetary effects of this Act are determined to be subject to the current policy adjustments under sections 4(c) and 7 of the Statutory Pay-As-You-Go Act.

(b) SENATE.—In the Senate, this Act is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(c) HOUSE OF REPRESENTATIVES.—In the House of Representatives, every provision of this Act is expressly designated as an emergency for purposes of pay-as-you-go principles except to the extent that any such provision is subject to the current policy adjustments under section 4(c) of the Statutory Pay-As-You-Go Act of 2010.

SA 4754. Mr. REID proposed an amendment to amendment SA 4753 proposed by Mr. REID (for himself and Mr. MCCONNELL) 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; as follows:

At the end insert the following:

The provisions of this Act shall become effective in 5 days upon enactment.

SA 4755. Mr. REID proposed an 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; as follows:

At the end, add the following:

The Senate Finance Committee is requested to study the impact of any delay in extending tax cuts to middle income Americans with incomes up to $250,000.

SA 4756. Mr. REID proposed an amendment to amendment SA 4755 proposed by Mr. REID 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; as follows:

At the end, insert the following: ''including specific information on the impact of the delay in extending the tax cuts.''

SA 4757. Mr. REID proposed an amendment to amendment SA 4756 proposed by Mr. REID to the amendment SA 4755 proposed by Mr. REID 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; as follows:

At the end, insert the following: ''and include statistics which reflect regional differences.''

SA 4758. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 4753 proposed by Mr. REID (for himself and Mr. MCCONNELL) 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; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. ____. ETHANOL.

Notwithstanding any other provision of this Act, any provision of this Act or an amendment made by this Act that establishes, modifies, or otherwise relates to a credit or tariff for ethanol shall be null and void.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on December 9, 2010, at 10 a.m. in room 328A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on December 9, 2010 at 10 a.m., to conduct a hearing entitled ''The State of Credit Union Industry.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on December 9, 2010, at 10:15 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 9, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 9, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Madam President, I ask unanimous consent that Gillian Leibach and Lauren Scott of my staff be granted the privilege of the floor during the duration of today's proceedings.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, DECEMBER 10, 2010

Mr. MERKLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Friday, December 10; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that following any leader remarks, the Senate proceed to a period of morning business with Senator SANDERS recognized to speak at 10:15 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MERKLEY. Mr. President, this evening the majority leader filed cloture on the new tax cut language. That vote will occur at 3 p.m. on Monday, December 13. There will be no rollcall votes during Friday's session of the Senate.

ADJOURNMENT UNTIL 9:30 TOMORROW

Mr. MERKLEY. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 9:23 p.m., adjourned until Friday, December 10, 2010, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

AARON PAUL DWORKIN, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2014, VICE KAREN LIAS WOLFF, TERM EXPIRED.

EXTENSIONS OF REMARKS

DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS ACT OF 2010

SPEECH OF

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. BILBRAY. Mr. Speaker, one of our Nation's most core beliefs is that everyone is equal before the law. From the richest men and women, to the poorest we are all subject to the laws of our country. Today though, we have gathered to debate a bill, the Development, Relief, and Education for Alien Minors Act, that would undermine that very principle and reward individuals who have broken our laws at the expense of those who have followed them.

The so-called "DREAM" Act, a bill that would establish a pathway to citizenship for illegal immigrants as old as 29, as long as they arrived before age 16, based on the promise that they will complete two years of college or serve in our armed forces. Importantly, for the first time ever, this bill would equate a willingness to serve in defense of our country with just two years of a college education. This vote is a slap in the face to the dedicated men and women in our military who have spent, in many cases, years working toward legal immigration to our country.

Moreover, it sends a mixed message to those one day hoping to call themselves Americans, effectively encouraging them to come to this country illegally and break our laws. Unfortunately, all too often we have seen the direct impact these mixed messages have had, which have put would-be immigrants at great risk. This includes the 72 would-be illegal immigrants who were murdered by drug cartels in Mexico this August as well as the human trafficking ring that was broken up in Phoenix last week where nearly a dozen smuggled children were being held for ransom.

The immigration system in our country is undoubtedly broken. Today, there are more than 12 million illegal immigrants residing in the U.S., but this bill does nothing to address the underlying causes of illegal immigration or create a single job during the largest economic recession in more than a generation. Instead, this bill proposes a massive amnesty for what the Congressional Budget Office projects will be 1.1 million individuals at a time when we already have 9.8 percent unemployment.

I suppose it is fitting then that the House had to break its own rules to even begin debate on the DREAM Act. Earlier today, the House passed a resolution that exempts the DREAM Act from the rules that we obey in the House of Representatives in order to bring this bill up with less than one day's notice and without any opportunity for amendment. Beyond that, this Congress has failed to even hold a hearing on the DREAM Act over the last 2 years. And now, we have been asked to vote on this legislation in the dead of night and in the waning days of this Congress and let me be clear: this is unacceptable. The American people deserve better than this. They deserve an open debate before the people where there is an opportunity for amendments to be made. They deserve the rule of law to be followed.

As the proud son of an Australian immigrant, I firmly believe that we are a nation of immigrants, but we are also a nation of laws. For that reason, I strongly oppose the DREAM Act and the circumstances in which it was brought up for debate. Going forward, I will do everything in my power to ensure Congress focuses on real immigration reform that enforces the rule of law and addresses the root causes of illegal immigration: employers who hire illegal labor.

HONORING JAMES A. RAFFETTO

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. GERLACH. Madam Speaker, I rise today to honor an extraordinary young man from Devon, Pennsylvania, Navy Corpsman James A. Raffetto. James went off to war for his country and came back home missing three limbs and part of his fingers. He not only rushed in to save lives on the battlefield, but shines even brighter with his inspirational life and his remarkable recovery. With the help of his lovely wife Emily, his recovery is beyond words.

I ask that this poem, penned in honor of him by Albert Caswell, be placed in the RECORD.

Rescue me!
On battlefields of honor bright!
Are but all of those fine souls, who but bring their light!
Who rush in, where Angels so fear to tread . . .
As all around them so lies, the face of hell . . . the face of death so said!
For all in these most precious moments, which now so lie!
As all in, as when who will live . . . and who will die?
But, comes all of those most courageous souls who bring such tears to eyes!
As but from where does courage come, so rise?
For only this, our Lord God knows up on high!
As when on battlefields of honor bright, all in that this the darkest fight . . .
As a Corpsman so brings his most, his most Angelic light!
As have you Raffey! As have You James, all on battlefields of honor bright!
All because of you, families remain whole on this night!
Little boys and little girls,
Who will not have to grow up without their best friends, in the world!
Rescue Me, before I die!
As upon these scene's of death and gore, James you gave the gift of life so high!
All in those most precious moments, which lie!
Rescue me, before I die!
As somewhere across a world a Mother cries . . .
As some how, she knows . . . her son or daughters life, upon you relies!
Rescue Me, for James you are but a hero in our Lords eyes!
As it was on that fateful day, as when you too almost died . . .
As you lie there, waiting for an Angel just like you . . . to save your life . . .
As on that morning after and you awoke, and saw what this war had invoked . . .
And you so began to cry . . .
As you asked, the Lord, I have a wife . . . Rescue me? . . . Don't let me die!
And what's when Corpsman, it all kicked in!
And you began your most courageous climb!
As all in just, a few short months James . . . you have come so far . . . so fast . . . So high!
Rescue me before I die!
With but your most magnificent heart, on the rise!
Almost all in a blink of an eye, as your recovery has so climbed!
As we stand here, all in disbelief . . . All in what before us now so lies!
Oh yes James, you and your beautiful wife . . . You both bring such tears to our eyes!
With your faith, as now you Rescue Us . . . All in your lives!
As James you so Teach Us . . . So Beseech . . . And to us, such hopes give rise!
For you are the kind of Son, The Signers knew, upon all of our hopes were won!
With that smile, with your light . . . Making me wish, for a son so bright!
As you Rescuer Me, James . . . with all of your magnificent light!
As ever in my heart, I will carry you throughout my life . . .
James, Rescue Us . . . Before We Die!

DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS ACT OF 2010

SPEECH OF

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mrs. CAPPS. Mr. Speaker, I rise to express my strong support for H.R. 1751, the American Dream Act.

Each year, thousands and thousands of exemplary students graduate from high school and find their dreams of securing a job or attending college deferred because of their immigration status.

These kids worked diligently through high school just like their peers, often taking Advanced Placement classes to give themselves a leg–up in the college application process.

But through no fault of their own, these students face an unsurpassable obstacle: their status as an "undocumented" American. In honor of each of these ambitious young people, I am proud to support the DREAM Act tonight.

This bipartisan legislation provides undocumented young people in the United States with conditional residency and a pathway to citizenship if they came here before the age of 16 and maintained a continuous residency for 5 years. These young people must also graduate from high school or obtain a GED, have no criminal records and either serve their country in the military or attend college for at least two years.

Since the first introduction of this legislation in 2001, an untold number of accomplished and determined immigrant students have been denied the right to citizenship, at severe cost to our nation economically and socially.

I am proud to not only count myself among DREAM Act supporters, but also as an active recruiter to convince some of my more conservative colleagues to sign their name on, too.

Tonight is a wonderful night for countless talented young people across our nation. I will proudly vote ''yes'' on the American DREAM Act.

FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2010

SPEECH OF

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Ms. DEGETTE. Mr. Speaker, today we take the last few steps in the decades-long fight to finally update our nation's food safety infrastructure.

When you consider that the current food safety system has remained largely unchanged since it was first adopted in the 1930s, it is no wonder that each year thousands of Americans fall ill and even die, as a result of tainted food. In fact, the Centers for Disease Control estimates that food contaminations cause 76 million illnesses in the U.S. each year, including over 300,000 hospitalizations and 5,000 deaths. And the economic cost is equally astounding. A recent report estimates that in Colorado alone over $2.3 billion is spent on the health-related costs of foodborne illness. And of course, the cost to our nation's food industry—from the farmer to the producer to the community supermarket—is often even greater. From Salmonella in eggs to E.coli in cheese, the last few months alone have proven that every day we have waited to pass food safety legislation was one day too many.

As we evaluate this final bill today, I still stand by the stronger traceability provisions I fought for in the bill this Chamber passed last year. While this bill marks an improvement to our current regime, I still believe over the next few years Congress will have to maximize the traceability pilot projects called for in this legislation in order to develop the tools we need to pull tainted products from the shelves or prevent unsafe food products from even getting into our stores and homes. Nonetheless, the mandatory recall authority in this bill means we no longer have to rely on corporations to act in good faith. And greater inspection of imported goods means we can ensure that they are just as safe as what is cultivated and produced domestically.

But the benefit of these changes won't come overnight. So I look forward to working with the FDA as they put this new law to work. This bill could overcome years of intransigence and partisanship that have needlessly exposed people throughout my state of Colorado and across the U.S. to foodborne illness.

Food safety is both a public health issue and an economic issue. This bill represents the best of what the American people sent us here to do—work together on a bipartisan basis to keep their families safe and healthy, while securing the key industries that help drive our economy. I urge my colleagues to support this important legislation, and I look forward to the Senate finding a way to send this to the President.

MIDDLE CLASS TAX RELIEF ACT OF 2010

SPEECH OF

HON. KURT SCHRADER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. SCHRADER. Mr. Speaker, as our economy continues to recover we need to do everything we can to help struggling middle class families. That's why I supported the extension of the 2001/2003 tax cuts which provides meaningful tax relief for 97 percent of families and small businesses. I'm also pleased that this legislation complies with PAYGO and will add some much needed certainty to Oregon families and small businesses as they budget for next year.

However, I'm uncomfortable making these tax cuts permanent and would prefer a temporary extension to protect middle class families. We need to have a real debate on overhauling our tax system and its long term effects on our economy and National Debt next session. Without controlling our deficit issues we will be unable to fund our schools, health care for seniors, public safety and national defense so we must keep all our options on the table. I'm also disappointed we did not include the bipartisan estate tax fix, which passed the House last December, in this tax relief package.

WARD McGINLEY

HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. PRICE of Georgia. Madam Speaker, on behalf of the United States House of Representatives, I offer my delighted congratulations to Matthew and Lauren McGinley on the birth of their first child. Born on December 2, 2010, Edward (Ward) Joseph McGinley weighed in at a respectable 5 pounds, 12 ounces and measured 20 inches from stem to stern. His parents are understandably overjoyed, as are all who know and love them.

I wish every blessing upon young Edward as he charts his course of success and love of liberty.

RECOGNIZING THE ARGYLE HIGH SCHOOL BAND

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. BURGESS. Madam Speaker, I rise today to recognize the Argyle High School Band from Argyle, Texas for their recent outstanding achievement in winning the 2010 Class 3A UIL Texas State Marching Band Championship.

Argyle swept the state competition in San Antonio with a unanimous decision from all judges for a perfect score of straight 1's, besting their closest competitor by a significant margin. The band's stellar performance of ''Inside Out'' earned them their fourth state title.

The accomplished members of the Argyle High School Band deserve praise for their hard work and dedication. I commend Argyle's Director Kathy Johnson, Associate Director Michael Lemish, Superintendent Telena Wright and Principle Jeff Butts for their leadership of these exemplary students.

Madam Speaker, it is truly an honor to have the opportunity to commend the Argyle High School Band. I am proud to represent the administrators, teachers, staff and students that comprise the Argyle Independent School District in the U.S. House of Representatives.

DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS ACT OF 2010

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of the DREAM Act, which is commonsense, bipartisan legislation that will strengthen our country.

The DREAM Act will allow millions of young people who have grown up in America the chance to develop their talents and contribute to our nation's success by serving in our Armed Forces or pursuing a college education. It is targeted legislation that ensures many of our best and brightest young people can earn their legal status, but only after going through a rigorous and thorough process.

By allowing these students to achieve their full potential, we strengthen both our economy and our national security. Additionally, this bill allows us to do the right thing for millions of young men and women living in America—people who were brought here as minors, through no fault of their own, and most of whom know no other home.

Madam Speaker, I urge a ''yes'' vote.

HONORING WILLIAM W. MILLAR

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. OBERSTAR. Madam Speaker, I rise today to honor a man who has greatly served

the transportation industry of this nation, William, Bill, W. Millar, the president of the American Public Transportation Association, APTA.

A well-known expert in the field of public transportation policy, planning, and operations, Bill's illustrious career spans nearly 40 years. Bill has been at the helm of APTA for the last decade and a half, during which he expanded APTA's reach and effectiveness, achieved many legislative victories, and worked to dramatically increase federal investment in public transportation. He has published numerous articles, spearheaded important transit initiatives and events, and has testified frequently before the U.S. Congress, including many cherished appearances before the Committee on Transportation and Infrastructure. Bill lives in Falls Church, Virginia, with his wife and two children and commutes to work on Washington's Metrorail system.

Bill began his career in public transportation as the county transportation planner in Lancaster, Pennsylvania, after having earned a B.A. from Northwestern University and an M.A. from the University of Iowa majoring in urban transportation planning and policy analysis. In 1973, Bill joined the Pennsylvania Department of Transportation, PennDOT, where he developed and managed Pennsylvania's Free Transit Program for Senior Citizens and led PennDOT's rural public and community transit efforts.

The bulk of Bill's career was spent with the Port Authority of Allegheny County, the principal transit operator serving Pittsburgh, Pennsylvania. Here, Bill served in various positions for nineteen years, most notably as its executive director from 1983–1996. During his tenure, Bill oversaw the development and operation of bus, busway, light rail, paratransit, and inclined plane service. He founded Pittsburgh's award-winning ACCESS paratransit service, and in 1987 he received APTA's Jesse Haugh Award for Transit Manager of the Year.

