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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
December 16, 2010.

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

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

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

O Lord, have pity on us, for You do we wait.

Be our strength every morning, our salvation in time of trouble.

As You approach, people flee. When You rise up in Your majesty, whole nations seem to scatter.

They realize half-truths have led to confusion, and poor decisions reveal lasting consequences.

In You alone do we find the wisdom which leads to stability both now and forever.

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.

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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.

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By order of the Joint Committee on Printing.

CHARLES E. SCHUMER, *Chairman.*

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. SCHOCK) come forward and lead the House in the Pledge of Allegiance.

☐ 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.

Printed on recycled paper.

Mr. SCHOCK led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

WORLDWIDE MARRIAGE ENCOUNTER

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

Mrs. DAHLKEMPER. Mr. Speaker, I rise today to recognize Worldwide Marriage Encounter.

For over 40 years, Worldwide Marriage Encounter has strengthened countless marriages through a weekend workshop to improve a couple's communication. Worldwide Marriage Encounter is totally self-supporting, and no couple is turned away because they do not have the ability to pay. In 2009, over 10,000 couples attended the Worldwide Marriage Encounter weekends in the United States alone.

Marriage is a vital institution in the life of our society. Couples in good marriages live longer and happier lives. Worldwide Marriage Encounter is undertaking a project to recognize the longest married couple from every State, with special recognition to the longest married couple in the United States. As nearly 50 percent of marriages end in divorce, it is truly an inspiration to see how many couples have remained together for so long.

Mr. Speaker, I hope my colleagues will join me in congratulating Worldwide Marriage Encounter and all the volunteers and clergy for their efforts to strengthen marriages throughout our country.

OMNIBUS SPENDING

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

Mr. BUCHANAN. Mr. Speaker, despite $14 trillion in debt, Congress continues to waste taxpayers' money.

The Senate is now debating the Senate bill, loaded with more than 6,000 earmarks, including research for maple syrup in Vermont. This barrel of pork totals $8.3 billion.

America's message last month was very clear—stop the reckless spending.

This continued borrowing and spending is putting our country on the road to bankruptcy. Forty-nine out of 50 States have to balance their budgets. Yet, in the last 50 years, we have only managed to balance the Federal budget five times. This has to change.

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

REBUILDING OUR OWN NATION

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

Mr. HIMES. Mr. Speaker, I make a point every day to look in The Times at that black box, usually on page 7 or 8, that lists the names of those young men and women who have given their lives in Afghanistan.

Yesterday, it struck me, as we go into Christmas, that there were seven names on that list—six of them under the age of 25. Two of them, Ken Necochea and Derek Simonetta, were only 21 years old. I wonder if they'd ever bought a drink in a bar or in the country in which they were serving. On the front page of The New York Times: U.S. Intelligence Offers Dim View of Afghan War.

I say all this because this time last year I was in Afghanistan, watching the good work that these young men and women are doing—building roads, building markets, building a nation—and reflecting on the fact that this is a nation that, for 1,000 years, has spit out foreigners as sport.

As we go into Christmas and I think about the kids in my city of Bridgeport, whose schools have leaking roofs, whose highways are crumbling, whose rails are coming apart, I wonder, Mr. Speaker: Is it not time that we start rebuilding this Nation, not one that seems to not want us there?

ANOTHER HOUSING BUBBLE

(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, American Enterprise Institute fellows Peter Wallison and Edward Pinto have warned, ''It is hard to believe, but it looks like the government will soon use the taxpayers' checkbook again to create a vast market for mortgages with low or no down payments and for overstretched borrowers with blemished credit. As in the period leading to the 2008 financial crisis, these loans will again contribute to a housing bubble.''

They go on to state, ''The goal of Congress and regulators should be to foster the residential mortgage market's return to the standards that used to prevail in 1990, before the affordable housing requirements were imposed on Fannie and Freddie.''

We should fix the current problem. For starters, the Dodd-Frank Act needs to be amended so that quality standards are applied to FHA and other government agencies. This should not impair credit availability for the important home-building and real estate industries.

As a former real estate attorney, I know the government should not overwhelm homeowners with mortgages they cannot afford. This destroys neighborhoods and families.

In conclusion, God bless our troops, and we will never forget September the 11th.

TAX CUTS THROUGH BIPARTISAN COMPROMISE

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

Mr. ALTMIRE. Mr. Speaker, as we work to close out this session of Congress, Members of this House today will vote on a major piece of legislation to extend tax cuts for every American. While this bill is expected to help provide a boost to our economy, perhaps equally important is the way that we arrived at this stage in the legislative process—through bipartisan compromise.

This bill is a result of negotiation between Republicans and Democrats, between the President and the Congress, between the House and the Senate. That's right. This bill which we are going to pass today and send to the President is a result of the type of give-and-take negotiation that is supposed to be part of the legislative process but that, unfortunately, has long been lacking in Congress.

Hopefully, passage of this bill today will be but a sign of things to come. I hope the new Republican leadership in Congress taking office on January 5 will incorporate all points of view—of Republicans and Democrats alike—and will continue working in a bipartisan way to put the American people ahead of partisan politics.

□ 1010

INTERNATIONAL PREVENTING CHILD MARRIAGE ACT

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

Mr. SCHOCK. Mr. Speaker, I rise today in support of the International Preventing Child Marriage Act.

I had the opportunity to travel earlier this year in September with the well-respected nonprofit CARE to the country of Ethiopia. During that time, we visited the Hamlin Fistula Hospital and saw firsthand the atrocities and the realities of the situation with so many of these young girls who are forced into early marriages beyond their wishes, marriages that rob their potential to grow and mature both physically as well as mentally, for them to be able to establish their own life and their own goals and hopes and dreams for them to pursue.

As a leader here in our country and around the world in preventing world poverty and spreading goodwill, there can be nothing better that we can do as a country than to join with our international partners in trying to prevent child marriage, both in Ethiopia as well as other countries around the world, and give these young women the

hope and opportunity that people in our country have for themselves.

I urge a ''yes'' vote.

INCREASING THE NATION'S DEBT

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

Mr. DEFAZIO. Yesterday, with one vote, the United States Senate increased the debt of the United States by $858 billion. Is this the best we can do to help those out of work, the best we can do to begin a sustained economic recovery, to enshrine the trickle-down, supply-side tax cuts of the Bush years that have failed so miserably over the last decade and some of the worst aspects of the so-called stimulus debt finance consumption of goods made in China with money borrowed from China?

Worse yet, $112 billion of this is going to come from Social Security, the first time Congress has ever broken down the firewall between the general fund of the United States and the sacrosanct Social Security trust fund.

No, we could do much, much better.

REJECT THE OMNIBUS APPROPRIATIONS BILL

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

Mr. FLAKE. Mr. Speaker, when the Obama administration was faced with a massive omnibus in January of 2009, the President stated that he had to sign it because this is simply last year's business that he had no part of. Well, he's going to face another omnibus this year. This was all done under his watch by the Congress. It's not his fault, but he has a veto pen and he should use it.

This omnibus that's going to come to the President is going to contain more than 6,000 earmarks for things like a couple of hundred thousand that was mentioned for maple syrup research or $500,000 for biodiesel research from sewage-based biodiesel and thousands and thousands of other earmarks like this.

The President recently said: I agree with those Republican and Democrat Members of Congress who have recently said that, in these challenging days, we simply can't afford what are called earmarks.

Well, Mr. President, please make good on that statement. Veto this omnibus bill coming. Better yet, convince your colleagues in the House and the Senate to reject it before it comes to the floor.

WE CAN DO BETTER

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

Mr. DEUTCH. Mr. Speaker, I came to Congress to fight for new jobs, protect the retirement security of America's seniors, and give middle class families a fair shake in this economy. Yet our efforts, the basic bricks in the foundation of a working economy, have been cast aside by my Republican colleagues.

The Republicans have sweetened the tax deal today by demanding that American taxpayers fork over $26 billion for an estate tax break that will go to about 6,600 families. I offer some perspective.

There are more than 6,600 people in Century Village, King's Point, and each of the major retirement communities I represent. There are more undergraduates at Florida Atlantic University in my district. And my teenage daughters and their high school friends are together on track to have more than 6,600 Facebook friends.

And $26 billion? 16.2 million Americans who depend on food stamps to eat could eat for a year. 3.5 million American college students at our public universities could see their tuition paid in full. And most striking, more than $175,000 could go to each of the 140,000 families whose sons and daughters are serving in Afghanistan and Iraq.