Throughout his career, Bill Millar has been a strong supporter of transportation research, and is the recipient of the Founding Father Award for his leadership in establishing the Transit Cooperative Research Program, TCRP. He has been a member of the executive committee of the Transportation Research Board, TRB, for many years, served as its Chair in 1992, and received TRB's W.N. Carey, Jr. Distinguished Service Award in 1999. Bill also serves on advisory committees of several university transportation research institutes, and is a recipient of many awards, including the Pattison Partnership Award from the Intermodal Passenger Institute, 2001, and Railway Age's Graham Claytor Award, 2006.

Thus, Madam Speaker, I rise today in tribute to and with gratitude for Bill Millar's service to the public transportation sector and the American people. All of us in the transportation community congratulate Bill on his prestigious career, and wish him and his family the best in the years ahead.

CONGRATULATING PENZEL CONSTRUCTION COMPANY ON THEIR 100TH ANNIVERSARY

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mrs. EMERSON. Madam Speaker, I rise today to congratulate Penzel Construction Company in Jackson, Missouri on their 100th anniversary.

Penzel Construction has earned a strong reputation as an honest, reliable and loyal company. Over the years, Penzel Construction has constructed homes, schools, churches, roads, bridges and factories. More recently, Penzel Construction has done more highway work and also taken on more prestigious building projects like the 13-story Hirsch Tower housing KFVS Television in Cape Girardeau. It has been impressive to watch as Penzel has worked to attract new industry enabling them to expand and create new opportunities.

The high standard set by earlier generations as they built Penzel Construction Company has been maintained and improved upon by today's generation. Penzel Construction has provided an example to all entrepreneurs on how a successful company should operate. They operate with the highest integrity when dealing with their customers and their own employees. Their success and commitment to community has had a profound effect on the entire Southeast Missouri region.

Madam Speaker, it is a great privilege to honor Penzel Construction on their 100th anniversary. I congratulate the entire Penzel family on this occasion and wish them many more years of success.

CONGRATULATING MRS. JANICE ZIMMERMAN UPON HER RETIREMENT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. BURGESS. Madam Speaker, on the occasion of her retirement at the conclusion of the 111th Congress, I proudly rise today to thank Mrs. Janice Zimmerman for over 15 years of dedicated federal government service within the U.S. House of Representatives. Janice began her service on March 1, 1993 with the Honorable Dick Armey and subsequent service in my office beginning January 6, 2003.

In her position of Constituent Services Director for the 26th Congressional District, Janice Zimmerman has served capably and compassionately. It is with regret that I have accepted her decision to retire to spend more time with her family. Janice has been the conduit through which hundreds of constituents in the 26th Congressional District have been provided valuable assistance regarding their concerns with federal entities. Janice has been the consummate and caring professional whose recommendations and opinions I have confidently sought after and held with the highest regard.

Madam Speaker, it is with great honor that I rise today to celebrate Janice's many years of outstanding service, and I am joined by her colleagues and the constituents of the 26th District in wishing her well upon her retirement. It is a privilege to represent a committed public servant who has had such a positive influence on the lives of her peers and those she has tirelessly served in the United States House of Representatives.

DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS ACT OF 2010

SPEECH OF

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. CROWLEY. Mr. Speaker, we talk a lot about the American Dream—how we're going to help people achieve it; keep it; pass it on to their children. But, there is a group of young adults in our country that is denied any real shot at the American Dream.

Today we have the chance to change that.

We're not giving anyone a free pass. These kids live here, they go to school here. They are active in their communities and they contribute to society.

But then we say to them:

You want to take out a student loan, or get work-study, and go to college? Too bad.

You want to serve your country in the Armed Forces? Sorry.

You want to better your community and society? Not interested.

Some people might think they win cheap political points by attacking this group of people.

But the truth is, we all lose if we allow politics to get in the way of a bill that benefits our economy, our national security and our society.

We all lose if we allow politics to get in the way of the American Dream.

HONORING A LEGACY OF FUNERAL SERVICE BY THE 100 BLACK WOMEN OF FUNERAL SERVICE AND RECOGNIZING THE 2010 AFRICAN AMERICAN FUNERAL HOME HALL OF FAME INDUCTEES

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to honor a legacy of funeral service by the 100 Black Women of Funeral Service and recognize the 2010 African American Funeral Home Hall of Fame inductees.

Funeral service has been a proud and distinguished tradition in the African American community for over a century. Throughout segregation in the United States, the funeral service industry was often the only sector that provided African Americans with entrepreneurial opportunities. The 100 Black Women of Funeral Service proudly continues that legacy today by serving their respective communities with great compassion and professionalism.

Founded in San Antonio, Texas, in 1993 by Ms. Elleanor ''Mama Starks,'' the 100 Black Women of Funeral Service provides African American mortuary students and funeral service professionals with an excellent opportunity to work together and learn from each other. Its membership has grown to include the United States, Canada, and various African and Caribbean nations. Among the many honors that 100 Black Women of Funeral Service members have received are The President's Award and The Living Legend Award. Networking, sisterhood, scholarship, mentoring, leadership, service, and professional development are the tenets of the 100 Black Women of Funeral Service as it continues to provide support to those entering the funeral service profession.

Every 5 years, the African American Funeral Home Hall of Fame recognizes the important work performed by African Americans in the funeral service industry. This year, 26 funeral homes from across the country were inducted into the African American Funeral Home Hall of Fame. These inductees have been serving their communities for over 100 years and are still operated by third to sixth generation family members. This is truly incredible.

It is with great pleasure that I congratulate the following funeral homes on their recent induction into the African American Funeral Home Hall of Fame: Joseph Locks Funeral Home of Baltimore, Maryland (founded in 1837); Carl Miller Funeral Home of Camden, New Jersey (founded in 1861); JW Wilkerson Funeral Establishment of Petersburg, Virginia (founded in 1874); Gertrude Geddes-Willis Funeral Home of New Orleans, Louisiana (founded in 1879); Berry and Gardner Funeral Home of Franklin, Tennessee (founded in 1882); Charbonnet-Labat Funeral Home of New Orleans, Louisiana (founded in 1883); Rhodes Funeral Home of New Orleans, Louisiana (founded in 1884); Jarnigan and Son Mortuary of Knoxville, Tennessee (founded in 1886); Hutchings Funeral Home of Macon, Georgia (founded in 1895); Grays Funeral Home of Cape Charles, Virginia (founded in 1895); Davenport and Harris Funeral Home of Birmingham, Alabama (founded in 1899); Mrs. JW Jones Memorial Chapel of Kansas City, Kansas (founded in 1899); James E. Churchman, Jr. Funeral Home of Newark, New Jersey (founded in 1899); Cox Bros Funeral Home of Atlanta, Georgia (founded in 1900); Elliott Funeral Home of Albany, Georgia (founded in 1900); Stewart Funeral Home of Washington, DC (founded in 1900); Collins Funeral Home of Jackson, Mississippi (founded in 1903); Diehl-Whittaker Funeral Service of Columbus, Ohio (founded in 1905); EF Boyd and Son Funeral Home and Crematory in Cleveland, Ohio (founded in 1905); Marion Daniels and Sons Funeral Home of New York City (founded in 1905); Larkin and Scott Funeral Home (founded in 1905); Larkin and Scott Funeral Home of Demopolis, Alabama (founded in 1907); Murray Henderson Funeral Home of New Orleans, Louisiana (founded in 1909); Lewis Funeral Home of San Antonio, Texas (founded in 1909); and Scott's Funeral Home of Richmond, Virginia (founded in 1910).

Madam Speaker, as we celebrate the rich history of African Americans in the funeral service profession, I would like to thank the 100 Black Women of Funeral Service and the 2010 African American Funeral Home Hall of Fame inductees for all that they have done, and continue to do, for their communities and the funeral service tradition.

EXTENDING CONDOLENCES TO VICTIMS OF FIRE IN ISRAEL

SPEECH OF

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. WAXMAN. Mr. Speaker, it is with a heavy heart that I join my colleagues in mourning the devastating losses Israel suffered in the Carmel fire. It is a human tragedy and an environmental tragedy.

As we pay tribute to those who gave their lives in an effort to save others, we can at least find comfort in the wave of international support and assistance that enabled Israel to extinguish the massive fire within days. The United State is proud to have a played a leading role in these efforts by procuring and delivering the massive quantities of firefighting materials that were used in multiple sorties over the affected areas.

We rallied to Israel's side because she is a close ally and friend. And so many other countries eagerly responded as well because, quite frankly—Israel is among the first to offer aid when others are in need.

After earthquakes in Haiti, Chile, Colombia, Turkey, China, Pakistan and Iran, Israelis were among the first to join the rescue missions or send supplies. They have helped Cyprus and Greece in battling forest fires and provided aid in the aftermath of Central American floods, Asian typhoons, and the tragic 2004 tsunami. An Israeli team arrived in Louisiana shortly after our own Hurricane Katrina.

Sadly, one casualty of the Carmel fire is Yemin Orde, a youth village founded in 1953 to accommodate orphans who immigrated to Israel after the Holocaust. Today, the campus is home to more than 500 children from ages 9 to 19 that have been resettled from Russia, Ethiopia, and elsewhere where they lived in orphanages, had no family to care for them, or experienced traumatic life events. While the children and staff were safely evacuated as the fire broke out, more than 40 percent of the village's facilities were destroyed by the flames and many children had to relive the trauma of being suddenly uprooted from their familiar world. I have been to Yemin Orde. I share their sorrow and their conviction to ensure that these vulnerable children and the school's vital mission continue to be cared for now and in the future.

U.S. teams are already on the ground working with Israeli experts to stabilize the area and make sure that the forest can be successfully replanted. Today, communities across the United States are mobilizing through the Jewish National Fund and other organizations to help Israel preserve, replant and restore. The blue box of the JNF was a permanent feature in my parents' home, collecting coins to plant trees in the budding state of Israel and its mission continues in earnest. With partnership and determination we can look forward to a day when the Carmel forest will flourish again.

As Israelis survey the devastation in Carmel, they can take solace that they were not alone at a time of crisis and that they will not be alone in the rebuilding effort.

RECOGNIZING TEXAS WESLEYAN UNIVERSITY JACK AND JO WILLA MORTON FITNESS CENTER

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. BURGESS. Madam Speaker, I rise today in recognition of the opening and dedication of Texas Wesleyan University's Jack and Jo Willa Morton Fitness Center. The new fitness center will serve to enhance the quality of student life on campus by providing a place where students can gather and meet friends, while achieving their own personal fitness goals.

Initial support provided by Texas Wesleyan University alumnus, Jack and Jo Willa Morton, was used to leverage additional private funds necessary for construction of the $3 million, 9,900 sq. ft. fitness center. The facility will include a 2,317 sq. ft. Weights and Cardio Room with free weights, weight machines, cardio machines, treadmills, recumbent bikes, and other resistance machines; two aerobics/dance classrooms that can be used as clinical spaces for the Athletic Training Education Program (ATEP); a front lobby lounge area for student socialization/relaxation; student and staff locker rooms; offices for the Center's staff and faculty of the Athletic Training Education Program as well as a front desk check-in area and various storage and facility management areas.

The new Center will serve the 2,800 undergraduate and graduate students as well as services for employees and alumni. Additionally, the facility will serve over 300 school-age children who visit the campus each summer for Wesleyan's Summer Chemistry Camp and Tex-PREP programs and additional community organizations such as the Boys and Girls Club.

In addition to the improved health and quality of life for the campus students and other communities the Center will serve, the new facility will also be a new resource in recruitment of students to Texas Wesleyan University, retention of current students and as a resource for improved athletic training and preparation for student athletes. The facility will also serve as a significant benefit in enrollment for the Department of Kinesiology and the ATEP and further accreditation by the American College of Sports Medicine (ACSM).

It is a great honor to recognize the contributions of the visionaries whose commitment has made the Jack and Jo Willa Morton Fitness Center a reality for the Texas Wesleyan University community. I am proud to represent these visionaries and Texas Wesleyan University in the House of Representatives.

IN RECOGNITION OF JOHN FANNON

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Ms. SPEIER. Madam Speaker, I rise to honor John Fannon for his remarkable service to the town of Hillsborough, California.

John was—and is—never afraid to speak his mind, and that trait has proven invaluable

to the various causes and constituencies for which he has fought. First as a councilmember and then as Mayor of Hillsborough, he has prided himself on promoting precision and efficiency—as all proud Marines do—and always ran city council meetings in a strict and timely fashion. John began his tenure on the board of directors of the Bay Area Water Users Association in 2004, and was elected that body's chairman in 2009. His creativity, leadership, and determination proved vital during negotiations with the City and County of San Francisco on an agreement that dealt with the future of the Peninsula's water supply. He also served as the town's Building and Planning Commissioner during a time in which the municipal code was successfully improved.

It should also be noted that, in spite of his hundreds of hours on the clock working for the people of Hillsborough, John remains a dedicated family man to his charming and spirited wife, Georgeann, his seven children, and his many grandchildren.

Madam Speaker, John Fannon is a fearless and determined public servant, and it is only fitting that this House give him special recognition for his unique contributions to the town of Hillsborough and his 12 years of service on the Town of Hillsborough City Council.

RECOGNIZING THE PUBLIC SERVICE OF RUSSELL R. CHARD

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise today to recognize the retirement of Russell R. Chard from of the Presidency of the Hollywood Professional Fire Fighters Local 1375 in South Florida.

President Chard has more than 30 years of distinguished service working on behalf of Hollywood, Florida's firefighters, paramedics and local safety community. For the last 20 years, Mr. Chard has served as President of Local 1375, overseeing the welfare of its membership, fighting for the professional standards and ensuring the safe working conditions that are befitting of the service of these men and women.

Known as a coalition builder, President Chard has served a critical role as liaison to all associated areas for the Local, as well as outside groups such as the AFL–CIO, Florida Professional Fire Fighters and Paramedics, International Association of Fire Fighters and Paramedics, and Maritime Trade Council.

This commitment to the betterment of the community was second only to his dedication to his brothers and sisters in the Union. He was a powerful role model and mentor for many new recruits over 20 years, always emphasizing the unique bond that all fire fighters share.

In 1980, Mr. Chard was first appointed to the negotiation committee for Hollywood Professional Fire Fighters Local 1375, where he was quickly recognized for his grit and passion. He was quickly elected as a Trustee and has served Local 1375 ever since. His legacy of fierce advocacy, candor and friendship will not soon be forgotten or lost.

I am proud today to honor President Chard's distinguished career and leadership in the South Florida community and wish him and his family well on their future endeavors.

THE AMERICAN MICROTURBINE MANUFACTURING AND CLEAN ENERGY DEPLOYMENT ACT OF 2010

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise today to introduce "The American Microturbine Manufacturing and Clean Energy Deployment Act of 2010."

This legislation will help Congress continue to address two of our nation's primary needs: creating jobs and promoting clean, reliable energy. My bill would raise the investment tax credit for microturbines from 10 percent to 30 percent, putting it on par with other clean energy innovations. This simple and low-cost change in our tax code will lead to many clean energy jobs, increase deployment of clean energy technologies, reduce harmful CO_2 emissions, and increase American exports.

Microturbines are small, ultra low emission gas turbines that produce usable efficient thermal energy and clean electrical power. They are primarily used in commercial, light industrial, and multi-family residential building but have a wide range of applications, including renewable power, hybrid electric buses, trucks, and cars.

Over 90 percent of the world's microturbines are manufactured right here in the United States by American workers. However, most of these systems are exported because our own incentive structure has failed to encourage domestic adoption. My bill would strengthen a homegrown, domestic industry that will create good jobs while giving us cleaner air.

I urge my colleagues to join me in supporting this important legislation.

DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS ACT OF 2010

SPEECH OF

HON. KURT SCHRADER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. SCHRADER. Mr. Speaker, I rise today to support the general goals and ideals of the DREAM Act.

I agree with the principles of giving aspiring students the ability to follow their dreams, complete college, and contribute to our society and economy. Ultimately, America will benefit from their ambition and hard work as they earn their degree and citizenship.

However, I believe passing the DREAM Act outside of comprehensive immigration reform is ill advised.

Our immigration system is terribly broken. As a small business owner and farmer, before coming to serve the people of Oregon's Fifth Congressional District as their Representative, I know the current system does not work for the economic engines of Oregon.

It is not fair to small businesses to ask them to act as the focal point for enforcement; that is the job of the Federal Government through Immigration and Customs Enforcement. The current system is especially unfair to our farmers, who do not have enough access to legal migrant workers to work the land. I support revamping employment verification and the AgJobs bill which, like the DREAM Act are vital to any successful comprehensive immigration reform package but do not work on their own.

In 2008, the Coalition for a Working Oregon released a report prepared by a professor at Oregon State University. The findings suggest the loss of undocumented workers in Oregon would lead to the loss of an additional 76,000 jobs for legal workers in Oregon. This drop in economic activity would cost the State of Oregon as much as $656 million in revenue and lower small business income by eight-point-five percent. Oregon's economy and state government cannot sustain such losses. We must look at the broader economic impact of policy decisions and do what is best for the United States and the American worker.

Our immigration system needs to be reformed, no question, but reformed in the right way. If we are to approach immigration reform in a piecemeal manner we will actually be making it harder to accomplish comprehensive immigration reform. Adding complexity to a broken system already in need of reconstruction will not make our job any easier.

The problems with our immigration system are so large and significant that they need to be addressed immediately and together. We need to figure out how to address all undocumented people in our country, we cannot cherry pick certain groups and advance them ahead of those who have followed the rules to obtain citizenship. There is a human face to and national interests to address in the problems each group faces.

Border control, employer verification, exit controls, keeping family units intact, protecting our economy and many others are tough issues to resolve effectively and fairly. They deserve our time and attention. I am not interested in just kicking the can down the road by not taking tough votes on immigration reform. My "no" vote is a request for urgency. The whole immigration system needs to be fixed, not just part of it.

IN RECOGNITION OF PAUL REGAN

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Ms. SPEIER. Madam Speaker, I rise to honor Paul Regan for his remarkable 25 years of public service to the town of Hillsborough, California. Throughout every step of his career, Paul has provided strong leadership, insightful financial guidance, and an unwavering commitment to his community and his country.

Through 35 years of thoughtful, diligent work in the field of forensic accounting, Paul has become a world-renowned expert who is widely acclaimed for his skill in researching complex financial scandals and disputes. Most would agree that he is the leading forensic accountant in the United States. He has lent his expertise to the Department of Justice and the Securities and Exchange Commission, and has testified as an expert witness before the

United States Congress as well as the World Court.

Alongside this remarkable work in the private sector, Paul has an equally impressive record of public service to the town of Hillsborough. His expertise in financial matters during his years of service has been critical to the town's success. He joined the Hillsborough City School District Board of Trustees in 1985, and served as that body's President from 1986 to 1987 and then again from 1993 to 1994. Paul has also been a member of the Town of Hillsborough City Council since 1998, and served as mayor from 2002 to 2004. In addition, he chaired the Sustainable Hillsborough Task Force, served on the Recreation Commission, the Central County Fire Board, and is currently our Finance Commissioner.

In addition to all of this, Paul is a loving husband to his equally involved and gifted wife, Barbara, and a devoted father to their three children.

Madam Speaker, I am proud to honor the dedication and leadership of Paul Regan, and I encourage other members to join me in wishing him the very best in all of his future endeavors.

DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS ACT OF 2010

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. DINGELL. Mr. Speaker, over the past several months I have thought quite a bit about what I would do if the DREAM Act came to the floor for a vote. I have studied the legislation and how it affects our current immigration laws. I have looked into how the DREAM Act would affect things like student loans, grants and other Federal subsidies. I have spoken with constituents, both for and against, about the legislation. I have considered the affect of the DREAM Act being signed into law on the prospect of comprehensive immigration reform—I asked, most importantly, does this simply allow us kick the can on that matter down the road for yet a few more years?

Today, Madam Speaker, I rise in favor of the legislation. As I mentioned, it has taken me some time to come to this conclusion, as I am tired of throwing patches at the immigration problem. Ultimately, we need a comprehensive immigration reform bill, and Madam Speaker, we need it desperately. However, I cannot in good conscience hold hostage young people who were brought to this country by their parents to a comprehensive reform bill. The DREAM Act is a small patch for a problem that has eluded our Nation for decades. Our country needs comprehensive reform, not piecemeal fixes.

All of this said, the DREAM Act will provide opportunity and hope to young immigrants brought to this country by their parents who, through no fault of their own, cannot be a meaningful part of our society without this Act. Most of these individuals speak English as well or better than their native tongue and they consider the United States their home, but they cannot realize their dreams because of their immigration status.

The DREAM Act is no "get-out-of-jail-free card," however. For individuals who meet minimum qualifications, such as being in the United States for 5 years before enactment and under 16 years old before coming here, the DREAM Act requires that its beneficiaries participate in one of the two most enduring institutions of American society: military service or higher education. In addition, DREAM Act beneficiaries must be in a conditional immigration status for a decade before becoming legal permanent residents. In so doing, the DREAM Act only gives legal status to those who really want to be here and at the same time creates new horizons for an untapped and eager group of young people to contribute to the country's long-term well-being. Indeed, improving our military readiness, increasing the number of college-educated workers, and expanding the Federal, State, and local tax base are among the bill's virtues. And the DREAM Act will not allow a "chain migration" as some opponents of the law have been saying. In fact, only after a DREAM Act beneficiary waits the full 13 years it would take to become a U.S. citizen are they able to petition for immediate family to gain legal status in the United States. Immediate family would have to wait in family immigration lines before being able to immigrate. And family members already here illegally face additional barriers under current law that will continue to make it difficult to obtain legal status. That is not a "get-out-of-jail-free card."

As I stated earlier, I do not vote for this bill without reservations. The DREAM Act is just a temporary fix to a serious problem. It is my sincere hope that within the year period required by the bill for individuals to apply, we will be able to consider, in a bipartisan manner, a comprehensive bill that will fix our broken system.

THANKING MS. MARION PACIC FOR HER SERVICE TO THE HOUSE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. BRADY of Pennsylvania. Madam Speaker, on the occasion of her retirement September 23, 2010, we rise to thank Ms. Marion Pacic for outstanding service to the U.S. House of Representatives. For the past 35 years Marion has served this great institution as a valued employee of House Information Resources (HIR) within the Office of the Chief Administrative Officer (CAO).

Throughout her career with HIR, Marion has held many positions of increasing responsibility. She began her career at the House in November 1975 as an Administrative Assistant for HIR. Marion joined the Digital Equipment Corporation "Office Automation Project" as an applications analyst helping to develop user requirements and teaching Member and Committee staff to use software designed to keep track of constituent correspondence, office accounting, personnel management and committee calendar publication. Marion's technical, analytical and communications skills served her well in her efficient management as Deputy Manager of the Member Services Division in 1989. She became Manager of the Technical Support Representatives in 1994 and held that position until accepting the position of Acting-Director of Client Services in 1997. She assumed the position of Manager, HIR Telecommunications in June 1999 and during her tenure of 11 years, wireless service expanded almost ten-fold from 1,700 to over 11,000 customers in the House. Marion's unending commitment to opening the first wireless kiosk in the House has made wireless support more available to Members and their staff. Her peers and co-workers will miss Marion's professionalism and friendly manner.

On behalf of the entire House community, we extend congratulations to Marion for her many years of dedication and outstanding contributions to the U.S. House of Representatives. We wish Marion many wonderful years in fulfilling her retirement dreams.

HONORING MS. TONI L. WATTS

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Ms. CASTOR of Florida. Madam Speaker, I rise today to honor the career and philanthropic contributions of Ms. Toni L. Watts, and to acknowledge our pride in the legacy she left with the Tampa Bay Community.

Toni began her career at Tampa Methodist United Center in February 1990. In September 1993, Ms. Watts was hired by the Founder and President of the Corporation to Develop Communities, CDC, of Tampa, Inc., Chloe Coney and Audrey Spotford, as the first full-time employee. She then attended Saint Leo University and graduated in 1995 and continued her education at the Bank of America Leadership Academy and graduated in 2001. By successfully completing these endeavors, Toni gained a thorough understanding of finance, marketing, and real estate development that she could apply to her job at the CDC of Tampa.

Toni's perseverance and successes have most recently been recognized as she retires after four years as the Chief Executive Officer of the CDC of Tampa. Prior to being named CEO, Toni served as the agency's administrative assistant, grants manager, finance director, and chief operations officer.

During Toni's 17 years in the CDC of Tampa, the corporation has provided career counseling, business planning, job training and placement, youth empowerment programs, and home ownership programs. In nearly two decades, the agency has raised more than $35 million in public and private ventures. The corporation is also responsible for building affordable housing in East Tampa and currently owns eight foreclosed homes that will be repaired and sold to low-income families. In 2009 alone, CDC of Tampa helped about 3,000 low-income families. Under her leadership, the CDC of Tampa successfully constructed the Chloe Coney Urban Enterprise Center, a new 10,000 square-foot center that will host most of CDC's operations.

The philanthropic contributions of Toni Watts have unquestionably improved the lives of many Tampa Bay residents on the path to homeownership in safe communities.

The Tampa Bay community is proud to recognize Toni Watts, her daughter Tiffani, her son Keena Watts, Sr., and the entire Watts

family for their outstanding contributions towards developing safe communities in Tampa. Toni's determination and hard work have made her an inspirational leader within our Tampa Bay community.

IN RECOGNITION OF DR. MITCH KATZ

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Ms. SPEIER. Madam Speaker, I rise to honor Dr. Mitch Katz for his 13 years of remarkable service as director of the San Francisco Department of Public Health.

Mitch has worn many hats since he joined the public health department in 1991. He has served as the director and chief of research for San Francisco's AIDS office, director of the Emergency Medical Services Agency, and director of the department's health and safety branch. In 1997, he took the helm of the department as its director, and has been building a stunning record of achievements ever since.

In each of these capacities, he has been a champion for progressive, forward-thinking policies and programs designed to improve the health of all of San Francisco's citizens. As director of the Department of Public Health, he fought tirelessly alongside Mayor Gavin Newsom to create Healthy San Francisco, a groundbreaking, first-in-the-nation effort that provides a universal health care program to the city's uninsured. He has advocated labeling menus with calorie counts, banning the sale of cigarettes in pharmacies, and compelling employers in San Francisco to provide sick leave and health care to their workers. He has also overseen the mammoth reconstruction of the Laguna Honda Hospital & Rehabilitation Center and started the process of rebuilding San Francisco General Hospital.

In addition to this tremendous record, Mitch still finds time to teach and care for patients as Associate Clinical Professor of Medicine at UCSF, and to be a loving and devoted father to his two sons.

Dr. Katz practices what he preaches, commuting everywhere by bicycle or by transit. The access to health care that all San Franciscans enjoy is because Mitch Katz was at the helm. He leaves a lasting impact on the City by the Bay.

Madam Speaker, you and I share representation of the city and I know we share great admiration for one of San Francisco's greatest health care leaders. I ask that the members join me in saluting Dr. Katz for his years of service to San Francisco, and extend our best wishes to him and his family as he assumes the directorship of Los Angeles County's Department of Public Health next year. He will be greatly missed.

TRIBUTE TO MRS. JOAN CLARA BERTRAND OF CHICAGO, ILLINOIS

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. RUSH. Madam Speaker, I rise today to pay tribute to and honor a friend and great family woman, Mrs. Joan Clara Bertrand who made her heavenly transition on Saturday, December 4, 2010.

Mrs. Bertrand love of music, education, and helping young people achieve their dreams served as her constant companion throughout life. She developed her passion for reading at an early age when in the 5th Grade, she wrote a winning essay "Why I want to See Marion Anderson".

Mrs. Bertrand attended the University of Illinois at Navy Pier and subsequently the University of Illinois at Urbana-Champaign, graduating in 1954 with a degree in Physical Education. She was a member of Alpha Kappa Alpha Sorority, Inc. and served as president her senior year. Married on July 6, 1957 to the late Joseph Bertrand, Sr., the first African American to be elected citywide as City Treasurer of Chicago, she was blessed with 6 children; Joseph Jr., Joan, Jason, Justin, Jeffery, and Julian.

Though Joan held a variety of jobs in her early days upon her graduation from the University of Illinois she completed her practice teaching in Elgin, Illinois and served as a Y.M.C.A. Assistant Secretary, Social Worker, and taught for 12 years at the Chicago Board of Education's Jefferson Elementary School.

Madam Speaker, throughout her life, Joan was a member of countless community and civic organizations which centered on the education of young people including the University of Illinois Alumni Association, the University of Notre Dame, the Sisters of the Blessed Sacraments, the Chicago Teachers Union, the Illinois Teachers Association, St. Dorothy Catholic Church, St. Francis De Paula Catholic Church, Our Lady of Peace Catholic Church, Operetta Workshop, and Washington Park YMCA.

Joan began her spiritual life at Woodlawn A.M.E. Church where she served in the music ministry alongside her mentor, Ms. Robbie Terry, who had a profound effect on her. In her later years, she was an active member and strong supporter of St. Phillip Neri Church, Big Buddies Youth Services, and the Alfreda Wells Duster Civic Club.

Madam Speaker, I want to encourage Mrs. Joan Clara Bertrand's children, her sister Gwen, the entire family and many friends to always remember to look to the hills from which comes all of their help, trusting that their help will surely come from the Lord. I am truly blessed to have known her. I am honored to pay tribute to this outstanding gentlewoman and privileged to enter these words into the CONGRESSIONAL RECORD of the United States House of Representatives.

RECOGNIZING THE BISHOP HARTLEY HIGH SCHOOL FOOTBALL TEAM

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. TIBERI. Madam Speaker, I rise today to recognize the Bishop Hartley High School football team. I am proud to recognize a school that not only excels in academics but also distinguishes itself on the football field. The Bishop Hartley football team is the 2010 Ohio Division IV state champions. The Hawks' victory in the championship game capped a successful season.

Led by head coach, Brad Burchfield, Bishop Hartley finished the season with a 34–13 win over Chagrin Falls, making this the Hawks' first championship win since 1986. The entire Bishop Hartley community should be proud of this momentous occasion.

I offer my congratulations to Coach Burchfield, Principal Michael Winters, the Hawks football team, students and supporters. I know each one of them will treasure the memories of their championship season and I commend them for this truly great achievement.