We can do better, Mr. Speaker.

EXTEND ALL THE CURRENT TAX RATES FOR EVERY AMERICAN

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

Ms. FOXX. Mr. Speaker, today is December 16, 2010. There are only 15 days left until the American people are burdened with one of the largest tax increases in almost three decades. We must act now to extend all of the current tax rates for every American. We must allow Americans to keep more of their hard-earned money.

Stopping the tax increases leaves more dollars and cents in the pockets of those who need them. It will also encourage small businesses and the private sector to invest and hire. We need to spur economic growth to pull us out of one of the worst economies in our recent history.

The President and his party currently control both Chambers of Congress and will maintain a majority in the Senate and will hold the White House come January. Let's not just tell our fellow Americans that we listened and have heard their concerns about the economy and their money. Let's show them by extending all the current tax rates for every American and do that without other items that add to the deficit.

WE MUST DO MORE FOR OUR NATIONAL ECONOMY AND JOB MARKET

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

Mr. TONKO. Mr. Speaker, I rise today proud to represent the third fastest growing high-tech job market in the country, that being Albany and the capital district of New York.

According to a new Tech America Foundation report, Albany grew its high-tech positions last year by 1.6 percent. While this is good news, there is also bad news. Nationwide, the number of high-tech jobs shrank by 3.2 percent. Albany's success is at least partially due to the resources available at the University at Albany's College of Nanoscale Science and Engineering. These jobs were not created by a government handout to millionaires or massive estates. They were created by investing in the local infrastructure and economy to create jobs.

While Albany added 900 high-tech jobs over the past couple of years, with an average wage nearing $80,000, we must do more to lay the groundwork for our national economy and job market to grow the high-tech outcome. Those investments yield great returns and produce jobs.

OMNIBUS

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

Mr. PITTS. Mr. Speaker, it's over 1,900 pages long. It contains more than 6,000 earmarks. It costs over $1.1 trillion. It's the new Senate omnibus bill and it's a legislative travesty.

A lame duck Congress with Members who won't be here in just 3 weeks should not saddle the American people with hundreds of billions of dollars in new debt. This bill increases spending over last year, even though we ran up a $1.3 trillion debt this year, and will run up a similarly high deficit next year. We don't need to be growing the Federal Government; we need to be shrinking it.

This bill totally ignores what happened in this country on November 2, but seeing as some of the earmarks come from Senators who won't be back next year, I guess we shouldn't be surprised. The American people are tired of paying their taxes so that $165,000 can pay for maple syrup research and $1 million can go to AFL–CIO training programs.

Congress' approval rating this session is at a record low, 13 percent. With bills like this, we shouldn't be surprised.

TAX CUT PROPOSAL DEFINES CONTRASTING PRIORITIES

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I'm here this morning to simply say that Democrats continue to fight to maintain tax cuts on income up to $250,000 for couples and $200,000 for individuals. My Republican colleagues continue to demand tax cuts for all incomes, including millionaires and billionaires.

I ask my Democrats to please continue to extend the unemployment benefits to help out Americans to make it through this recession, and I plead with my Republican colleagues to not hold the middle class and unemployment hostage any longer.

I also recommend that we help the 155 million middle class Americans at a cost of $214 billion, and I plead with my colleagues to join us in assisting to help because only 4.8 million of the country's wealthiest, at a cost of $133 billion, is what we are trying to make a decision on.

Please join me and look out for the working people of this country, and let the billionaires continue to pay the bills.

□ 1020

HONORING THE SERVICE AND SACRIFICE OF CORPORAL CHAD STAFFORD WADE

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

Mr. BOOZMAN. Mr. Speaker, I rise today to honor one of America's bravest, Corporal Chad Stafford Wade of Bentonville, Arkansas, who valiantly sacrificed his life in support of combat missions in Afghanistan. Corporal Wade was a devoted family man and friend who was known to make those around him laugh. He shared his zest for life through the small things he did that put a smile on the faces of those who loved him, demonstrating his love of music, singing his favorite country songs, and enjoying the outdoors.

Corporal Wade taught others the importance of service, joining the Marine Corps in October of 2007. He was a member of the 2nd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force based in Camp Pendleton, California, and served in combat missions in Iraq and Afghanistan.

My prayers and the prayers of Arkansans are with Corporal Wade's family, including his wife, Katie, his mom, Tami, and his dad Terence. I humbly offer my thanks to Corporal Wade, a true American hero, for his selfless service to the security and well-being of all Americans, and I ask my colleagues to keep his family in our thoughts and prayers during this very difficult time.

WHERE IS ROBIN HOOD WHEN YOU NEED HIM?

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

Ms. EDWARDS of Maryland. Mr. Speaker, where is Robin Hood when you need him? I rise today to express my profound sadness about the tax bill that was passed by the Senate and set to pass in this House that benefits the wealthiest of Americans at the expense of putting billions of dollars of debt onto the backs of our children and grandchildren. Where is Robin Hood?

It's not just about the estate tax for 6,600 families or the tax cuts for the 2 percenters. This is so irresponsible. It contradicts everything, as Democrats, that we have been fighting for for generations. And for those who charge that it's purity or sanctimony, make no mistake, this is about our value as Democrats. It's about the prospect of creating hope and opportunity for our children and grandchildren, and we're not doing it here. Mr. Speaker, I rise today to say that it's time for us to do what's in the interest of working families in this country and not to continue to sacrifice for the very few.

FREE TRADE AGREEMENTS

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

Mr. DREIER. Mr. Speaker, the American people are hurting. We all know that. In my State of California, we have a statewide unemployment rate of 12.5 percent; and in part of the area I am privileged to represent, we have a 15.5 percent unemployment rate. There are steps that we should have taken that we still can take that will help deal with the joblessness problem about which we are all concerned.

I believe that the President has been right on target in talking about the need to open up new markets around the world as we seek to create good manufacturing jobs right here in the United States of America. We can do that if we move as expeditiously as possible to pass not only the Korea Free Trade Agreement, which the President has talked about and he believes is very important, which will be the single-largest bilateral free trade agreement in the history of the world, but also at the same time within this hemisphere, we need to pass the Panama and Colombia Free Trade Agreements. Jobs can be created for Caterpillar workers, for John Deere workers, for Whirlpool workers right here in this country if we can open up the markets within this hemisphere. Union and nonunion jobs will be created. We need to move now.

THE DEFICIT

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

Mr. LYNCH. Later on today, Mr. Speaker, we will address this bill which would award a tax cut for the richest 2 percent of Americans, and it's important that we understand the context in which this bill is being addressed. In this current year, the government has taken in $2.4 trillion in revenue, but we have spent $3.7 trillion. And so we have a deficit of $1.3 trillion. If this bill passes, it will add almost $1 trillion to our national debt.

At current rates, by the year 2040, the interest on the debt will be double the amount that we spend on defense, education, transportation, agriculture, housing, the space program, science, and research and development. We can't keep kicking the can down the road and not address our national debt. We're running out of road, we're running out of time, and the American people deserve a better deal.

COSTLY AND UNNECESSARY SECOND F–35 ENGINE

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

Mr. QUIGLEY. Mr. Speaker, I rise today because, despite opposition from the Secretary of Defense, the President, the Navy, the Air Force, and the Marine Corps, the Senate spending package still includes $450 million for a second engine for the F–35. Americans across the country are tightening their belts, 15 million are unemployed, and many of those with jobs have not seen raises in years. But the Federal Government seems to think that it is exempt from this shared cost-cutting.

Despite the recession and ballooning debt, we continue to fund wasteful projects like the second engine, which our own military has asserted they neither need or want. Sadly, the second engine is just the tip of the defense spending iceberg, the lowest of the low-hanging fruit. According to a recent report by the Sustainable Defense Task Force, hundreds of billions could be cut from our defense budget without harming national security. There can be no sacred cows. Cost-cutting has to include defense, and it should start with what Secretary Gates has called the ''costly and unnecessary'' second F–35 engine.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 4853, TAX RELIEF, UNEMPLOYMENT INSURANCE REAUTHORIZATION, AND JOB CREATION ACT OF 2010

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1766 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES 1766

Resolved, That upon the adoption of this resolution it shall be in order to debate in the House the topics addressed by the motions specified in sections 2 and 3 of this resolution for three hours equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means or their designees.