IN RECOGNITION OF FULTON SCIENCE ACADEMY MIDDLE SCHOOL'S FIRST PLACE FINISH AT THE GEORGIA STATE MODEL UN

HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. PRICE of Georgia. Madam Speaker, I'm so very pleased to congratulate the Fulton Science Academy Middle School on its victory at this year's Georgia State Model United Nations, UN, Competition in Savannah, Georgia. For the past 4 years Fulton Science Academy has achieved the honor of a second place trophy at this prestigious event. This year, the FSA Model UN Team showed that perseverance and hard work pay off as the team was rewarded by winning the State Model UN Competition for the first time in the school's history.

As part of the competition, students play the role of spokesperson for nations and organizations. They are asked to craft in-depth responses to different proposed resolutions and engage with other representative countries in addressing questions and issues that may arise. This requires the students to collaborate with their teammates and do extensive research on current events and policy positions for their assigned country.

The students of Fulton Science Academy Middle School are just the latest evidence of the continued success of Georgia's charter schools. They have demonstrated their ability to cultivate diplomatic responses with exceptional public delivery as well as develop challenging questions for the other participating nations. It is a great privilege to commend all the students and their coaches, Courtney Downs and Alexandria Conn, at Fulton Science Academy for expanding their knowledge and interest in international affairs. Their commitment to understanding and respecting other cultures throughout the world will undoubtedly prepare these students as they become strong leaders for our great Nation.

IN HONOR OF DR. ROBERTA STEINBACHER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Dr. Roberta

Steinbacher, Ph.D., for her life's work as a Professor of Urban Studies at the Maxine Goodman Levin College of Urban Affairs at Cleveland State University.

Dr. Steinbacher received her Ph.D. in Social Psychology from St. Louis University in 1967. She taught at Marillac College and St. John's College, as well as St. Louis before coming to Cleveland State University, where she was appointed to the Psychology Department and the Institute of Urban Studies. After becoming Director of the Institute, she was instrumental in establishing the Maxine Goodman Levin College of Urban Affairs. While she was the Chair of the Department of Urban Studies, she helped create the B.A., M.A., and Ph.D. programs in Urban Studies at the College.

Dr. Steinbacher also served the people of Ohio as the Administrator of the Ohio Bureau of Employment Services. After her tenure as administrator was over, she took the position of Director of Undergraduate Programs, where she established many new programs, including 4 new undergraduate majors, 20 degree completion programs with local community colleges, and a credit-for-life-experience program.

The benefits of Dr. Steinbacher's scholarship to the field of urban studies are undeniable; her research has been published in a number of scholarly journals, and she is the co-author of both Introduction to Urban Studies and Man-made Women, An Analysis of New Reproductive Technologies. As a result of her work and research, Dr. Steinbacher has been honored with awards from several local organizations, including the Greater Cleveland YMCA, the City Club of Cleveland, Northern Ohio Live magazine, and Cleveland Magazine.

Madam Speaker and colleagues, please join me in honor and recognition of Dr. Roberta Steinbacher for her dedication to the Maxine Goodman Levin College of Urban Affairs. She has touched the lives of countless students with her work in the classroom, and her continuing research and work as Director of Undergraduate Programs will allow future students to study in the important field of urban studies.

IN MEMORY OF DEPUTY SHERIFF ODELL McDUFFIE, JR.

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. POE of Texas. Madam Speaker, I rise to pay tribute to a veteran sheriff's deputy in Liberty County, Texas, with longstanding ties in the Cleveland Community, Deputy Odell McDuffie, Jr. Deputy McDuffie was tragically killed on October 25, 2010, in a single car accident. He was just 43 years of age. Deputy McDuffie was returning from transporting a juvenile to the Hardin County Detention Center when his patrol car left the roadway and struck a tree. There was a car fire and Deputy McDuffie was not able to escape.

Deputy McDuffie's family has a history of service. His brother, Cedric, currently works as an officer for Liberty Police Department. Cedric is also a City of Cleveland Councilman. His sister, Monique, is the former mayor of Cleveland.

Deputy McDuffie was a 17-year veteran with the Liberty County Sheriff's Department assigned to the Civil Division. He consistently performed as an outstanding officer serving in many different capacities. While working as a patrol deputy, mental health officer, correctional officer, court bailiff and jailer, he was always well respected throughout the community and amongst his peers. Deputy McDuffie will be remembered as a dedicated lawman, an active community leader, as well as a loving, devoted father and husband. According to his fellow officers, Deputy McDuffie served the citizens of Liberty County with pride, honor and commitment. He is described as a gentle giant who always managed to keep order even in the most difficult situations.

I express my sincere condolences to Deputy McDuffie's wife Emily, his three daughters as well as their friends and family throughout the great State of Texas. I commend them for persevering over the difficult job of their loved one serving as a law enforcement officer. Many of our dedicated successful officers have a significant family support system behind the scenes. The citizens of Liberty County have been touched by Deputy McDuffie's generosity, service, duty and commitment to his community.

On October 30, 2010, hundreds of citizens, friends, family and law enforcement officers filled Cleveland's Christian Life Center to pay tribute to Deputy McDuffie. For miles along the procession route, civilians and officers stood on the roadside to salute Deputy McDuffie. They came to honor a devoted public servant who touched the lives of all the citizens he served.

Police officers dedicate their lives to keeping our streets and communities secure. They selflessly venture into dangerous situations every day and put their lives on the line so that the rest of us can live in a safe environment. Deputy McDuffie was one of those officers who put his life on the line. He will be remembered as one of those elite individuals, who dedicated their entire career to protecting the people of Texas.

And that's just the way it is.

DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS ACT OF 2010

SPEECH OF

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. JOHNSON of Georgia. Mr. Speaker, thank you for bringing my bill to the floor today. The "Removal Clarification Act of 2010" will enable federal officials to remove cases filed against them to federal court in accordance with the spirit and intent of the federal officer removal statute.

Under the federal officer removal statute, federal officers should be able to remove a case out of State court and into federal court when it involves the federal officer's exercise of his or her official responsibilities.

However, some courts have found that federal officers cannot remove to federal court when pre-suit discovery motions are made.

This bill will clarify that a federal officer may remove any legally enforceable demand for his or her testimony or documents, if the basis for contesting the demand is related to the officer's exercise of his or her official responsibilities.

When I brought this bill to the House floor in July, I explained that the bill will not result in the removal of the entire case when a federal officer is served with a discovery request.

The language added by the Senate strengthens the premise on which we had been operating: that this new law will not create a vehicle to unnecessarily drag entire cases into federal court when the only hook is that a federal officer has been served with a discovery request.

I would be remiss if I did not also express my support for the DREAM Act.

Mr. Speaker, this bipartisan legislation addresses the tragedy our young undocumented people face when, through no fault of their own, their lack of status may prevent them from attending college, joining the military, or working legally in the only home they have known—the United States of America. This bill will give hard-working, English-speaking, young men and women a chance to fulfill their aspirations by contributing to America's economic prosperity and security.

The DREAM Act ensures that no child in America is denied his or her dream of having a better life if he or she is willing to work hard for one. Each year, about 65,000 undocumented students, raised in the United States, graduate from high school. These graduates are young people who have lived in the United States for most of their lives. They are honor roll students, athletes, aspiring teachers, doctors, business owners, and soldiers. Unfortunately, these graduates face a roadblock to their dreams—they cannot enroll in college, legally work to spur economic growth and pay taxes to contribute to our society, or join the military to defend our country. In some instances, these youth grow up here without even knowing they do not have legal status until they find out that they cannot attend college, work, or enlist in the military.

I am pleased that Congress is moving forward with this bill which is the solution to these problems. The DREAM Act is a narrowly tailored legislative remedy for a specific population—undocumented students who were brought to the United States as minors, and have attended and completed elementary and secondary education in the United States. It is a great first step towards the overall goal of comprehensive immigration reform.

It is important to understand that the DREAM Act offers no incentive for undocumented individuals to enter into the United States. It does not provide any benefit for undocumented individuals who are not already here at the time of its passage. It does not require states to provide any benefits to undocumented students, nor does it make these students eligible for federal financial aid. The bill gives states the option to offer in-state tuition to students registered under the Act, but it does not guarantee cheaper tuition. The DREAM Act allows undocumented students to access in-state tuition, but only if they would otherwise qualify for such tuition, and if state law permits undocumented students to receive in-state tuition. This bill would not require states to change their laws to permit undocumented students the right to receive in-state tuition.

Specifically, the DREAM Act would allow undocumented students a pathway to citizenship if they were brought to the United States

before they turned 16, and are below the age of 35; have lived here continuously for five years; graduated from high school or obtained a GED; have good moral character with no criminal record; and complete at least two years of college or military service.

The benefits to our country's economy and budget will be enormous with the passage of the DREAM Act. In fact, the Congressional Budget Office estimates that this legislation will reduce the deficit by $1.4 billion over the next decade. The increase in authorized workers would affect individual and corporate income taxes. These changes would increase revenues by $2.3 billion over ten years according to the Congressional Budget Office and Joint Committee on Taxation. Additionally, a 2010 study by the UCLA North American Integration and Development Center found that DREAM Act beneficiaries would earn between $1.4 trillion and $3.6 trillion over the course of their lives.

According to the Immigration Policy Center, there are an estimated 2.1 million undocumented individuals in the United States who might be eligible for legal status under the DREAM Act. In my home state of Georgia, there are 74,000 undocumented young people who could potentially benefit from the passage of the DREAM Act.

This legislation is of the utmost importance to me because Georgia is one of the top ten states with the largest number of DREAM Act beneficiaries. The time to act on this bill is now; the students in Georgia cannot afford to wait any longer. South Carolina has banned undocumented youth from attending public colleges and, unfortunately, it looks like Georgia might follow suit. Earlier this year, in October, Georgia's state board of regents voted to ban illegal immigrants from the University of Georgia, Georgia Tech, Georgia State University, Medical College of Georgia, and Georgia College & State University.

Undocumented immigrants who were brought to the United States as children should not be penalized for a decision that was not theirs. In the long-run, the acceptance and inclusion of young immigrants who arrived as children is a decent and just goal.

As a Member of the Armed Services Committee, I know the importance of having an adequate military to protect our freedoms at home and abroad. Our military would benefit from the passage of the DREAM Act. Millions of talented youth will be ready to serve our country, and would assist the military in its recruiting efforts. In fact, the DREAM Act was included as part of the Department of Defense's 2010–2012 strategic plan by the Office of Personnel and Readiness.

By providing undocumented youth with the opportunity to enhance their education and career readiness, our country will reap enormous economic and cultural benefits.

Yesterday, I spent a good part of my day helping a potential Dreamer beneficiary in my district: Allison Hernandez Sanchez. His parents brought him from Mexico in 1994 when he was five years old. This young man attended Miller Grove High School and graduated in 2009. He was an athlete and played the saxophone in the band.

Like many other undocumented talented young men and women, he had plans to continue his education. However, on October 11, 2010, due to a minor traffic incident, he was detained for not having proper documentation. He was immediately placed in deportation proceedings.

This young man had no criminal background. Not only was he a student, but a son, friend and brother. Because of the state of current laws, Allison is unable to follow his dreams and attend college. Allison, like many other undocumented youth, calls the United States home, because it is the only home he knows.

Unfortunately, Allison is not alone. Young men and women across the United States belong in colleges, the workforce, and the military—not in detention centers. They are ready to serve their country, to become productive citizens, to offer their talents and skills to make the United States a better country for all of us. They should not be treated as criminals. No child should go through this experience when they did not make the decision to come to this country. They should not be held accountable for a choice that was never theirs to make. They deserve an opportunity to stay and invest in the United States of America.

I am proud to have joined more than 130 Members of Congress in cosponsoring this legislation that will help Allison and millions of other undocumented youth across the country. The DREAM Act was initially introduced in 2001, and it is definitely time to do what is right by bringing this bill to the floor for final passage. The time to pass this bill is now. Our military cannot afford to reject another qualified recruit. America's economy cannot afford to turn away a new entrepreneur to bring economic prosperity, a good teacher to educate our children, or a medical researcher that could create a cure for cancer or HIV.

I am glad that Congress is acting now so that today's dream can become tomorrow's reality. I thank Representatives BERMAN, DIAZ-BALART, and ROYBAL-ALLARD in their leadership in moving this bill forward. Speaker PELOSI, I thank you for working tirelessly to bring this bill to the floor for a vote.

RECOGNIZING THE 60TH ANNIVERSARY OF GIRLS INCORPORATED OF THE ALBEMARLE

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. BUTTERFIELD. Madam Speaker, let me take this opportunity to honor the 60th anniversary of Girls Incorporated of the Albemarle in Elizabeth City, North Carolina.

North Carolina's first Girls Club was founded in Elizabeth City in 1950. It was the culmination of over a year's effort on the part of a local group of women to organize a club to provide recreation and training for the city's girls.

In 1951, the club affiliated with Girls Clubs of America. When the Girls Clubs of America voted to change its name to Girls Incorporated in April 1990, the Elizabeth City Girls Club's Board of Directors followed the requirements of affiliation, changing the local club's name to Girls Incorporated of the Albemarle in May 1990.

Today, Girls Incorporated of the Albemarle continues to actively pursue its mission: to meet the needs of girls; to develop their self-worth and emotional maturity; to develop their capacity to be self-sufficient responsible members of their community; and to serve as a vigorous advocate for them.

Girls Incorporated of the Albemarle's staff and volunteers are superior role models for our youth and deliver a wide variety of wonderful after-school and summer camp programs.

Girls Incorporated of the Albemarle also collaborates with our local communities and corporate partners to allow girls to interact with other women in various professions and experience hands on activities and events that they may otherwise not have exposure to. These partners include Museum of the Albemarle, United States Coast Guard Base, Elizabeth City State University, Hopeline, 4–H, Circuit Court Judges and Attorneys, Port Discover, NC Cooperative Extension Service and the Tobacco Cessation Coalition.

This is the only organization in northeastern North Carolina that offers such comprehensive programming designed specifically for girls.

To their credit, the organization's goal is to reach all girls regardless of socio-economic status, and they recognize that girls in at-risk communities have greater need for their programs. Of the girls they serve, 65 percent come from families earning less than $25,000 a year and approximately one-half are from single-parent homes headed by women.

Madam Speaker, I ask my colleagues to join me in applauding Girls Incorporated of the Albemarle on their 60th anniversary and for the great service they have provided the community over these many years.

IN HONOR OF POLICE CHIEF MARTIN LENTZ

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. KUCINICH. Madam Speaker I rise today in honor of Martin Lentz, Police Chief of Cleveland Heights, as he celebrates retirement after 51 years of service.

Martin Lentz served on the Cleveland Heights police force for 15 years before being appointed Chief of Police. Mr. Lentz worked tirelessly to improve the safety of Cleveland Heights. Some of his accomplishments include obtaining federal grant money to apply computer analysis to crime statistics, staggering shifts to handle times of increased demand and allowing officers to park their cruisers in front of their homes to deter crime.

In honor of his dedicated service and accomplishments while working for the city of Cleveland Heights, the Cleveland Heights Police Academy will be renamed the Martin G. Lentz Police Academy.

Madam Speaker and colleagues, please join me in honor and recognition of Cleveland Heights Police Chief Martin Lentz, whose dedication, expertise and concern for the people of the City of Cleveland Heights has helped to protect our community. I am grateful for his service. I wish Chief Lentz, his family and friends health and happiness.

DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS ACT OF 2010

SPEECH OF

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. SIRES. Mr. Speaker, I rise to commend the passage of the DREAM Act by the House of Representatives on December 8, 2010. I am a longtime supporter of the bill, and I am thankful that we finally have the opportunity to move forward with this significant and life-changing legislation. With the passage of the DREAM Act, an estimated 800,000 young people that have been kept in the shadows and overlooked by this country would be given what they never had before: a chance.

Currently, there are young people in this country who know no other home, yet they do not have access to the opportunities that make this country strong. They are unable to resolve their immigration status and therefore can offer little to the country that they love. The DREAM Act would make it possible for those brought to this country as young children who have grown up in the United States to contribute to the United States and achieve their full potential.

This bill is carefully constructed to target only those people most deserving of this opportunity. To earn conditional immigration status, these young people must demonstrate that they have graduated high school, obtained a GED, or been accepted to an institution of higher learning. They must also have arrived in the United States before they were 16, have lived in the United States for at least five years before the bill's enactment, and be under 29 years of age. After a minimum of thirteen years and if additional requirements are met, those eligible can apply for U.S. citizenship.

The contributions of these young people would benefit our country and our economy, and I would like to thank my colleagues who supported this extraordinary legislation. This bill would allow young people throughout the country to pursue the kind of futures that they deserve. It would also allow our country to take advantage of the talents that these bright young people have to offer.

The enactment of the DREAM Act would give young people the chance to better themselves and in turn would make this country a better place.

HONORING THE SERVICE AND SACRIFICE OF UNITED STATES ARMY SERGEANT FIRST CLASS JAMES E. THODE

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Ms. GIFFORDS. Madam Speaker, I rise today to honor United States Army Sergeant First Class James E. Thode, who was killed in action on December 2, 2010.

A resident of Tucson since the age of 6, James graduated from Catalina Magnet High School before attending the University of Arizona. A decorated combat veteran, he was assigned to Detachment 1 of the 118th Engineer Sapper Company, 1457th Engineer Battalion based out of American Fork, Utah. He was on his third combat deployment with the Army National Guard in Sabari District, Khowst Province, Afghanistan when he was killed by insurgents who attacked his convoy with an improvised explosive device. In his civilian life, James served as a police officer in Farmington, New Mexico, having joined the department in 1996 and working as a field training officer and member of the SWAT team.

Among his many decorations, he earned the Bronze Star, Army Commendation Medal, Army Achievement Medal and the Purple Heart. He was one of our Nation's most elite, best and bravest, and he will be remembered always.

We remember James and offer our deepest condolences and sincerest prayers to his family. My words cannot effectively convey the feeling of great loss nor can they offer adequate consolation. However, it is my hope that in future days, his family may take some comfort in knowing that James made a difference in the lives of many others and serves as an example of a competent and caring leader and friend that will live on in the hearts and minds of all those he touched.

This body and this country owe James and his family a debt of gratitude, and it is vital that we remember him and his service to this country.

Sergeant First Class James Thode is survived by his wife, Carlotta; mother, Evelyn; father, Ernest; daughter, Ashley; son, Tommy and sister, MaryAnn.

HONORING WILSON H. PARRAN

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. HOYER. Madam Speaker, I rise today to recognize Wilson H. Parran, a member of the Calvert County Board of Commissioners since 2002 and president of that commission from 2006–2010. It is my distinct honor to share his story of commitment, dedication and public service to Calvert County, to our great State of Maryland and to our Nation.

Commissioner Parran was born and raised in Calvert County, where he still resides today with his wife Deborah. The youngest of ten children, he grew up on a tobacco farm where his parents were sharecroppers. Wilson grew up under segregation. At the age of six, he had to walk a mile to catch the school bus every day, even though some buses stopped on his street. Wilson learned at an early age, as he watched his mother go before the County Board of Education to get a her son a bus ride to school, that you must be an advocate and in so doing you can see government in action. Twenty-five years later, Wilson was serving on that same Calvert County Board of Education, motivated by his experiences to give back to his community and support education for the betterment of all students.

Following his parents' model of hard work and high expectations to reach for your dreams, Wilson worked his way from entry-level technology positions to a top telecommunications executive. In 1969 he went on leave to join the military, serving in the Air Force for 4 years during the Vietnam War era. Wilson had been out of high school for 12 years before he received his first degree. While serving on the school boards he was going to school himself, and became the first member of his family to graduate from college. An advocate of lifelong learning, Wilson served on the Calvert County Board of Education for 6 years and the Maryland Board of Education for 5 years. Commissioner Parran is past president of the Maryland Association of Counties, MACo, and represented Calvert County on the MACo Legislative Committee. He has served on numerous civic organizations including being on the Calvert Memorial Hospital Foundation Board and president of the Maryland Association of Board of Education, MABE. He is a member of the NAACP and was the recipient of the MABE 2007 Charles W. Willis Award for outstanding School Board Leadership.

Mr. Parran was elected to the Calvert County Board of County Commissioners in 2002, and achieved re-election in 2006. Following his re-election, board members crossed party lines to elect him as president, a position in which he has demonstrated courage, judgment, and integrity.

Calvert County has been well served by Commissioner Parran's two decades of dedicated public service. He has been an ardent advocate for maintaining Calvert County's quality of life, assuring a balance between its rich agricultural heritage and its expanded economic base. We are indebted to his service and leadership and know that his parent's would be so proud to see that the foundation they set of strong family values and commitment to community have reaped many fruits.

Madam Speaker and colleagues, please join me in honoring Commissioner Wilson H. Parran for his years of public service, dedicated work and commitment to excellence on behalf of the people of Calvert County.

IN HONOR OF MS. JEAN VELORIA GIORDANO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Ms. Jean Veloria Giordano, a generous spirit and a devoted mother, daughter, sister, and friend. Even during the hardest parts of her long struggle with cancer, she lived life with uncommon joy and appreciation for those around her.

Jamie, as her friends knew her, was born in Dededo, Guam, on February 6, 1962, to David and Juanita Veloria. She moved to Ohio as a young adult and soon became well-known in Cleveland as a vivacious hairdresser who always saved an open ear and an open heart for her clients. She had a special connection to the natural world and frequently visited Bridal Veil Falls in Walton, Ohio to reflect and renew her spirit.

Even during her final days, Jamie always put her best face forward. On her way to chemotherapy sessions, she made sure to stop to pick up coffee and donuts for the hospital's parking attendant. According to a close

friend, "her life was constructed around kindness and caring. She was always ready to help anyone in need."

Jamie's life philosophy is faithfully expressed by two verses of the Linda Ellis poem, "Dash," read at her memorial service.

If we could just slow down enough to consider what's true and real.
And always try to understand the way other people feel.
And be less quick to anger, and show appreciation more And love the people in our lives like we've never loved before.
If we treat each other with respect, and more often wear a smile . . . Remembering this special dash might only last a little while . . .

Madam Speaker and colleagues, please join me in honor and remembrance of Ms. Jean Giordano. I offer my condolences to her sons, Joey and Brandon Giordano, her parents David and Juanita Veloria, and her siblings David, Mercy, Ana, Tina, Dyna, Dulcie, Chris, David Jr. II, Sinder, and Mark. Ms. Giordano inspired all those around her with her deep appreciation for all of life's miracles. She will always be remembered for her grace and generosity.

TARGACEPT'S GROUNDBREAKING RESEARCH WILL IMPROVE COUNTLESS LIVES

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Ms. FOXX. Madam Speaker, during these difficult economic times, it is rare to find stories of business success as strong as that of Targacept, a pharmaceutical firm based in Winston-Salem, North Carolina.

I recently attended a Targacept event on Alzheimer's that highlighted the breakthrough research Targacept is doing on this debilitating condition. Targacept is making great strides towards helping those who suffer with Alzheimer's and I am confident that their work will one day enable senior citizens with Alzheimer's to live with independence and great dignity.

It is not just groundbreaking research that makes Targacept a standout company. It has been named one of the top 10 best employers in North Carolina and was ranked in the top 30 places to work in industry by "The Scientist" magazine.

Targacept's innovation and strong leadership have made it one of the finest businesses in North Carolina and I am proud that they are investing their considerable human capital and research prowess in Winston-Salem.

As this fine company continues to grow and expand, even in the midst of an economic downturn, I am sure that it will continue to bring great jobs to the Triad and make progress towards improving the lives of those who suffer with chronic diseases like Alzheimer's. Targacept is a real asset to Winston-Salem, our state and the scientific community—their success reflects the entrepreneurial spirit that continues to make our nation great.

PESONAL EXPLANATION

HON. MARLIN A. STUTZMAN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. STUTZMAN. Madam Speaker, on rollcall No. 624, I was unavoidably detained, had I been present, I would have voted "aye."

PERSONAL EXPLANATION

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. COHEN. Madam Speaker, I was detained from voting due to a family emergency on Wednesday, December 8. If present, I would have voted "yea" on the following rollcall votes: rollcall vote No. 611, rollcall vote No. 612, rollcall vote No. 613, rollcall vote No. 614, rollcall vote No. 615, rollcall vote No. 616, rollcall vote No. 617, rollcall vote No. 618, rollcall vote No. 619, rollcall vote No. 620, rollcall vote No. 621, rollcall vote No. 622, rollcall vote No. 623, rollcall vote No. 624, rollcall vote No. 625.

IN HONOR OF THE 75TH ANNIVERSARY OF THE INCARNATE WORD ACADEMY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor of the 75th Anniversary of the Incarnate Word Academy.

On September 11, 1935, the school opened for 33 pupils. In December of 1940, a new building was dedicated to the church to act as a convent and boarding residence for students. The school has been using the current convent and boarding facility since 1952. Seventy-five years after the first students enrolled at the Incarnate Word Academy, enrollment today has reached 467 students.

Inspired by the teachings of Jeanne Chezard de Matel and her Sisters of the Incarnate Word, the Incarnate Word Academy community nurtures the spirit, intellect, creativity, values and social consciousness of children for the benefit of society. The Incarnate Word Academy provides a positive learning environment for all of its students. It is a school committed to excellence in all things as an expression of their devotion to their faith.

Madam Speaker and colleagues, please join me in honor and recognition of all students, staff and administrators of the Incarnate Word Academy of Parma Heights, Ohio, past and present, as we celebrate their 75th Anniversary. The Academy exists as a vital source of opportunity through academic achievement, and also as a springboard of personal strength, confidence and integrity for every student who has ever entered its doors—brightening their futures, and ultimately, strengthening the foundation of our entire community.

SANGRE DE CRISTO AREA STUDY

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. SALAZAR. Madam Speaker, I submit the following:

SECTION I. SANGRE DE CRISTO AREA STUDY

(a) FINDINGS.—The Congress finds the following:

(1) The Sangre de Cristo Mountain range ecosystem, which extends from Santa Fe, New Mexico, through southern Colorado, to the Great Sand Dunes National Park and Preserve, includes a number of thirteen and fourteen thousand foot peaks, diverse and abundant wildlife, and a rich diversity of ecotypes.

(2) The Sangre de Cristo Mountain range provides a wide range of recreational activities, including fishing, hiking, camping, hunting, and other activities.

(3) The Sangre de Cristo Mountain range contains numerous areas of cultural and historical interest, beginning with the earliest Native Americans in the area, spanning the periods of Spanish and Mexican rule, and including the creation of the States of Colorado and New Mexico within the United States of America.

(b) PURPOSE.—The purpose of this section is to authorize a study to determine the most effective ways to preserve, protect and interpret the natural, historic, and cultural resources associated with the Sangre de Cristo Mountain range ecosystem in northern New Mexico and Southern Colorado.

(c) STUDY.—The Secretary of the Interior (Secretary) shall conduct a special resource study of lands within the Sangre de Cristo Mountains and nearby communities in the San Luis Valley in the State of Colorado and the Sangre de Cristo Mountains and nearby communities in the State of New Mexico, north of the city of Santa Fe, including any federal lands adjacent to the mountains or within these areas to determine whether any such lands may be suitable for inclusion in the National Park System.

(d) CONTENTS.—In conducting the study under subsection (c), the Secretary shall—

(1) evaluate the national and international significance of these lands, including

(A) the Native American history of the area before the founding of the City of Santa Fe in 1598;

(B) the history of communities under Spanish rule from 1598 through 1821;

(C) the history of communities under Mexican rule between 1821 and 1848, the date of conclusion of the Mexican American War; and

(D) the post–1848 history of the area under United States' rule including the first non-native American settlements, and the creation of the States of Colorado and New Mexico;

(2) determine the suitability and feasibility of designating portions of these lands as a unit of the National Park System;

(3) consider other alternatives for preservation, protection, and interpretation of the lands by federal, State, or local governmental entities, or private and nonprofit organizations, including

(A) coordination of land management among federal agencies in the area; and

(B) cooperative voluntary conservation efforts with private landowners;

(4) consult with interested federal, State, or local governmental entities, private and nonprofit organizations or any other interested individuals; and

(5) identify cost estimates for any federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives.

(c) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with section 8 of Public Law 91–383 (16 U.S.C. la–5).

(d) REPORT.—Not later than 1 year after the date on which funds are first made available for the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and

(2) any conclusions and recommendations of the Secretary.

(e) APPROPRIATION AUTHORITY.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

HONORING EMILE MILNE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. RANGEL. Madam Speaker, I rise to pay tribute to a talented and important member of my staff, Emile Milne, who has retired after more than two decades of service on the Hill as my Press Secretary and Legislative Director.

Born in the Republic of Panama, Emile grew up in New York City and studied at Georgetown University here in Washington. Prior to that, he worked for 20 years as a newspaper and magazine reporter and editor in San Francisco, New York and Atlanta. His insight into domestic and foreign policy comes not only from his professional experience but his personal travels throughout the Caribbean and Latin America. His expertise comes from not just covering important episodes of our history like the civil rights movement, but also knowing the people who participated in those movements, some famous, some nameless, but all important to laying the foundation of social change and justice.

In a place full of policy wonks and personal agendas, Emile has been a trusted friend and colleague who dispensed wisdom on how public officials can make a difference in the lives of everyday Americans. Whether it is speaking to advocates lobbying for legislation or members of the media covering a story, he has the uncanny ability to get to the heart of issues and clearly communicate not just my position, but the position that should be taken.

His professionalism, his sense of humor and skillfulness with both people and the pen have served as an example to both veteran staff members and young interns. His daily presence will be missed, but after years of long legislative nights and weekends, he surely does deserve more time off the Hill to spend with his lovely wife Claudette, and his family, and to explore other ways to utilize his God-given talents. Besides, I still have his cell phone number and know that all I have to do is pick up the phone to get a bit of the wisdom and good counsel that he has passed along all these years.

IN HONOR OF PARK COMMISSIONER FRED RZEPKA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of the contributions of Park Commissioner Fred Rzepka, a twenty-two-year servant to Cleveland Metroparks, on the occasion of his retirement. A local developer, Mr. Rzepka is credited with ferreting out the corruption and nepotism that plagued the park system in the years before his appointment.

When he joined the all volunteer board over two decades ago, Mr. Rzepka had his work cut out for him. Overspending, questionable hiring practices, and dubious budgeting had taken their toll on both the reputation and the quality of the parks. But Mr. Rzepka was no stranger to adversity. According to the Plain Dealer, the Commissioner was just a young child when his parents moved him and his three brothers from their comfortable home in Rozan, Poland to northern Russia to escape Nazi death camps. For over six years, the family moved from shelter to shelter, at one point taking refuge in a stable in Siberia. After successfully evading both the Nazi and Soviet regimes, Fred and his family finally escaped war-torn Europe and made their way to the United States. All four brothers have enjoyed successful careers and contributed to the prosperity and character of the Cleveland community.