SEC. 2. After debate pursuant to the first section of this resolution, it shall be in order to take from the Speaker's table the bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United

States Code, to extend authorizations for the airport improvement program, and for other purposes, with the Senate amendment to the House amendment to the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chair of the Committee on Ways and Means or his designee that the House concur in the Senate amendment to the House amendment to the Senate amendment with the amendment printed in the report of the Committee on Rules accompanying this resolution. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

SEC. 3. If the motion described in section 2 of this resolution fails of adoption, the previous question shall be considered as ordered on a motion that the House concur in the Senate amendment to the House amendment to the Senate amendment, on which the Chair shall immediately put the question.

SEC. 4. Until completion of proceedings enabled by the first three sections of this resolution—

(a) the Chair may decline to entertain any intervening motion, resolution, question, or notice;

(b) the Chair may postpone such proceedings to such time as may be designated by the Speaker; and

(c) each amendment and motion considered pursuant to this resolution shall be considered as read.

POINT OF ORDER

Mr. FLAKE. Mr. Speaker, I raise a point of order against H. Res. 1766 because the resolution violates section 426(a) of the Congressional Budget Act. The resolution contains a waiver of all points of order against consideration of the bill, which includes a waiver of section 425 of the Congressional Budget Act, which causes the violation of 426(a).

The SPEAKER pro tempore. The gentleman from Arizona makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden under the rule, and the gentleman from Arizona and the gentlewoman from New York each will control 10 minutes of debate on the question of consideration. Following debate, the Chair will put the question of consideration as the statutory means of disposing of the point of order.

The Chair recognizes the gentleman from Arizona.

□ 1030

Mr. FLAKE. Mr. Speaker, I rise today in opposition to this tax package that the House will consider shortly. While there may not be unfunded mandates per se in the bill, this will impose a burden on States and local governments and everyone else here. And particularly it will add a huge burden to our kids and our grandkids, because we are borrowing hundreds of billions of dollars that will go directly to the deficit and directly to our $14 trillion national debt.

On November 2, I think we got a pretty good message from the taxpayers. They wanted us to stop running deficits and to start paying down the debt. Yet before we even get to the new year, just weeks away from the election, here we are, adding hundreds of billions of dollars to the deficit and to the debt. This compromise shows that Washington just doesn't get it yet. We simply didn't get the message we were supposed to on November 2.

I do support the extension of the 2001 and 2003 tax cuts that were enacted, and we also have to find a remedy for the death tax. But we've got to do it in a different way than this. Congress can take swift action to ensure that taxes don't go up, but we shouldn't be adding the other items that we're doing here. It's taken on the seasonal theme again, of course. It's become a Christmas tree. I'll explain a few of the items in it. But it just notes, more than anything, that we haven't gotten the message, that we're just going about things the same way we always have.

Let me just take one provision here, ethanol. We've been subsidizing ethanol now for nearly 30 years. It's about a $6 billion a year subsidy. They have the trifecta, the ethanol industry. We mandate its use. We impose tariffs to imports to make sure we can compete, and then we subsidize as well. And we're going to continue to do all those things here for an industry that should be mature at this time, but it's continuing to get subsidies. How in the world that belongs as part of this tax package I'll leave for the voters to decide. But it just shows that we haven't changed. When are we going to wake up to the fact that we can't continue to do business like this anymore?

With regard to ethanol, one of the former backers was former Vice President Al Gore. He said the other day: One of the reasons I made this mistake—this mistake being supporting the subsidizing of ethanol—is that I paid particular attention to the farmers in my home State of Tennessee, and I had a certain fondness for the farmers in the State of Iowa because I was about to run for President.

Now, that's a pretty candid admission. And the reason we have ethanol subsidies is that all Presidential campaigns begin in Iowa. But that's no reason to saddle the rest of the country with this kind of burden. And also the negative impacts on the environment are huge and growing from ethanol, yet we continue to do it just to buy a couple of votes to get this tax bill over the top.

With that, I reserve the balance of my time

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

I must say that I understand the point of the gentleman. I think spending this kind of money, over $700 billion over 10 years for 6,600 families in the United States, is a foolish expenditure. I do agree that what we want to do is get the deficit down, and believe me, that does not do it.

Technically, though, this point of order is about whether or not to consider the rule and, ultimately, the underlying measure. And, in reality, it's about trying to block the measure. I believe that that's an abdication of our responsibility. We have to have the opportunity to debate, and without an opportunity for an up-or-down vote on the legislation, we are failing our responsibility. I think that is wrong.

I hope my colleagues will vote ''yes'' so we can consider the legislation on its merits and vote accordingly and not stop it on a procedural motion.

I have the right to close, but in the end, I will urge my colleagues to vote ''yes'' to consider the rule.

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

Mr. FLAKE. I appreciate the comments of the gentlelady. She brings up that this is a technicality, that we're just speaking here on a point of order when we should be speaking on the bill and that we should debate this bill on the merits. I would like to. That's why I actually submitted an amendment to the gentlelady's committee, to the Rules Committee, to debate the ethanol provision; yet it wasn't included. We weren't allowed to debate that. And so if we're not allowed to debate that then under the rule, then we have to debate it some other time.

I would love to hear an explanation from the Rules Committee as to why this wasn't included and why only amendments that may make Members feel good about voting on but have no possibility of delaying this package were even considered.

Mr. DREIER. Will the gentleman yield?

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

Mr. DREIER. I thank my friend for yielding.

I would say to my friend that he is absolutely right in pointing to the fact that we had a more than 2-hour hearing in the Rules Committee. The die was already cast. The decision had already been made that the only thing that would be made in order was an opportunity to increase the death tax, that burden on the intergenerational transfer that we believe is important to keep our economy growing. And the amendment that my friend offered, and my California colleague, Mr. HERGER, offered a similar amendment to deal with this notion of ethanol subsidies, which are just plain wrong, and I'm troubled at the fact that this rule does not allow us a chance to address those issues.

Mr. FLAKE. I thank the gentleman.

Just continuing on the ethanol theme, Robert Bryce of the Manhattan Institute said recently: ''Between 1999 and 2009, while U.S. ethanol production increased sevenfold to more than 700,000 barrels a day, U.S. oil imports actually increased by more than 800,000 barrels per day. Furthermore, and perhaps more surprising, during the same period, U.S. oil exports—yes, exports—more than doubled to more than 2 million barrels per day.

''Data from the Energy Information Administration show that oil imports closely track U.S. oil consumption. Over the past decade, as domestic oil demand grew, imports increased. When consumption fell, imports dropped. Ramped-up ethanol production levels simply had no apparent effect on oil imports or consumption.''

We have every level of the administration, anybody who analyzes this says that this is a boondoggle; and yet it reappears here, a $6 billion item, not insubstantial, not small. But it appears here in this tax package simply to get it over the line. That simply can't happen anymore if we're going to get control on this debt and deficit.

Let me talk about one other provision of the tax bill. All of us talk about the burden that the payroll tax has, and it is big. And it's tough for taxpayers to pay the payroll tax. I would like to lower it. I think everybody would like to lower it. But the payroll tax is dedicated specifically for Social Security. It goes into the Social Security trust fund.

Under this legislation, we'll have a 2 percent reduction in the payroll tax on the employee side. That will net somebody like me or any Member of Congress here about $2,000 a year. What does it do for the deficit? It will balloon the deficit by $120 billion a year. One year from now, because it's only a 1-year reduction, we'll be faced with this same problem.

What do we do as Republicans? We always say we're not going to raise taxes on anybody, no matter how temporary the tax. We'll be forced politically, with the situation, where do we increase this tax? Do we let it go? If we let it continue, that's another $120 billion hole in the deficit and in the Social Security trust fund. Why are we doing that?

If we do have payroll tax deductions, we may well want to, but at least let's have commensurate benefit cuts on the other side. Let's address benefits on the other side. If we're not going to lower them, then we shouldn't lower this.

This is simply irresponsible for us to take a bill like this and assume that it's not going to have an impact on the deficit and not going to have an impact on the debt.

Where are we now? Just a few weeks ago, every one of us, I tell you, every one of us running for office said to the voters, we're going to get control of the debt and the deficit. All of us said that. And yet our first actions here, before we even go into the next Congress, is to put a bill on the floor that's going to balloon the debt and deficit. How can we do that? We can't. We shouldn't. That's why I am raising this point of order.

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

□ 1040

Ms. SLAUGHTER. I continue to reserve the balance of my time.

Mr. FLAKE. May I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman has 1½ minutes remaining.

Mr. FLAKE. Again, this is a package that we simply cannot afford. We cannot go on as if the deficit and the debt don't matter. Not only that they don't matter, but we expand them considerably. We can continue the tax cuts for every American. We can do that without these extra things in the bill. Let's wait until January. Let's wait until we have a new Congress, and let's do a different deal than this. This is not a deal that is good for the taxpayer; it is not a deal that is good for this institution.

We have said that we will change and that we got the message. This is evidence that we haven't.

I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for his comments this morning. I urge him to vote ''no'' on this bill if he plans to do that, and I think he will find a great deal of company. But I want to urge my colleagues to vote ''yes'' on this motion to consider so we may debate and vote on this piece of legislation today.

It is not perfect by any means. I rarely see a piece of perfect legislation. But remember that what we are doing here is concurring in a Senate bill, which limited the fact of how many changes that we would be able to make.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House now consider the resolution?

The question of consideration was decided in the affirmative.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

GENERAL LEAVE

Ms. SLAUGHTER. I also ask unanimous consent that all Members be given 5 legislative days in which to extend their remarks on House Resolution 1766.

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

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, H. Res. 1766 provides for consideration of the Senate amendment to the House amendment to the Senate amendment to H.R. 4853, the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act.

The rule provides 3 hours of debate and makes in order a motion offered by the chair of the Committee on Ways and Means that the House concur in the Senate amendment to the House amendment to the Senate amendment to H.R. 4853 with the amendment printed in the Rules Committee report. If that motion fails, the rule causes to be pending a motion to concur in the Senate amendment to the House amendment to the Senate amendment to H.R. 4853.

Finally, until completion of all proceedings, the Chair may decline to entertain any intervening motion, resolution, question, or notice; the Chair may postpone proceedings to a time designated by the Speaker; and each amendment and motion shall be considered as read.

Mr. Speaker, this bipartisan agreement on a framework for extending middle class tax cuts and extending unemployment relief is certainly not perfect. In fact, I don't like it much at all.

In the lead-up to the debate here this morning, a lot of my constituents have encouraged me to oppose it. They know it is an unwarranted handout for millionaires and billionaires at a time when we are still fighting two wars with countless pressing needs here at home and a deficit that would push us further into the red by this giveaway.

A typical sentiment was reflected in a call from Ken, a Niagara Falls resident, who phoned my office to insist it was wrong-headed for Democrats, who control the House, the Senate, and White House, to agree to extend the Bush tax cuts for the wealthy. His words were: ''Barack Obama is still the President of the United States, not MITCH MCCONNELL, and MCCONNELL should not get to dictate tax policy.'' To that, I say, I hear you. But, nonetheless, today here we are.

There are some good things in this bill. Certainly extending unemployment relief for struggling American workers who may have been laid off and simply need assistance to help them buy groceries and necessities until they find a new job is important.

During the last 2 years, this Congress has voted to cut taxes for working parents and small businesses at least eight times, and lower tuition costs for college students. We have provided the best opportunities for growth and prosperity.

But losing $25 billion in revenue to provide a tax shelter to 6,600 families who will qualify for this new estate tax handout is just wrong, it is disgraceful, and it is damaging to the entire economic future of this country.

In the aftermath of this negotiation, the President was accused of quitting in the first round, giving away the store, punting on first down, and other things that I don't want to go into here. But while this agreement is flawed, there are parts of it, as I said, that will benefit the American people.

Failure to send the bill to the President's desk for his signature would result in tax hikes on millions of middle class families across our country and loss of unemployment insurance for those who are hardest hit by this recession.

More importantly, I think it might risk slowing the economic recovery. However, I think it is very important

for me to make this point: we have lived with these tax cuts for 10 years. It is certainly no secret to any American or anybody else in the world that our unemployment condition is perfectly awful. And to try to pretend to the American people that once we pass this great tax cut for the rich that jobs are suddenly going to rain on us makes us feel like Alice in Wonderland, able to believe 10 impossible things before breakfast. I am just not one of them. It will not make that kind of difference. It simply, once again, makes the rich richer. But that was the price we had to pay for helping the middle class and the unemployed.

I note that many of these tax cuts, as we know, were created 10 years ago. And what have they brought? Nothing but a deep-lasting recession. But what I also want to comment on here is the impossibility of this Congress to let these tax cuts expire, which would in itself decrease the deficit by 50 percent in 2 years, says to me that these will never expire. And I want to put that in connection with what we have done to the payroll tax.

I consider this one of the greatest threats to Social Security and its future. If anybody here believes, if anyone can stand up and believe that we are going to be able to reinstate that payroll tax on employers and employees, they only need to look at what is happening here today, that after 10 years of experience, which brought us no jobs, we are expanding tax cuts which will, again, bring us no jobs.

If this agreement doesn't become law, I know that the tax rates on the middle class will go up. They are going to end up paying more money, and I hate that, because God knows all the benefits in the last 10 years have gone to the wealthy.

I dread seeing my America, the one I grew up in and I love, where I don't believe that the American Dream is available for children anymore. I am not going to cry about it, but I know that now that the rich are richer and the poor are poorer, the poor children don't think about that much anymore. They think about trying to get an education, if they can, or trying to live another year.

So we have to take this bill up today. No question about it. And I feel very sad about it. But I will tell you that it has been our experience that these are the prices that we have to pay when we negotiate with our partners on the other side. They believe in trickle-down with all their heart: make everybody richer at the top, all those great folks, even those with great inherited wealth, as my colleague Mr. MCGOVERN said, who may never have worked a day in their life, and suddenly jobs are going to be produced. Please, America, please don't believe that. That is not what we are doing here today. We are not doing anything to benefit this economy here today.

That logic of driving up long-term deficits and putting the government in the red more than it is, to hand out money for a tiny fraction of taxpayers, is that really a sensible thing for America to be doing today? I think not. But we know that the other side in the coming years will pursue even more tax breaks for the wealthiest and the wealthiest estates. All of those tangible outcomes are directed toward millionaires and billionaires. As long as I am serving in Congress, I will resist this with every fiber of my being because I don't think it does anything for our economy while adding to the deficit.

In the end, I am here to encourage my colleagues to support this rule so that we may have this 3-hour debate, which will give people plenty of time on both sides to express their opinion. It is a fair process. All the Members will be able to express their views.

I reserve the balance of my time.

□ 1050

Mr. DREIER. Mr. Speaker, let me begin by expressing my appreciation to my very good friend from Rochester, New York, the distinguished chair of the Committee on Rules, Ms. SLAUGHTER, for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

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

Mr. DREIER. Mr. Speaker, let me begin in the spirit of the season and say that I would like to associate myself with some of the remarks that were offered by the distinguished chair of the Committee on Rules, and express appreciation to Ms. SLAUGHTER for her very, very interesting and thoughtful approach to this issue.

I associate myself with the remarks she made when she said she doesn't like this measure. I associate myself with her in that in saying I don't like this measure that is before us, Mr. Speaker. But I like even less the idea of our imposing a tax increase on every single American who pays their income taxes. I believe that that would have a deleterious effect to the goal that we as Democrats and Republicans alike share.

What is the message that we have gotten over and over and over again and the message that was sent this past November 2? It was create jobs, focus on economic growth, make sure that we can do everything that we possibly can to look at those Americans who are hurting today, and make sure that they have an opportunity to get onto the first rung of the economic ladder. That is the driving message. Obviously, a very important part of that is going to be to reduce the size and scope and reach of the Federal Government, which has undermined the ability for job creation and economic growth to take place.

Now, when I say I don't like this measure that is before us, I don't like the fact, and many of my Republican colleagues have raised this—Mr. FLAKE just raised concerns about the ethanol subsidies. I don't like the fact that we have unemployment benefits that are extended without being paid for. I don't like a number of the provisions here.

But we are in the midst of a very fragile economic recovery at this juncture, and I will tell you, mark my words, Mr. Speaker, beginning in January we are going to focus on cutting spending. I have just come from a meeting with a number of my colleagues, and we are determined to focus on that. That is why it is imperative that today we recognize that the issue that is before us is going to actually be helpful in our quest to deal with job creation and economic growth.