Since Mr. Rzepka took office, the American Academy for Park and Recreation Administration has three times named Cleveland Metroparks the best-run park system in the country. Over 21,000 acres in size, the park features children's activities, hiking trails, environmental science classes, and multiple conservation programs. The staff is dedicated to preserving biodiversity by protecting the park's natural ecosystems and educating visitors about the importance of a healthy environment.

Madam Speaker and colleagues, please join me in applauding Fred Rzepka for his outstanding service to the Cleveland community. The talents and the dedication of citizens like him are essential to preserving the character of our government, from the local level, up. Native violets, yellow iris, and white trilliums will bloom each year as a testimony to his integrity and good work.

HONORING COMMUNITY ACTIVIST, NURSE, MOTHER, GRANDMOTHER AND GREAT GRANDMOTHER MRS. KATHERINE TELLEZ ANDRADE

HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Ms. CHU. Madam Speaker, I rise today to recognize a great loss to our community, Mrs. Katherine Tellez Andrade, who passed away on November 25, 2010, at the age of 85. My heart goes out to her daughters, the Hon. Adele Andrade-Stadler and Vibiana Andrade; her sons Adrian Andrade and Robert Andrade; her grandchildren Sean Andrade, Esq., Pilar Andrade, Emilio Andrade, Julian Andrade, Joaquin Andrade, Ramona Andrade Stadler and Katherine Andrade Ortiz; and the rest of her dear friends and family members.

Katherine was an extraordinary citizen, mother, grandmother, great grandmother and a role model for community activism. Her selfless and just nature was cultivated in childhood, being one of 13 children raised by Ramona Ochoa and Florencio Tellez in the hard-scrabble mining town of Clifton, Arizona. Growing up during the Great Depression in a small town divided by race and privilege fueled her lifelong commitment to fighting injustice.

After high school, Katherine moved to Los Angeles to help in the war effort, assembling auxiliary gas tanks at a plant during World War II. While living in Boyle Heights she would always pass by General Hospital, vowing to one day work there as a nurse. After the war she returned to Arizona to pursue her dream, entering a federal nursing program at St. Mary's Hospital and eventually returning to L.A., where she worked as a nurse for many years at General Hospital and many other hospitals.

After her marriage to Arthur Andrade, she raised her four children as a single parent, instilling in them her own work ethic and sense of social justice. She led by example, fighting against an English-only movement and other anti-immigrant measures in her longtime hometown of Monterey Park. She was a founding member of the Committee for Harmony in Monterey Park, which was formed to counter the anti-immigrant forces in the community, and she went on to a long involvement in grassroots activism, volunteering as a poll inspector and fighting for many Democratic causes.

She cared deeply for her community, working to involve the Spanish-speaking Latino community in her local church and even offering her home to a homeless woman whom she found sleeping at the local post office.

I urge all my House colleagues to join me in honoring this remarkable woman for her remarkable service to our community.

EXTENDING CONDOLENCES TO VICTIMS OF FIRE IN ISRAEL

SPEECH OF

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. AL GREEN of Texas. Mr. Speaker, I join my colleagues in supporting H. Res. 1751, a resolution mourning the loss of life and extending condolences to the families affected by the fire in northern Israel. Thank you to my colleague, Representative RON KLEIN, for offering this resolution.

I would like to offer my sincere condolences to the families and loved ones who have lost their lives in the fires in northern Israel. We stand by Israel during this difficult time and pledge our assistance in the wake of this tragedy.

On December 2, 2010, a massive wildfire broke out in the northern region of Israel, near the city of Haifa. The four day fire ravaged the

Carmel mountain forests, forcing the evacuation of over 17,000 residents. One of the worst forest fires in Israel's history, this inferno claimed as many as 40 lives.

The fire damaged about 5 million trees and 12,000 acres. In a country where only 7 percent of the land is forested, the loss of precious woodland was felt as a national loss. In total, the fire caused about $74 million in damages, including 250 homes.

In response to this tragedy, the United States and the international community stepped in to help Israel battle the flames. The U.S. answered Israel's request for assistance by providing much needed supplies, technical expertise, and equipment.

I applaud the individuals, businesses and philanthropic organizations across the United Sates and throughout the international community who have responded to the devastation in Israel with an outpouring of generosity and support.

With help from the United States and our friends worldwide, Israel will overcome this challenge. We pledge our continued support as Israel works to restore damaged communities, replenish wildlife, and plant new forests.

IN HONOR OF PRESIDENT BRONISLAW KOMOROWSKI'S VISIT TO CLEVELAND, OHIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. KUCINICH. Madam Speaker, I rise today to honor the visit of Polish President Bronislaw Komorowski to Cleveland, Ohio. Since his recent election following the tragic death of former President Lech Kaczynski, President Komorowski has already become a powerful voice for peacemaking, reform, and cooperation in the world theatre.

In just a few short months, President Komorowski has taken steps to facilitate integration of Poland into the European Union, has proposed a plan for eliminating government corruption, and has met with Russian President Dmitry Medvedev to rebuild the political and economic relationship between the two countries. He has also continued former President Kaczynski's tradition of celebrating Hanukkah with Warsaw's Jewish community.

I am honored by the President's visit, and I know that my constituents deeply appreciate his efforts. Cleveland is home to a thriving Polish community, which has held together in the face of adversity and today enriches our culture with festivals, films, concerts, and exhibitions. His visit to our city acknowledges this community's success and marks yet another laudable effort toward strengthening international relationships and spreading good will.

Madam Speaker and colleagues, please join me in honor of President Bronislaw and Cleveland's Polonia. May this visit enhance the ties between Poland and the United States, and bring Cleveland's Polish community the recognition it deserves.

HONORING MARTIN LUTHER KING, JR. ELEMENTARY SCHOOL IN COLLEGE PARK, GEORGIA

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. SCOTT of Georgia. Madam Speaker, distinguished colleagues, I rise today to extend my heartiest congratulations to Martin Luther King Jr. Elementary School in College Park in the 13th district of Georgia. This exceptional school has been granted a 2010 National Title I Distinguished School Award by the State of Georgia. I am proud to represent the hard-working students, dedicated teachers and strong administrators that made this achievement possible.

Martin Luther King Jr. Elementary School was founded in 2003 to provide quality instruction and challenging learning experiences for students. Among its core beliefs are a commitment to put children first and an understanding that children must accept responsibility for their learning in order to improve their future. The teaching curriculum is centered on its children; the teachers meticulously track student progress and collaborate to structure each student's lesson.

As we consider the challenges that our education system faces, we should consider Martin Luther King Jr. Elementary an example of excellent student achievement. In addition to providing a welcoming environment for students and ensuring school safety, students are exposed to immersive, technology-rich lessons that will prepare them for the future. Detailed reports indicate not only the students that need individualized attention, but also the students who are excelling. Perhaps the best practices from this school, including the attention to detail and dedication to learning, can be used to aid students around the country to exceed expectations.

Madam Speaker, I would like to personally congratulate the principal of this great institution, Dr. Machelle Matthews, who has led her school to new heights and helped her students to dream their own futures. Please join me in honoring the venerable Martin Luther King Jr. Elementary School on their achievement.

TRIBUTE TO KATHLEEN ATTERHOLT ON THE OCCASION OF HER RETIREMENT

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. PENCE. Madam Speaker, I rise today to honor a friend and community advocate. After 16 years of faithful service, Kathleen Atterholt of my staff in Anderson, Indiana, will be retiring from public service at the end of 2010.

Kathleen was born to James and Margaret Steele on September 23, 1935, in Anderson, Indiana. She went on to graduate from Anderson High School in 1953, and she later earned a Bachelor of Arts degree from Purdue University and a Bachelor of Science degree from Viterbo College. While at Purdue, Kathleen was also an active member of Alpha Chi Omega Sorority.

Given her family's history of public service, it is no surprise that Kathleen has also dedicated her life to helping those in her community. Her late father, James Steele, served on the Anderson Board of Public Safety and the Board of Public Works. Her brother, Jim Steele, served as Controller for the City of Anderson and later for the City of Indianapolis. Lastly, her son, Jim Atterholt, served two terms in the Indiana General Assembly and is currently the chairman of the Indiana Utility Regulatory Commission.

After staying home to raise her two sons, Kathleen began her career in public service working as a Constituent Services Representative for Congressman David McIntosh in 1994. During those years, she also worked occasionally for the Madison County, Indiana Election Board. When I took office in 2001, Kathleen stayed on with my staff and continued to lend her expertise to the constituents in my district. For more than a decade, she has helped people navigate their way through the Federal Government and receive assistance from Federal agencies. Her kindness and compassion have undoubtedly helped to renew the people's trust in their government.

Over the years her particular areas of expertise have been advocating on behalf of constituents with the United States Citizenship and Immigration Service, United States Embassies and Consulates, the United States Passport Agency, the Internal Revenue Service, and the Centers for Medicare and Medicaid Services. Kathleen has said that some of her fondest memories have been when parents have brought their internationally adopted children by the office simply to thank Kathleen for her advocacy on their behalf. She has also been able to meet married couples, friends, and relatives whom she helped obtain proper immigration documentation in order to be reunited with their loved ones. Her kind heart has made Kathleen an invaluable liaison to my constituency, and she has shown an ability to relate to others with the compassion and empathy required of public service.

I offer my deepest gratitude to Kathleen for her years of tireless devotion and service not only as a member of my staff, but as a servant leader to constituents in my district. She has embodied the commandment found in the Good Book to ''Do nothing out of selfish ambition or vain conceit. Rather, in humility value others above yourselves, not looking to your own interests but each of you to the interests of the others.'' Though she will be sorely missed by myself, my family, and the rest of my staff, I wish Kathleen blessings and joy in the years ahead as she begins her retirement.

HONORING CONGRESSMAN ARTUR DAVIS FOR HIS SERVICE TO WEST ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. BONNER. Madam Speaker, I rise to honor and recognize the exemplary service of my colleague, and friend, Congressman ARTUR DAVIS, who has represented Alabama's Seventh Congressional District since 2002.

A native of Montgomery, Congressman DAVIS graduated with honors from both Harvard University and Harvard Law School and

has equally distinguished himself in public service.

As a law student, he worked for the Southern Poverty Law Center and the late U.S. Senator Howell Heflin. After law school, ARTUR DAVIS compiled a near 100 percent trial conviction record as a federal prosecutor in the Middle District of Alabama. From 1998 to 2002, he worked as a litigator in private practice.

Congressman DAVIS was first elected to Congress in 2002 and has served four terms representing his west Alabama district which encompasses twelve counties, spanning from Birmingham and Tuscaloosa to the Black Belt.

Congressman DAVIS and I both represent portions of Clarke County and it has been my personal pleasure to work with him and his staff during his 8 years in the House. We were both elected in the same class of 2002 and have labored together to help expand economic opportunity for southwest Alabama. I am particularly grateful for his support of efforts to enhance the Port of Mobile and the Alabama State Docks as well as his valuable assistance in ongoing major economic development projects for our region.

ARTUR made his mark in Washington as an effective legislator who has won national attention for his leadership on a range of issues. He serves as a member of the prestigious Ways and Means Committee, which oversees economic policy. Congressman DAVIS is only the tenth Alabamian in 190 years to serve on this committee, which is the only congressional committee actually described in the Constitution.

He was the chief advocate for legislation to save the HOPE VI program for revitalizing public housing communities. He has also been a strong voice for creative ideas that would expand health care and improve educational performance benefitting rural and urban areas alike.

ARTUR has garnered a variety of honors during his tenure on Capitol Hill, including being selected by Esquire Magazine as one of the 10 best Congressmen in America.

As they prepare to leave Congress, I extend my best wishes to ARTUR and his lovely wife, Tara, and thank them both for their honorable service and leadership for the people of Alabama.

HONORING DEAN HIRSCH

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. DREIER. Madam Speaker, today I would like to honor Dean Hirsch for his distinguished career in serving others around the world. Dean recently retired as the long-time president of World Vision International, capping a 34-year career at the humanitarian organization.

World Vision International is a relief organization that serves tens of millions of people in need, in nearly 100 countries around the globe. World Vision is helping to improve the lives of the world's most impoverished people, with a special focus on children. Under Dean Hirsch's leadership, World Vision has worked to alleviate the suffering of those facing both the long-term challenges of endemic poverty, famine and disease, as well as acute crises, such as the 2004 tsunami.

Throughout his tenure as President, Dean was instrumental in fostering greater cooperation between World Vision and other leading relief and humanitarian organizations, in order to better serve those in need. I had the opportunity to spend time with Dean at the World Economic Forum in Davos, Switzerland, where he offered an important voice on addressing the root challenges of poverty. Dean often said that his mission at World Vision was to "help create a world in which no child suffers or dies for lack of food, clean water, shelter or protection from exploitation or war."

I congratulate Dean on a very distinguished career, thank him for his great humanitarian work, and wish him and his wife Wendy all the best as they begin this new phase of their life together.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Ms. WOOLSEY. Madam Speaker, on December 8, 2010, I was unavoidably detained and was unable to record my vote for rollcall No. 624. Had I been present I would have voted: Rollcall No. 624: "yes"—To extend the Child Safety Pilot Program.

TRIBUTE TO REVEREND WESLEY A. JAMES

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. BONNER. Madam Speaker, I rise to pay tribute to the life and memory of a remarkable civic leader who was recently called from us. The Rev. Wesley A. James never held an elected political office, yet his influence over his beloved Mobile, Alabama surpassed many who have.

A native of Mobile and a 1970 graduate of Central High School, Rev. James continued on to the University of South Alabama where he earned a Bachelor of Arts Degree in Criminal Justice Administration. In 1979 he graduated from Virginia Union University School of Theology where he received a Master of Divinity Degree. He was also active on campus as president of the student body, director of resident life, and an instructor of freshman orientation.

In 1981 he graduated number one in his class from Southwest Police Academy located at Faulkner State Community College in Bay Minette, Alabama. From 1990 to 1995, he was a fellow at Boston University School of Public Health. And, in 1997 he earned a Doctor of Ministry Degree, with emphasis on community development from Virginia Union University School of Theology.

Rev. James took the helm of Franklin Street Missionary Baptist Church in Mobile in 1988, leading the church's ministry until his untimely passing last month. While his role as pastor and spiritual guide for his flock was central to his life's calling, Rev. James took an equally active role in his community where he served on a wide variety of boards and coalitions.

He was both past chairman and member of the board of the Mobile Water & Sewer Service. He served on the MWSS for twenty years, overseeing a seventy million dollar budget. He also served three years on The Mobile Area Chamber of Commerce Board.

Leaning on his law enforcement and pastoral backgrounds, Rev. James was both an active member of the National Board of Directors of the Community Coalition For A Drug Free America and a founding member of the Coalition for A Drug Free Mobile County.

He was also moderator of the Mobile Baptist Sunlight Association where he oversaw programs for 87 Baptist churches in Mobile and Washington Counties.

Rev. James was noted for his unbending devotion to local schools and his ability to reach across the community to bring together different views for the common good.

His love of Mobile and its patchwork of communities no doubt inspired his dedication to serve the people on so many different levels.

Madam Speaker, we all mourn the loss of Rev. James and on behalf of the people of South Alabama, I wish to extend my condolences to his wonderful wife, Gwendolyn, their children, Sophia, Wesley, Abron, and their extended personal and church family for their loss. You are all in our thoughts and prayers.