I congratulate President Obama for working in a bipartisan way to address this issue. In fact, I said in the last campaign that one of my priorities was to work to make President Obama a better President. I believe the fact that he has moved towards recognizing that a pro-growth economic policy has direct ties to the level of taxation imposed on working Americans and job creators is a positive sign, and I believe that moves him in the direction of being a better President.

I also have been encouraged by the fact that he wants to create jobs by opening up new markets around the world. I gave a 1-minute speech this morning talking about the importance of the key U.S.-Korea free trade agreement the President supports and I hope will send to us very soon. It will be the largest bilateral free trade agreement in the history of the world, when you look at the size of our economies. That is something that the President is supporting and I believe we will be able to work on in a bipartisan way.

So, Mr. Speaker, the notion of seeing President Obama shifting to the John F. Kennedy vision and the Ronald Reagan vision on economic growth is a very encouraging indicator to me and many of our colleagues, and should be for the American people as well.

Now, again I will say that Ms. SLAUGHTER is absolutely right; we don't like this measure. But the idea of increasing taxes is something that is anathema to the vision of economic growth and job creation. And it is not just conservative economists who say that, it is not just the supply-siders, of which I consider myself to be one.

Keynesian economists, Mr. Speaker, Keynesian economists, those who subscribe to the view of John Maynard Keynes, who lived until 1950, recognizing and focusing on the issue of spending, those who subscribe to the Keynesian view recognize that increasing taxes on anyone when you are dealing with slow economic growth is a prescription for exacerbating, exacerbating, the problems that you are trying to address.

Mr. Speaker, I have been in the midst of bipartisan discussions over the past several days with a number of my colleagues on the recognition that we have to say that Democrats should recognize that spending cuts need to take

place and Republicans need to recognize that tax increases need to take place. It is an interesting discussion, and many argue that that is sort of the give-and-take we have.

But I think it is important as we look at this issue to harken back on history. Next month I will begin my fourth decade here, and I will say that there was a study done in my first decade, during the 1980s, by two professors from Ohio University, Professors Vedder and Gallaway. Their study looked at the impact of tax increases in the quest to try to reduce spending and the size and scope of government and deal with the problem that Democrats and Republicans alike regularly decry, that being the expansion of government.

Well, their study was known as the $1.58 Study. What it showed, Mr. Speaker, was that every time there was $1 in taxes increased, the Federal Government increased spending by $1.58. Now, I remember one of the first measures that I voted against was known as the Tax Equity and Fiscal Responsibility Act of 1982, and in that measure they said there would be $3 in spending cuts for every $1 in taxes increased.

Mr. Speaker, as we are here today just days before Christmas, going back to 1982 we got the $98.5 billion tax increase included in that, but we are still waiting for those $3 in spending cuts. The Vedder-Gallaway study made it very, very clear, looking on many occasions, the 1990 increase and other studies done since then have shown for every $1 in taxes increased, spending has increased from $1.05 to $1.81, and this is outlined in a piece that was done by Professor Vedder and Stephen Moore in The Wall Street Journal this week.

So our notion of saying that increasing taxes is going to deal with the deficit problem is again a specious argument.

Now, many argue that the tax that exists on job creators, those at the upper end, will create a great drain on the Federal Treasury. But if we are going to focus again on job creation and economic growth, Mr. Speaker, I am convinced, based on the vision put forth by Professor Arthur Laffer and many others, that the economic growth that will follow keeping those rates low on job creators will actually increase the flow of revenues to the Federal treasury, and keeping those top rates low, capital gains and dividend rates low, will spur the growth that will create jobs, and many people who today are not working and are in fact receiving unemployment benefits will have opportunity, and they will be joining the productive side of the economy and generating that flow of revenues to the Federal Treasury that we obviously desperately need.

Mr. Speaker, the American people have been asking us to do this for a long period of time. My colleagues have had an opportunity to do it for a long period of time. Unfortunately, here we are just 2 weeks, just 2 weeks before the end of the year, and 2 weeks before the largest income tax rate increase that we have seen in many a year is scheduled to take place.

So while there is much to criticize about this measure, and I could easily vote against it, I believe that the right vote for us to cast is a vote which will ensure that we continue down the road towards job creation and economic growth and allowing the American people to keep more of what they've earned.

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

□ 1100

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Massachusetts, a member of the Rules Committee, Mr. MCGOVERN.

Mr. MCGOVERN. I thank the chairwoman.

Mr. Speaker, I rise in support of the rule but in reluctant opposition to the underlying legislation.

Let me begin by saying that I know there are a lot of goods things in this bill. The bill extends tax relief for middle class families. It extends unemployment insurance for Americans who, through no fault of their own, find themselves out of work in this difficult economy. The bill also extends several important tax relief measures that were included in last year's recovery package, including the parity for transit benefits, which is a measure that I have worked on here in the House.

I understand and appreciate the situation in which President Obama found himself. He was faced with the United States Senate that demands a supermajority of 60 votes to order pizza, let alone enact significant legislation. Over the past 2 years, our Republican colleagues in the Senate have blown by the previous records for filibusters. They have made it clear that their overriding political strategy is to say ''no'' to whatever President Obama proposes, no matter how worthy or popular. And that's unfortunate, but that's the reality we face. And it is unbelievably cynical.

But I believe that the provisions in this bill that give away billions and billions and billions of dollars to the wealthiest Americans are unnecessary, unproductive, and irresponsible. Unnecessary, because over the past few years, while millions of middle class families struggled to pay their mortgages and put food on the table, the wealthiest few in America have done very well. The fat cats on Wall Street are riding high once again with multimillion-dollar bonuses and golden parachutes. Unproductive, because study after study have shown that one of the least effective ways to stimulate the economy is to put more money into the pockets of the rich. The wealthiest few are more likely to save that money rather than invest it in our economy. CBO has found that of all the things we could do to stimulate the economy, tax breaks for the rich people in this country have the worst record of encouraging economic growth. And irresponsible, because this bill will add billions and billions of dollars onto our Nation's debt. None of these tax cuts are paid for.

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

Ms. SLAUGHTER. I yield the gentleman 30 additional seconds.

Mr. MCGOVERN. We just came through a campaign in which everybody talked about the need for deficit reduction. The bipartisan Bowles-Simpson commission made it clear that we are on an unsustainable course. When they presented their report, everybody in this town nodded gravely and said this is important work. Yet here we are, less than a month later, making the problem worse.

Mr. Speaker, I cannot support the underlying legislation as written. I know we will have an opportunity to improve this bill by supporting an amendment to pare back some of the estate tax cuts for the wealthiest estates in America. I urge my colleagues to support that amendment.

Mr. Speaker, we can do better than this. We must do better than this. Future generations are counting on us.

Mr. DREIER. Mr. Speaker, I am happy to yield 3 minutes to my very hardworking Rules Committee colleague, the gentlewoman from Grandfather Community, North Carolina (Ms. FOXX).

Ms. FOXX. I thank my distinguished colleague from California (Mr. DREIER) for yielding time.

Mr. Speaker, I first want to make it clear I am opposed to allowing tax increases to go into effect on January 1. However, I am also opposed to this rule and the underlying bill.

It's very interesting to hear our colleagues on the other side of the aisle arguing against the tax bill before us today because of their concerns that we're adding to the deficit. We didn't hear those arguments when they were voting for the trillion-dollar stimulus and all the other trillions they have voted for in the past 4 years. In fact, their stories and those of the President have changed dramatically over the past few days. Mr. Speaker, I would like to put into the RECORD an article in American Thinker, December 14, ''Tax Cuts Clearly Explained.'' The article does a really good job of explaining the flip-flops on the side of the Democrats.

I want to quote a couple of sentences from it. It says, ''The Republican position was to keep tax rates where they are now and where they've been since 2003. Democrats fought to keep the Bush tax rates only for those making less than $250,000 in a year. That is curious, since they've been saying for about 10 years that the 'Bush tax cuts' went only to the wealthiest Americans. Democrats are arguing to keep something they said never existed.'' So we

find our friends again on the other side of the aisle flip-flopping on this issue.