PERSONAL EXPLANATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Ms. GRANGER. Madam Speaker, on rollcall No. 622 and 625, I was absent from the House. Had I been present, I would have voted "no."

TRIBUTE TO ISADORE BANKS

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. BERRY. Madam Speaker, I am here today to pay tribute to Isadore Banks, a proud World War I veteran, important leader in the community, and someone I am proud to say made east Arkansas his home. In June of 1954, Isadore became the victim of a heinous racially charged murder for which his attackers were never found. I ask all my fellow colleagues to stand with me today to honor the memory of this great man and also to condemn such senseless acts of violence in the history of this Nation.

Although born in Georgia, after serving in World War I, Isadore Banks would come to call Crittenden County, Arkansas, home. As a place where racial tensions ran high at the time, Isadore made a name for himself as one of the most successful farmers in the area.

Isadore was acutely aware of troubles faced by the black community. He used his business savvy to help create a cotton gin business that helped to support other black farmers, and would often buy school supplies for black schools around town that were in need. He is

most notable for almost singlehandedly bringing electricity to the town of Marion in the 1920s.

In a time of heavy racial violence, Isadore Banks became an inspiration to the whole community, and something of a political leader. His strength and courage in the face of these challenging times, and his compassion for the plight of his fellow man will serve as a reminder to us all—that we should never carry hate in our hearts, but always love in our actions.

My blessings and prayers go to Isadore's family. We shall never forget him.

JEWISH FEDERATION OF NORTHWEST INDIANA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. VISCLOSKY. Madam Speaker, it is with great pleasure and admiration that I stand before you today to recognize the Jewish Federation of Northwest Indiana and its members for their outstanding community service, and to celebrate the accomplishments of the organization at its 52nd annual meeting, which will take place at the Bernard and Estelle Marcus Jewish Federation Community Building on Sunday, December 12, 2010.

The Jewish Federation of Northwest Indiana is a local branch of the larger Jewish Federations of North America. The Jewish Federations of North America has directed its humanitarian efforts toward improving the social conditions of Jews and non-Jews throughout the world since 1940. Currently, this organization serves 155 communities across North America. The Jewish Federation of Northwest Indiana, in conjunction with its national and international partners, puts forth significant support toward rescue, relief, and development programs that serve Jewish communities in need in over 60 countries, including Israel, the former Soviet Union, Latin America, Africa, and Central and Eastern Europe.

The Jewish Federation of Northwest Indiana's long tradition of community service and involvement in the life of Northwest Indiana is to be commended. This organization continues to support many local organizations through its endowment program and is committed to charity work, helping many in need. The charity programs operated by the Jewish Federation of Northwest Indiana, for which many members have been honored, include the Food Pantry Drive, Shelter Needs, the Holiday Gift Drive, the Adult Friendship Program, the School Backpack Drive, the Senior Retreat, the High School Prom Dress Drive, the JCY Camp, Movie Night, and K'Ton Ton, its preschool program. The people of Northwest Indiana certainly have been rewarded by the service and uncompromising loyalty displayed by the Jewish Federation of Northwest Indiana and its members. I congratulate the community service award winners, as they are worthy of the highest praise.

Madam Speaker, at this time, I ask that you and my other distinguished colleagues join me in honoring the Jewish Federation of Northwest Indiana for its exceptional service and dedication to not only the Northwest Indiana community, but communities worldwide. The members of this truly outstanding organization continue to touch the lives of countless people, and for their unselfish, lifelong commitment, they are worthy of the highest praise.

HONORING CONGRESSMAN PARKER GRIFFITH FOR HIS SERVICE TO NORTH ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. BONNER. Madam Speaker, I rise to recognize the distinguished service of my colleague and friend, Congressman PARKER GRIFFITH, who has tirelessly represented the people of Alabama's Tennessee Valley region during the 111th Congress.

A native of Shreveport, Louisiana, PARKER GRIFFITH spent much of his career in medicine before turning to public service later in life. In 1970, he earned his medical degree from the Louisiana State University Medical School and served in residency at the University of Texas' M. D. Anderson Cancer Center.

His medical career includes the LSU Service Charity Hospital in New Orleans and the University of Texas Medical Branch, UTMB, in Galveston, Texas. Dr. GRIFFITH also served as a Medical Corps captain in the U.S. Army Reserve from 1970 to 1973, before later moving to north Alabama.

Dr. GRIFFITH was the first radiation oncologist in north Alabama and a pioneer in the early diagnosis and treatment of cancer. He established the first Comprehensive Cancer Center in north Alabama to treat all types of cancer. As a physician, he provided free and discounted care to patients without insurance.

PARKER retired from medicine in December 1992, and with his wife, Virginia, he co-founded the Griffith Family Foundation, which awards cash grants to elementary school libraries in northern Alabama. Since its establishment in 2005, the foundation has donated over $50,000 to area schools.

Dr. GRIFFITH'S political career began in 2006 when he won a seat in the Alabama State Senate, representing the 7th district, including the Huntsville area. During his term in the State Senate, he worked to improve Alabama's healthcare system, lower taxes and expand early childhood education programs.

In 2008, Dr. GRIFFITH was elected to Congress, representing Alabama's Fifth Congressional District. In the U.S. House, he was selected as a member the influential Energy and Commerce Committee, widely considered one of the three most powerful in the House of Representatives. He also served on the Oversight and Investigations, Energy and Environment and Communications, and Technology and the Internet subcommittees.

During his time in Congress, Dr. GRIFFITH advocated for NASA and the Marshall Space Flight Center, Redstone Arsenal and the TVA—all vital to his district. He also proudly voted to lower taxes, invest in education and create jobs.

As PARKER and his wife, Virginia, leave public service for now and return to Alabama full time, I thank them on behalf of the people of Alabama for their esteemed service and I wish both of them the very best.

SANGRE DE CRISTO NATIONAL HISTORIC PARK STUDY

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. SALAZAR. Madam Speaker, I submit the following:

SECTION I.—SANGRE DE CRISTO NATIONAL HISTORIC PARK STUDY.

(a) FINDINGS.—The Congress finds the following:

(1) The Sangre de Cristo Mountain Range-San Luis Valley region of Southern Colorado contains some of Colorado's oldest communities and examples of America's rich Spanish-Hispanic history, culture and traditions.

(b) PURPOSE.—The purpose of this section is to authorize a study to determine the most effective ways to preserve, protect and interpret the Spanish-Hispanic historic and cultural resources associated with the Sangre de Cristo Mountain Range-San Luis Valley region of Southern Colorado.

(c) STUDY.—The Secretary of the Interior (Secretary) shall conduct a special resource study of sites along or within the vicinity of the Los Caminos Antiguos Scenic and Historic Byway in the San Luis Valley to determine whether any such sites may be suitable for inclusion in the National Park System. Sites for study may include, but not be limited to, the Sangre de Cristo Heritage Center, San Luis, Costilla County, Colorado; the Sociedad Proteccion Mutua de Trabajadores Unidos (SPMDTU) building, Antonito, Conejos County, Colorado; the Fort Garland Museum, Fort Garland, Costilla County, Colorado; and the Denver & Rio Grande Antonito Depot, Antonito, Conejos County, Colorado.

(d) CONTENTS.—In conducting the study under subsection (c), the Secretary shall—

(1) evaluate the national and international significance of these sites, including—

(A) the history of communities under Spanish rule from 1598 through 1821;

(B) the history of communities under Mexican rule between 1821 and 1848, the date of conclusion of the Mexican American War; and

(C) the post-1848 history of the area under United States' rule including the first non-native American settlements, and the creation of the States of Colorado and New Mexico;

(2) determine the suitability and feasibility of designating sites as units of the National Park System;

(3) consider other alternatives for preservation, protection, and interpretation of these sites by federal, State, or local governmental entities, or private and nonprofit organizations;

(4) consult with interested federal, State, or local governmental entities, private and nonprofit organizations or any other interested individuals; and

(5) identify cost estimates for any federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives.

(c) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

(d) REPORT.—Not later than 1 year after the date on which funds are first made available for the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and

(2) any conclusions and recommendations of the Secretary.

(e) APPROPRIATION AUTHORITY.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

PERSONAL EXPLANATION

HON. MARLIN A. STUTZMAN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. STUTZMAN. Madam Speaker, on roll-call No. 625, I was unavoidably detained, and had I been present, I would have voted ''nay.''

HONORING CONGRESSMAN BOBBY BRIGHT FOR HIS SERVICE TO SOUTH ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. BONNER. Madam Speaker, I rise to recognize the distinguished service of my colleague, Congressman BOBBY BRIGHT, who represented the people of Alabama's Second Congressional District during the 111th Congress.

A native of Dale County in the Alabama Wiregrass region, BOBBY NEAL BRIGHT brought to Washington a determination to look after both the rural and urban areas of his sprawling southeast Alabama district, and he did so very well.

Born into a large family and raised on hard work, Congressman BRIGHT attended Enterprise State Junior College and later Auburn University where, in 1975, he earned a Bachelor of Science degree in Political Science. He later received a Masters Degree in Criminal Justice from Troy University and a Juris Doctor degree at Thomas Goode Jones School of Law in Montgomery.

After graduating from college, BOBBY wore many hats as a teacher, financial advisor, corrections officer, law clerk, and later practiced law for 16 years.

He first entered public service in 1999, when he was elected mayor of Alabama's capital city, Montgomery. He was subsequently reelected twice, serving nine years in office.

Under his leadership, Montgomery experienced unprecedented job growth, including the construction of Hyundai America's car plant just south of town. During his tenure, he initiated a downtown and riverfront revitalization project which re-invented Montgomery's tourism industry, bringing attractions such as the Renaissance Hotel and Spa and The Montgomery Biscuits minor league baseball team.

Upon being elected to the U.S. House of Representatives in 2008, Congressman BRIGHT leveraged his leadership skills for Alabama's River Region and the Wiregrass.

He quickly won a seat on the House Armed Services Committee in order to look after the district's largest employers, Maxwell-Gunter Air Force Base and the U.S. Army Aviation Center at Fort Rucker.

Congressman BRIGHT also served on the Agriculture and Small Business committees which enabled him to look after the other major pillars of the local economy, including Alabama's peanut and cotton farmers and the small businesses which dot the landscape from Deatsville to Dothan.

As this Congress draws to a close and Congressman BRIGHT prepares to return to Alabama, I wish him, his wife, Lynn, and their three children, Neal, Lisa and Katie, the very best of luck in their future endeavors.

SEX TRAFFICKING

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. POE of Texas. Madam Speaker, for years we have heard of the horrors of international sex trafficking of children. It is an abomination that young children around the world are forced into this degrading, humiliating life. No child should have their innocence stolen in this manner.

We're only just beginning to hear about the traffickers that prey on our own children, right here in America. The FBI's Innocence Lost Task Force calls domestic minor sex trafficking the ''most overlooked and under-investigated form of child sexual abuse.''

Why aren't we paying closer attention to this in America? According to the FBI, it's because too many people believe that child prostitution is a victimless crime. How could a young boy or girl being forced into this lifestyle be victimless?

These children are abused and exploited. The horror of what they've been through in their young lives is almost too much to bear. Children are not willing participants in this trauma. This kind of thinking is wrong. These children are victims. The men that buy young boys and girls for sex are guilty of exploitation and abuse.

These sex traffickers and their customers are the filth of humanity. As one Texas Ranger told me, ''Judge, when you see one, get a rope.''

Houston, Texas, is one of the main hubs for human trafficking in the United States. We have been dealing with this problem for a long time. However, in recent years the city has made tremendous strides towards addressing it.

In Houston, we have one of the 42 Human Trafficking Rescue Alliance groups in the country. Together with the FBI's Innocence Lost initiative, they have rescued over 140 domestic victims. Numerous traffickers have been prosecuted, several receiving life sentences.

Earlier this month, I met with the Human Trafficking Rescue Alliance. Included in this group is Houston Constable Ron Hickman—a law enforcement leader in confronting the epidemic of trafficking in Texas. He and his officers told me that one of the biggest issues they face in combating trafficking is how to care for the victims.

More specifically, they told me that there is better care available to the international victims they rescue than there is for our own citizens. International victims are eligible to apply for a U-visa or a T-visa, which allows them to remain lawfully in the United States.

Immigrant service groups help them apply for free legal, medical, mental, housing and educational services. Internationally trafficked children can receive care in a residential facility, or in a long-term foster home. Basically, we provide a wealth of care to internationally trafficked victims, as we should.

It is a great thing to have these services. We should be doing all we can to rescue all children from this scourge.

But consider the resources that are available to a victim of domestic trafficking in Houston. At the moment law enforcement agents come across victims of domestic trafficking, they are required to take them into custody. Once in custody, domestic minor victims can only gain access to services by being labeled as delinquents and charged with a class B misdemeanor of prostitution, obtaining a permanent criminal record.

That's right—to gain access to short term services, they have to be arrested first. And these short term services do not even begin to address the severe physical and psychological trauma that these girls have survived.

Without access to this specialized care, it has been shown that trafficking victims simply return to their traffickers and continue the cycle of abuse. They have nowhere else to go, so they go back to the only life they know.

What we need in Houston and throughout the nation is specialized, long term, residential treatment facilities to care for victims of domestic minor sex trafficking. Any legislation that addresses this issue must include this victim-centered component.

I am proud to be an original cosponsor of H.R. 5575, introduced by my friends Congresswoman CAROLINE MALONEY and Congressman CHRIS SMITH, which pays close attention to the care and support of victims.

We have done a marvelous job caring for the victims that are trafficked across our border. We need to ensure that we are doing the same for our own children.

And that's just the way it is.

THANKING MS. LEA FOWLIE FOR HER SERVICE TO THE HOUSE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. BRADY of Pennsylvania. Madam Speaker, on the occasion of her retirement on September 30, 2010, we rise to thank Ms. Lea Fowlie for her 36 years of distinguished service to the United States House of Representatives. Lea has served this great institution as a valued employee of House Information Resources, HIR, within the Office of the Chief Administrative Officer, CAO.

Lea began serving the House of Representatives on January 7, 1974, as a Junior Computer Terminal Operator in the Bill Status Office, where she responded to as many as 100 telephone inquiries a day about the status of legislation from both the American public and the House community. She was appointed Quality Control Coordinator and contacted House committees, the Senate Bill Clerk, and the White House daily to ensure the accuracy of the data.

Lea was selected in the late 1970s as one of the first Service Representatives to inform Congressional offices of emerging computer technologies in the House and was appointed

in the early 1980s as an Office Automation Consultant to analyze mail flow in Member offices. In the late 1980s and early 1990s, she served as an Applications Analyst where she assisted in the design, testing, implementation, and support of the House's correspondence management service and several online databases. In the late 1990s, Lea worked to ensure a smooth technology Y2K transition and assisted with the conversion of online services from the mainframe to the Web.

Lea's coworkers and clients came to rely on her for her editorial, public speaking, and collaboration skills. She wrote, edited, and produced user documentation for classroom instruction, served as a member of the CAO Communications Team, had an article published in Government Information Quarterly in 1991 as part of a special symposium on legislative information, and served as Editor of the e-CyberCongress Connection Newsletter distributed to House staff. Lea also participated in several Congressional Research Service, CRS, District/State Institutes, delivered the ''History of HIR and Technology'' portion of the HIR CIO Vision briefing: Distinguished Service for a Digital World, and was a primary speaker at two Federal funding workshops in Congressional district offices.