I'd also like to add a couple of more comments from this article. ''As a matter of record, the final Bush tax rates passed Congress in mid 2003, shortly after Republicans retook the Senate. From August 2003 to December 2007, over 8 million net new jobs were created and real GDP grew almost 3 percent per year. At the same time, Federal revenues increased by 2.3 percent of GDP, $785 billion, putting revenues above the average level of 1960 to 2000, the 40 years before Bush. Unemployment fell to 4.4 percent and the deficit fell to 1.2 percent of GDP. Such was the catastrophe of 4 years of Bush's tax rates and Republican-written Federal budgets.

''You will hear that this or that group, the top 2 percent of those who inherit dad's farm, et cetera, does not 'deserve' to have its taxes kept at the current rate. There are only two alternatives for where that money goes: the family that earned it or the government. If the family doesn't 'deserve' it, does the government?''

It appears from all the comments that our colleagues have made that they believe that the money that the hardworking Americans earn belongs to the government. As a member of the Rules Committee, I have seen up close how the ruling Democrats have violated every promise they made to run an open Congress but have shut out the opportunity to offer amendments.

We should vote down this rule and allow any amendments to be offered.

[From American Thinker, Dec. 14, 2010]

TAX CUTS CLEARLY EXPLAINED

(By Randall Hoven)

If you go to the White House website, right at the top is a bar you can click on to see ''Tax Cuts Clearly Explained.'' If you click, you see a video of one of President Obama's economic advisors using a whiteboard to explain that Republicans are bad, that Obama is above politics, and that if Obama gets his way, jobs and growth and goodness will spring forth.

The video starts out simply enough. Republicans want to extend the Bush tax rates for everyone; Obama wants to leave out the top 2% of income earners. It was all about the Bush tax rates and for how long, and to whom, to extend them.

But then the video starts talking about a host of things unrelated to those tax rates. The economist even lists them on his whiteboard.

Unemployment insurance,
Earned income tax credit,
American opportunity tax credit,
Child tax credit,
Payroll tax,
Investment incentives.

The ''clear'' explanation is that since the current tax rates for the top 2% would be extended another couple years, this list of unrelated ''targeted and temporary'' tax cuts must be added to the package to somehow offset them. The concern was that extending current tax rates for the top 2% would increase the deficit too much. So politicians compromised in a way that would increase the deficit more than either party's initial proposal. (King of like the way they compromised on TARP in 2008. Remember ''sweeteners''?)

Since Congress got into the compromise act, tax credits for ethanol, alternative fuels, and who knows what else have also been added.

In the spirit of clarity, what follows is my attempt to explain tax cuts.

The Republican position was to keep tax rates where they are now and where they've been since 2003.

1. Democrats fought to keep the Bush tax rates only for those making less than $250,000 in a year. That is curious, since they've been saying for about ten years that the ''Bush tax cuts'' went only to the wealthiest Americans. Democrats are arguing to keep something they said never existed.

2. According to the Congressional Budget Office, the entire package, as currently proposed in the Senate, would add $858 billion to the 2011–2020 deficit. Without it, the 2011–2020 deficit would be $6,246 B. So this package theoretically increases the ten-year deficit by 14%.

3. Of that $858 B, about $544 B comes from keeping current tax rates; the rest comes from the new goodies unrelated to the Bush rates. So because Democrats said some part of that $544 B adds too much to the deficit, they added another $314 B to the deficit. That is how compromise and ''the middle way'' work in Washington.

4. The CBO calculates future revenues under the assumption that tax rates have zero effect on the behavior of investors, consumers, employers, etc. Congress forces the CBO to make that assumption. Every economist this side of Paul Krugman knows that that assumption is wrong. One such economist is Christina Romer, President Obama's first choice as chief of his economic advisors. She said a tax increase of 1% of GDP reduces GDP by about 1.84%. And she said that this year in a published, peer-reviewed academic paper.

5. Another top economic adviser to President Obama, Larry Summers, was more direct. ''If they do not pass this [tax cut agreement] in the next couple of weeks, it will materially increase the risk of the economy stalling out and that we would have a double-dip [recession].'' Bill Clinton advised that passing the tax cuts would ''minimize the chances that it [the economy] will slip back [into recession].'' Again, top Democrats say we must keep the Bush tax rates or the recession resumes.

6. President Obama's view is that not keeping the Bush tax rates on those making under $250,000 ''would be a grave injustice'' and ''would deal a serious blow to our economic recovery.'' Again, this is curious because Democrats keep saying that Bush's tax cuts went only to the wealthiest Americans and caused all the harm we now see to the economy. But apparently, not continuing the Bush policy for 98% of taxpayers would be a ''serious blow'' to the economy.

7. President Obama believes that keeping the current tax rates for those making over $250,000 in a year ''would cost us $700 billion'' and do ''very little to actually grow our economy.'' He assures us that ''economists from all across the political spectrum agree'' on that. I believed he polled the same economists who said his stimulus would keep the unemployment rate below 8%.

8. As a matter of record, the final Bush tax rates passed Congress in mid-2003, shortly after Republicans retook the Senate. From August 2003 to December 2007, over eight million net new jobs were created, and real GDP grew almost 3% per year. At that same time, federal revenues increased by 2.3% of GDP ($785 B), putting revenues above the average level of 1960–2000, the forty years before Bush. Unemployment fell to 4.4%, and the deficit fell to 1.2% of GDP. Such was the catastrophe of four years of Bush's tax rates and Republican-written federal budgets.

9. You will hear that this or that group (the top 2%, those who inherit dad's farm, etc.) does not ''deserve'' to have its taxes kept at the current rate. There are only two alternatives for where that money goes: the family that earned it, or the government. If the family doesn't ''deserve'' it, does the government.?

[In fact, it appears from spoken and written comments that our colleagues think that the money that Americans earn should all belong to the government.]

As usual, this is not about anything the Democrats say it is about. If they are worried about the deficit, why did they add to the deficit to get this deal?

Republicans would have compromised by simply extending the current rates for two years instead of permanently. Obama saw that bet and raised unemployment insurance, earned income tax credit, American opportunity tax credit, child tax credit, payroll tax, and investment incentives. Congressional Democrats saw that bet and raised it ethanol and alternative fuels subsidies.

This is all about the Democrats rewarding their interest groups and blaming the certain deficit on Republicans. As usual, the Stupid Party will see that bet, holding a pair of deuces.

I'll try to clarify it with another analogy. A 700-pound man goes to the doctor. The doctor says the man needs to diet, and in fact prescribes a certain salad as the man's meal for the next few months. The 700-pound man agrees to eat the salad each meal—along with three roasted chickens, two pounds of bacon, a large pizza, and four cheeseburgers with the works. In his view, he compromised with his doctor.

Then when the man weighs 800 pounds after a few months, he blames his doctor.

Now you play doctor. Would you make that compromise, given you'll be sued for malpractice if the man gains weight?

Ms. SLAUGHTER. Mr. Speaker, I am delighted to yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the gentlewoman for yielding me this time to speak on this legislation.

It is very clear, because of the fragile state of our economy, that there are many important provisions in this tax bill before us. For middle income families, it means their tax rates will not go up. For people in need of unemployment insurance, it extends those benefits another 13 months. And for families struggling to make ends meet, this bill extends tax credits for them so that they can pay for their children's education and they can take care of their children. These are lifelines for hardworking families that are struggling in this economy.

I have fought my entire public career for these tax breaks to support middle income families to make college more affordable. These provisions help some 155 million Americans in this economy.

But that's not all that's in this tax bill. Tragically, these 155 million Americans were held hostage to a ransom that the Republicans would only help these families, help these individuals, help these students struggling in school if we gave tax cuts to the wealthiest people in this country. It is as if the wealthy don't have enough money and struggling middle class

families have too much. But that was the price that was extracted for this legislation to help these 155 million Americans struggle through this economic downturn.

So we see that some $25 billion will be lavished on 6,600 of the wealthiest estates in this country. These are estates in excess of $10 million for a husband and wife. These are estates that have used all of the tax laws to minimize the size of that estate to their advantage before they pay the estate tax. But the Republicans were not prepared to give unemployment insurance to millions of Americans who are struggling to find work unless they could provide this money to the wealthiest people in the country. This is not fair, it will unnecessarily increase the deficit, and it has no stimulative value.

Economist after economist has told us what happens with this money when you give it to the wealthiest people in the country. They put it in the bank, and some day they may use it or they won't use it. It's not like middle income families that have to pay the rent, pay the lights, send their kids to school. It's a completely different operation.

□ 1110

So no stimulative value to giving billions and billions of dollars to the richest 2 percent of the people in the country; it's not fair in terms of the resources of this country being used for those individuals while other families struggle; and it creates deficit unnecessarily. If you're going to create the deficit, at least it ought to be stimulative, at least it ought to grow the economy; that's not what this does. It should be rejected for this reason because this deficit, beginning the first of the year, will start immediately coming out of the hides of programs that support these very same middle income families and the education of their children.

Mr. DREIER. Mr. Speaker, I am happy to yield 3 minutes to my very good friend and California colleague, the gentleman from Elk Grove, Mr. MCCLINTOCK.

Mr. MCCLINTOCK. I thank my friend for yielding.

Mr. Speaker, I commend the Senate for passing the tax relief measure yesterday and I certainly hope that the House passes it today.

According to the CBO, this bill comprises $136 billion of additional spending. That's true, but that's for $721 billion of tax relief. That means that 15 percent of this bill is spending; the other 85 percent of it is tax relief. That means no across-the-board increase in income taxes next year, no AMT biting deeper into middle class families, a death tax that is a third less than what it otherwise would have been, threatening far fewer family farms and family businesses with extinction.

If this relief fails, when the ball drops at Times Square on New Year's Eve, Americans will have just been walloped by a tax tsunami the likes of which we haven't seen since the Smoot-Hawley tariff. Families and small businesses will be spending the new year struggling to pay thousands of dollars of new taxes. A family making $50,000 will see at least $3,000 more taken from its paycheck. A small businessperson whose shop makes $300,000 will have to cut another $8,400—perhaps the difference between a part-time and full-time job for an employee.

From the left we're told we should raise taxes on the very rich who make over $200,000 because they don't pay their fair share. Well, according to the IRS, those folks earn 36 percent of all income; they pay 49 percent of all income taxes. But a lot of them aren't people at all. Half of the income earned by small businesses will be hit by these tax increases. These are the job generators that we are depending upon to end the nightmare of unemployment for millions of American families. To confiscate billions of dollars more from them and then expect more jobs to come of it is simply insane.

Some of my fellow conservatives object to the 15 percent of this bill that spends money we don't have and I agree, but that damage can be corrected through offsetting spending reductions next year. The new Republican House majority can do that without the Senate or the President simply by refusing to appropriate funds—and it is committed to doing so. But it cannot rescind the taxes next year without the Senate and the President, who have made their opposition to just such a clean bill abundantly clear. And even if such a retroactive bill could be passed by spring, these families and businesses won't get their tax overpayments refunded to them until they file their returns a year later.

Mr. Speaker, massive tax increases under Hoover turned the recession of 1929 into the depression of the 1930s. Let that not be the legacy of this Congress.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentlelady for yielding the time.

It is fairly extraordinary to listen to the debate coming from the Republican side of the aisle. We are headed toward—before this vote—a $1.3 trillion deficit next year. With this single vote, we will increase the deficit, the debt of the United States, by $430 billion this year and $430 billion next year.

Republicans want to pretend that somehow if you cut your income, you can still balance your budget. That would surprise most Americans. Most Americans don't cut back hours at work when they can't make ends meet at home unless they are forced to by their employer.

These tax cuts, the Bush tax cuts, were put into effect at a time of surplus. The rationale was give people back their money, we have a surplus as far as the eye can see. Now we're teetering on the edge of having the United States of America's debt rating downgraded. And if you increase the debt next year by $1.7 trillion—and you say, well, don't worry, we'll take care of it with some cuts. Cuts? $450 billion in 1 year? I don't think so, unless basically you eliminate virtually the entire government, close the prisons, turn the prisoners out, open the borders, no Coast Guard, and we go on down the list. $450 billion? No, you're not going to do that, and you know you're not going to do that. You're just pretending.

But even worse, $111 billion of this is going to come from Social Security. The Social Security trust fund has been inviolate since it was set up by Franklin Delano Roosevelt and wise men 75 years ago. He said this will be an earned benefit; Congress can't touch the money and can't cut the benefits. No, but what we're going to do in this deal, constructed by the Republicans—no Democrat has ever proposed this, no hearing has ever been held on it—is we're going to give a tax holiday. But don't worry, we'll make the Social Security trust fund whole; we'll go out and borrow $111 billion from China and we'll inject it back into the Social Security trust fund. What an absurdity and what a threat to the future of Social Security because next year they'll say, hey, we can't afford to subsidize Social Security, we can't afford to borrow $111 billion from China, but don't let that tax go back up, that will be the largest tax increase on working people in the history of the United States—just like we're hearing now. We go back to the Clinton-era taxes, the largest tax increase in the history of the United States. We created 23 million jobs during the Clinton administration, we balanced the budget of the United States of America, and we did that under the tax rates that would come back into effect on the 1st. But now you're going to attack Social Security, hold the unemployed hostage, and reduce the income of the United States and increase our debt. What a pathetic position to take.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to my very thoughtful and hardworking colleague from Livonia, Michigan (Mr. MCCOTTER).

Mr. MCCOTTER. Mr. Speaker, I rise in opposition to the rule and to the underlying bill.

Amidst our tumultuous age of globalization wherein big government's restructuring is not merely desirable but inevitable, the sovereign people's congressional servants must facilitate the conditions for sustainable economic growth so people can work, and preserve and promote America's economic preeminence in the world.

To accomplish these vital tasks, government must adopt deep and enduring tax relief, and spending, deficit and debt reduction. These policies are neither novel nor fashionable. They are necessary.

Therefore, because I oppose raising taxes, increasing deficits and debt, and

worsening the entitlement crisis, I fundamentally object to this compromised tax bill's following provisions:

One, a permanent tax increase in exchange for a temporary tax reprieve is mistaken since any and all tax increases in a recession retard a recovery.

And, two, a raid on Social Security requiring increased Federal debt to fund a temporary tax gimmick that will not increase sustainable employment is also mistaken.

Despite its proponents' best intentions, this bill will not end the suffering of the unemployed and economically anxious Americans. It will prolong it. For we cannot delay the day of big government's restructuring; and, in endeavoring to do so, we make the inevitable more painful, more prolonged, and, because it was unnecessary, more deplorable.

Finally, to those Republicans who claim no choice but to vote for a flawed bill now rather than wait 3 weeks for a better one, I disagree and offer an analogy. Imagine prior to the Battle of the Little Big Horn General Custer looking at his troops and saying: ''We must strike now before there are more of us.''

I disagree with this and urge my colleagues to reject the bill.

□ 1120

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. I thank the gentlelady from New York.

I am in a lonely place today.

Mr. Speaker, I rise in strong support of the tax cut compromise. Although our economy is in recovery, it remains fragile. If we don't pass an extension of the tax cuts now, every American will see smaller paychecks and higher taxes in January.

This compromise provides needed assistance to every American: an extension of the unemployment insurance that the CBO says will add 600,000 jobs; an extension of Earned Income Tax Credits and Child Tax Credits for lower income families; an AMT patch for middle income families; a 2 percent cut in the payroll tax that provides up to $2,000 in tax relief for workers; a 2-year extension of the income tax rates for all Americans; and business tax cuts that will spur up to $50 billion in private sector investment in the economy, which is desperately needed.

According to economist Mark Zandi, this compromise will add a full percentage point to the gross domestic product next year. Although we are in recovery, it is not a robust recovery. We need all of the stimulus we can get. This isn't a perfect bill, but I support the bipartisan compromise.

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

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Thank you.

Mr. Speaker, in this dealing-making, it became more important to get a deal—any deal—than to secure an agreement that reflects our American values and accomplishes our goal of renewed economic growth.

This bill is largely a mishmash of rejected Republican ideas that cost too much to accomplish too little. Under this misbegotten deal, we will borrow immense amounts of money from the Chinese and others to provide the wealthiest 1 percent of Americans with a tax cut that is greater than the median income of a Central Texas family for an entire year. This is the same fortunate 1 percent, for the most part, that took two-thirds of all of the income gains in the country during the heart of the Bush years. That is not fair, and it will not encourage significant economic growth.

The Republicans will rule this House for the next 2 years. Let's not give them an early start today. I would vote for a bill that creates more jobs and reduces the debt. This is not it.

Mr. DREIER. I continue to reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 2½ minutes to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Speaker, I rise today in strong support of the rule and the underlying bill.

I am very excited that President Obama has demonstrated that he believes in keeping taxes low for all Americans.