Lea was appointed as one of the first classroom trainers for the House of Representatives in the 1970s and returned to the classroom environment three times while at the House. She spent the last 15 years with The House Learning Center instructing Congressional staff in a wide range of desktop software, BlackBerry, Web design, online research, and professional development skills. She consistently received high marks from her students. She was instrumental in the development of job-related training matrices and in forming a partnership with the Congressional Research Service, CRS, to advise staff on how to assist their constituents in finding Federal funds for district projects.

Lea was recognized by CAO and HIR leadership for her work in individual and team efforts on the CAO Roll of Honor, as a CAO All Star, with a CAO/HIR ''Pat on the Back'', 107–111th Congressional Transitions Teams, and as a CAO ACE Excellence Award nominee. The Congressional Research Service (CRS) recognized her for her work on the Legislative Information System (LIS) project where she served as the House's representative. She was spotlighted in the January-June 2007 CAO Semi-Annual Report and in the 'Trophy Case' on the CAOnline internal web site. Lea received numerous notes and letters of appreciation from Members of Congress, Congressional staff, coworkers, and the public.

On behalf of the entire House community, we extend our congratulations to Lea for her many years of dedication and outstanding contributions to the United States House of Representatives. We wish Lea many wonderful years in fulfilling her retirement dreams.

TRIBUTE TO NORMAN FLOYD McGOWIN, JR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2010

Mr. BONNER. Madam Speaker, I rise to pay tribute to Mr. Norman Floyd McGowin, Jr., of Chapman, Alabama; a philanthropist, devoted steward of the land and expert aviator who recently passed away at the age of 79.

A graduate of Lawrenceville School in 1949, Floyd McGowin earned his undergraduate degree in International Relations from Yale University in 1953. After college, he served his country in the United States Marine Corps and Reserves, rising to the rank of First Lieutenant.

After returning to civilian life, Floyd became a principal in his south Butler County, Alabama family business, the W.T. Smith Lumber Company, one of the oldest and largest lumber operations in Alabama. When the company was sold to Union Camp in 1966, he remained at the helm, serving as President of the Rocky Creek Logging Company until his retirement in 1991.

Floyd was a distinguished business leader, serving on numerous boards of directors of forestry-related organizations and financial institutions. He was also instrumental in pioneering aviation mapping techniques for forest management.

In addition to his many business accomplishments, Floyd was also known as a skilled aviator. In 2009, he was honored with the FAA Wright Brothers Master Pilot Award. He completed over 50 years of flying with more than 13,000 hours in 58 types of aircraft, including flying for 10 years as a professional airshow pilot. He was inducted into the Alabama Aviation Hall of Fame in 1997. At the time of his death, he was the owner and operator of McGowin Field in Chapman, established in 1930, which is the second oldest active civil airport in Alabama.

He also served on nonprofit educational foundations promoting flight. He was Chairman of the Wright Brothers/Maxwell Field Foundation of Montgomery, Alabama and Vice President and Director of The Discovery of Flight Foundation of Warrenton, Virginia. He served proudly as a Director of the Alabama Archives and History Foundation. He completed a manuscript titled The Forest and the Trees, which is under contract with New South Books awaiting commercial publication.

Madam Speaker, South Alabama has lost a patriot and a pioneer with the passing of Floyd McGowin. We owe a debt of gratitude for his contributions to forestry management and the preservation of America's rich aviation history.

I wish to offer my condolences to his wife of 57 years, Rosa Tucker, his son, Dr. Norman F. McGowin, III, and his daughters, Tucker Slaughter and Lucy Moore, as well as his numerous grandchildren and other relatives. You are all in our thoughts and prayers.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S8659–S8728

Measures Introduced: Five bills and two resolutions were introduced, as follows: S. 4018–4022, and S. Res. 698–699. **Page S8713**

Measures Reported:

H.R. 5811, to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe. (S. Rept. No. 111–359)

S. 2782, to provide personal jurisdiction in causes of action against contractors of the United States performing contracts abroad with respect to members of the Armed Forces, civilian employees of the United States, and United States citizen employees of companies performing work for the United States in connection with contractor activities, with an amendment in the nature of a substitute.

Pages S8712–13

Measures Passed:

Ray Daves Airport Traffic Control Tower: Committee on Commerce, Science, and Transportation was discharged from further consideration of H.R. 5591, to designate the airport traffic control tower located at Spokane International Airport in Spokane, Washington, as the ''Ray Daves Airport Traffic Control Tower'', and the bill was then passed.

Page S8690

Pedestrian Safety Enhancement Act: Committee on Commerce, Science, and Transportation was discharged from further consideration of S. 841, to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Page S8690**

Wyden (for Kerry) Amendment No. 4750, in the nature of a substitute. **Page S8690**

National Foundation on Physical Fitness and Sports Establishment Act: Senate passed S. 1275, to establish a National Foundation on Physical Fitness and Sports to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports, after agreeing to the committee amendment in the nature of a substitute.

Pages S8690–92

Authorizing Testimony and Legal Representation: Senate agreed to S. Res. 699, to authorize testimony and legal representation in City of St. Paul v. Irene Victoria Andrews, Bruce Jerome Berry, John Joseph Braun, David Eugene Luce, and Elizabeth Ann McKenzie. **Page S8692**

Domestic Minor Sex Trafficking Deterrence and Victims Support Act: Senate passed S. 2925, to establish a grant program to benefit victims of sex trafficking, after agreeing to the committee amendment in the nature of a substitute, and the following amendments proposed thereto: **Pages S8692–S8701**

Wyden Amendment No. 4751, to strengthen the reporting requirement. **Pages S8695–96**

Wyden Amendment No. 4752, to make technical corrections. **Page S8696**

Measures Considered:

Development, Relief, and Education for Alien Minors Act—Agreement: Senate resumed consideration of the motion to proceed to consideration of S. 3992, to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children. **Page S8662**

During consideration of this measure today, Senate also took the following action:

By 59 yeas to 40 nays (Vote No. 268), Senate tabled the motion to proceed to consideration of the bill. **Page S8668**

Subsequently, a unanimous-consent agreement was reached providing that the previously scheduled vote on the motion to invoke cloture on the motion to proceed to consideration of the bill, be vitiated.

Page S8668

James Zadroga 9/11 Health and Compensation Act: Senate resumed consideration of the motion to proceed to consideration of H.R. 847, to amend the Public Health Service Act to extend and improve

protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001. **Pages S8668–69**

During consideration of this measure today, Senate also took the following action:

By 57 yeas to 42 nays (Vote No. 269), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to consideration of the bill. **Page S8669**

Subsequently, Senator Reid entered a motion to reconsider the vote by which cloture was not invoked on the motion to close further debate on the motion to proceed to consideration of the bill. **Page S8669**

National Defense Authorization Act: Senate resumed consideration of the motion to proceed to consideration of S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, after agreeing to the motion to proceed to reconsider the vote by which cloture was not invoked on the motion to proceed to consideration of the bill. **Pages S8680–83**

During consideration of this measure today, Senate also took the following action:

By 57 yeas to 40 nays (Vote No. 270), three-fifths of those Senators duly chosen and sworn, having not voted in the affirmative, Senate upon reconsideration rejected the motion to close further debate on the motion to proceed to consideration of the bill. **Page S8683**

House Messages:

Airport and Airway Extension Act—Agreement: Senate resumed consideration of the amendment of the House of Representatives to the amendment of the Senate to 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, taking action on the following motions and amendments proposed thereto: **Pages S8701–08**

Withdrawn:

Reid motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Reid Amendment No. 4727 (to the House amendment to the Senate amendment), to change the enactment date. **Page S8701**

Pending:

Reid motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Reid/McConnell Amendment No. 4753 (to the House amendment to the Senate amendment), in the nature of a substitute. **Page S8702**

Reid Amendment No. 4754 (to Amendment No. 4753), to change the enactment date. **Page S8702**

Reid motion to refer the message of the House on the bill to the Committee on Finance, with instructions, Reid Amendment No. 4755, to provide for a study. **Page S8702**

Reid Amendment No. 4756 (to (the instructions) Amendment No. 4755), of a perfecting nature. **Page S8702**

Reid Amendment No. 4757 (to Amendment No. 4756), of a perfecting nature. **Page S8702**

During consideration of this measure today, Senate also took the following action:

By 65 yeas to 11 nays (Vote No. 271), Senate agreed to the motion to table the Reid motion to refer the message of the House on the bill to the Committee on Finance, with instructions, Reid Amendment No. 4729, to provide for a study. **Pages S8701–02**

Reid Amendment No. 4730 (to (the instructions) Amendment No. 4729), of a perfecting nature, fell when Senate agreed to the motion to table the Reid motion to refer the message of the House on the bill to the Committee on Finance, with instructions, Reid Amendment No. 4729, (listed above). **Page S8701**

Reid Amendment No. 4731 (to Amendment No. 4730), of a perfecting nature, fell when Reid Amendment No. 4730 (to (the instructions) Amendment No. 4729), (listed above) fell. **Page S8701**

Reid Amendment No. 4727 (to the House amendment to the Senate amendment), to change the enactment date, fell when Reid motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Reid Amendment No. 4727 (to the House amendment to the Senate amendment), was withdrawn. **Pages S8701, S8702**

Reid Amendment No. 4728 (to Amendment No. 4727), of a perfecting nature, fell when Reid motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Reid Amendment No. 4727 (to the House amendment to the Senate amendment) was withdrawn. **Page S8701**

A motion was entered to close further debate on the Reid motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Reid/McConnell Amendment No. 4753 (to the House amendment to the Senate amendment), (listed above) and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, December 9, 2010, a vote on cloture will occur at 3 p.m. on Monday, December 13, 2010. **Page S8702**

Appointments:

National Committee on Vital and Health Statistics: The Chair, on behalf of the President pro tempore, pursuant to Public Law 104–191, appointed the following individual to the National Committee on Vital and Health Statistics for a four-year term: Dr. Raj Chanderraj of Nevada vice Dr. Richard K. Harding of South Carolina. **Page S8692**

Nomination Received: Senate received the following nomination:

Aaron Paul Dworkin, of Michigan, to be a Member of the National Council on the Arts for a term expiring September 3, 2014. **Page S8728**

Messages from the House: **Page S8711–12**

Measures Referred: **Page S8712**

Enrolled Bills Presented: **Page S8712**

Executive Communications: **Page S8712**

Additional Cosponsors: **Page S8713**

Statements on Introduced Bills/Resolutions: **Pages S8713–15**

Additional Statements: **Pages S8710–11**

Amendments Submitted: **Pages S8715–27**

Authorities for Committees to Meet: **Page S8727**

Privileges of the Floor: **Page S8727**

Record Votes: Four record votes were taken today. (Total—271) **Pages S8668, S8669, S8683, S8702**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 9:23 p.m., until 9:30 a.m. on Friday, December 10, 2010. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8727.)

Committee Meetings

(Committees not listed did not meet)

NOMINATION

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine the nomination of Ramona Emilia Romero, of Pennsylvania, to be General Counsel of the Department of Agriculture, after the nominee, who was introduced by Senator Casey, testified and answered questions in her own behalf.

CREDIT UNIONS

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the state of the credit union industry, after receiving testimony from Deborah Matz, Chairman, National Credit Union Administration.

NOMINATION

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the nomination of Joseph A. Smith, Jr., of North Carolina, to be Director of the Federal Housing Finance Agency, after the nominee, who was introduced by Senators Hagan and Burr, testified and answered questions in his own behalf.

NOMINATION

Committee on Finance: Committee concluded a hearing to examine the nomination of Carolyn W. Colvin, of Maryland, to be Deputy Commissioner of Social Security, Social Security Administration, after the nominee, who was introduced by Senator Cardin, testified and answered questions in her own behalf.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Sue Kathrine Brown, of Texas, to be Ambassador to Montenegro, Joseph M. Torsella, of Pennsylvania, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador, and to be Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, who was introduced by Senator Casey, David Lee Carden, of New York, to be Representative to the Association of Southeast Asian Nations, with the rank and status of Ambassador, Pamela L. Spratlen, of California, to be Ambassador to the Kyrgyz Republic, and Daniel L. Shields III, of Pennsylvania, to be Ambassador to Brunei Darussalam, all of the Department of State, and Eric G. Postel, of Wisconsin, to be an Assistant Administrator of the United States Agency for International Development, after the nominees testified and answered questions in their own behalf.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 8 public bills, H.R. 6508–6515; and 2 resolutions, H.J. Res. 103 and H. Res. 1758, were introduced.

Page H8285–86

Additional Cosponsors: Page H8286

Report Filed: A report was filed today as follows:

H.R. 476, to authorize funds to prevent housing discrimination through the use of nationwide testing, to increase funds for the Fair Housing Initiatives Program, and for other purposes, with an amendment (H. Rept. 111–678). Page H8285

Suspension: The House agreed to suspend the rules and pass the following measure:

Taxpayer Assistance Act of 2010: Concurred in the Senate amendments to H.R. 4994, to amend the Internal Revenue Code of 1986 to reduce taxpayer burdens and enhance taxpayer protections, by a ⅔ yea-and-nay vote of 409 yeas to 2 nays, Roll No. 626. Pages H8267–73, H8274

Recess: The House recessed at 10:41 a.m. and reconvened at 12:45 p.m. Page H8273

Point of Personal Privilege: Representative Waters rose to a point of personal privilege and was recognized. Pages H8274–75

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated on Tuesday, December 7th:

Access to Criminal History Records for State Sentencing Commissions Act of 2010: H.R. 6412, to amend title 28, United States Code, to require the Attorney General to share criminal records with State sentencing commissions, by a ⅔ yea-and-nay vote of 371 yeas to 1 nay, Roll No. 627.

Pages H8275–76

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 10 a.m. on Monday, December 13th, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, December 14th for morning hour debate. Page H8276

Privileged Resolution—Intent to Offer: Representative Waters announced her intent to offer a privileged resolution. Page H8276

Senate Message: Message received from the Senate today appears on pages S8265–66.

Senate Referral: S. 3167 was held at the desk.

Quorum Calls—Votes: Two yea-and-nay votes developed during the proceedings of today and appear on pages H8274 and H8275–76. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 2:55 p.m.

Committee Meetings

ALZHEIMER'S DISEASE

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled "Alzheimer's Disease: The Ongoing Challenges." Testimony was heard from Marcelle Morrison-Bogorad, Director, Division of Neuroscience, National Institute on Aging, NIH, Department of Health and Human Services; and public witnesses.

CIVIL LIBERTIES AND NATIONAL SECURITY

Committee on the Judiciary: Subcommittee on the Constitution, Civil Rights, and Civil Liberties held a hearing on Civil Liberties and National Security. Testimony was heard from Thomas R. Pickering, former Under Secretary, Political Affairs, Department of State, and former U.S. Ambassador to the United Nations; Bruce Fein, former Associate Deputy Attorney General, Department of Justice; and public witnesses.

BRIEFING—WIKILEAKS UPDATE

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Update on WikiLeaks Unauthorized Disclosures. The Committee was briefed by departmental witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, DECEMBER 10, 2010

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

9:30 a.m., Friday, December 10

Senate Chamber

Program for Friday: Senate will be in a period of morning business with Senator Sanders recognized to speak at 10:15 a.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Monday, December 13

House Chamber

Program for Monday: The House will meet in pro forma session at 10 a.m.

Extensions of Remarks, as inserted in this issue

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