Mr. Speaker, you know, as I talk to people in my district and across the country, people like the fact that the Democrats are the party of staying out of their personal business, that we are not doing the moralizing of how they should live their lives—live your own life; make your own decisions—that we are the party of personal accountability and of personal responsibility. Yet they're always concerned in the back of their minds that the Democrats are going to raise their taxes. That is something I always hear.

Oh, I like the Democrats because of the liberty issues, but you know, I always worry they're going to raise my taxes.

Well, I am proud to say that we are conclusively proving here today that the Democratic Party is the party of low taxes and that President Obama has a strong pro-growth agenda to keep taxes low for all Americans.

Let me add, by the way, that this tax cut that we are supporting today most benefits middle class Americans. They receive the true benefit from this tax cut. Families making $40,000 a year receive about a 7 percent rate reduction through this act. For families making $60,000 a year, it's 6.1 percent, all the way up to families making $10 million at 4.6 percent.

So this is a progressive tax cut for America. It is one that puts money into the hands of middle class families, who are those who need it the most. They're the families making $40,000, $50,000, $60,000 a year. To tell families making $50,000 a year that they somehow need to come up with $800 or $1,000 more a year in taxes when they're not getting raises is going to put them out of their homes. They're struggling to make mortgage payments as it is.

Mr. Speaker, in my district, there are a few people making over $1 million. Many of them say, You can raise my taxes. It won't affect my quality of life. But for the people who need it the most, the people making $40,000, $50,000, $60,000, $90,000 a year, who are struggling to get by—a kid in college—who are struggling to make their mortgage payments, this bill and President Obama have delivered tax relief to them.

In addition, in the midst of a recession, we cannot allow unemployment insurance to run out. Over 2,500 people a week in my home State of Colorado, if we don't act today and renew unemployment insurance, will lose their benefits—again, worsening the housing crisis, reducing the ability of their continuing to make their mortgage or rent payments, and forcing them to become liabilities rather than assets.

We will get them back to work, Mr. Speaker, especially with this pro-growth set of tax cuts that will encourage investment in our economy. We will get these Americans back to work, and we will ensure that everybody someday has the honor of paying at a higher tax bracket.

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

Mr. DREIER. Mr. Speaker, I would like to yield the gentleman an additional 30 seconds, and I would like to ask him to yield to me, if he would.

Mr. POLIS. I yield to my colleague from California.

Mr. DREIER. I thank my friend for yielding, and I would like to congratulate my friend on his very thoughtful statement and to say that, at the end of his remarks, Mr. Speaker, he talked about the notion of job creation/economic growth as a policy. Obviously ensuring that we don't increase taxes for any American who is paying income taxes is key to that.

I would appreciate hearing my colleague's thoughts on that.

Mr. POLIS. If I could request an additional 30 seconds to answer.

Mr. DREIER. Absolutely.

Mr. POLIS. Mr. Speaker, this tax cut that President Obama and the Republicans and Democrats are delivering here today will encourage solid growth in our economy by keeping taxes low and by giving some predictability over a 2-year period so people can make investments and know that the government is not coming in to take their money but will let them keep their money to reinvest in the economy.

Mr. DREIER. I thank my colleague for his remarks.

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

Mr. TAYLOR. Mr. Speaker, I would like to ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentleman from Mississippi is recognized.

There was no objection.

Mr. TAYLOR. Mr. Speaker, the rule before us, on a nearly trillion-dollar bill between spending and tax cuts, apparently does not allow for any time for the opponents of this measure. If you look at page 2, line 4, it says this resolution allows for 3 hours equally divided and controlled between the chair and the ranking minority member of the Committee on Ways and Means.

It is my understanding that both of those gentlemen are for the bill. What guarantee do those of us who oppose increasing the deficit by a trillion dollars have of being able to voice our objections if this rule passes?

If Mr. MCGOVERN would like to answer that question, I would welcome it.

Mr. MCGOVERN. My understanding is that there is an informal agreement that there will be time designated for those in opposition; at least an hour.

Mr. TAYLOR. Mr. Speaker, with that in mind, there is no guarantee for those of us who are opposed to raising the national debt by $1 trillion.

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

MOTION TO ADJOURN

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

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

Mr. TAYLOR. 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 14, nays 385, answered ''present'' 1, not voting 33, as follows:

[Roll No. 639]

YEAS—14

Bright
Cao
Dahlkemper
Flake
Garrett (NJ)
Gohmert
Hinchey
Hoekstra
Kirkpatrick (AZ)
Lamborn
Pascrell
Taylor
Tiahrt
Visclosky

NAYS—385

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
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
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)
Ellison
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
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
Manzullo
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
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 (KS)
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
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Reed
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Stutzman
Sullivan
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

ANSWERED ''PRESENT''—1

Maloney

NOT VOTING—33

Baird
Berry
Brown (SC)
Cardoza
Chandler
Cohen
Conyers
Davis (AL)
Davis (TN)
Delahunt
Ehlers
Ellsworth
Foster
Gingrey (GA)
Granger
Grijalva
Kline (MN)
Linder
Maffei
Marchant
Markey (CO)
Markey (MA)
McCarthy (NY)
McMorris Rodgers
Meek (FL)
Platts
Pomeroy
Sarbanes
Skelton
Turner
Wamp
Whitfield
Young (FL)

□ 1217

Messrs. COFFMAN of Colorado, LIPINSKI, RODRIGUEZ, HEINRICH, MARSHALL, HOLT, ORTIZ, GEORGE MILLER of California, MORAN of Virginia and Ms. SHEA-PORTER changed their vote from ''yea'' to ''nay.''

Mr. LAMBORN changed his vote from ''nay'' to ''yea.''

So the motion was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 4853, TAX RELIEF, UNEMPLOYMENT INSURANCE REAUTHORIZATION, AND JOB CREATION ACT OF 2010

The SPEAKER pro tempore (Mr. CUELLAR). The gentleman from Massachusetts has 11 minutes remaining and the gentleman from California has 9½ minutes remaining.

The Chair recognizes the gentleman from Massachusetts.

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. I thank the gentleman for yielding.

Mr. Speaker, just to remind Members where we are in this debate, we are about to debate and take up a measure that would, number one, preserve the tax cuts for the wealthiest 2 percent of Americans while we have a $1.3 trillion deficit in the current year. We would also, if this bill were to pass, create a tax exemption for estates of up to $10 million. That is for 6,600 individuals, which brings to mind, I will paraphrase Winston Churchill who said, it has been some time since so many have been asked to do so much for so few—and with no legitimate reason, I might add.

We are also talking about raiding the Social Security trust fund for the next 2 years, a total of $111 billion, and increasing the deficit by about $1 trillion, which will require us to exceed the national debt limit. So in April or

May of next year, with this bill passing, we will definitely exceed the current $14 trillion debt limit that the country has.

I had a fair opportunity to negotiate contracts when I was an ironworker; and one thing I learned, and it applies to this agreement with the Republican Senate, there's a big difference between compromise and surrender.

□ 1220

What this bill represents is a complete surrender of Democratic principles and standing up for working people and making them carry an undue burden under this new tax law.

Mr. DREIER. Mr. Speaker, I am happy to yield 3 minutes to my very hardworking colleague from Columbus, Indiana, who offered some very thoughtful remarks and endured the Committee on Rules last night, Mr. PENCE.

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

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

Mr. Speaker, since last summer, I've been among those voices in this Congress calling for action to prevent a tax increase that would affect every American just a few short weeks from now. So I rise with a heavy heart today to say that as I look at this short-term tax deal negotiated by the White House with congressional leaders, that I have concluded after much study that it is a bad deal for taxpayers, it will do little to create jobs, and I cannot support it. Let me say, though, that I have the deepest respect for my colleagues on the Republican side of the aisle who may differ with me on this issue in the final analysis. This is a tough call.

No Republican in this Congress wants to see taxes raised on any American. We all know what we should be doing today is voting to extend all the current tax rates permanently. The reality is that uncertainty is the enemy of prosperity. And simply by extending some of the tax rates that are on the books today for a few short years, we will not create the certainty necessary to encourage businesses to take out loans, to expend resources in ways that will put people back to work. We just know that.

I was back in Muncie, Indiana, just a couple of days ago. I had a banker walk up to me at Rotary, and he said, What are you going to do on this? Sounds like a tough deal. And I said, You know, I hadn't decided at that point. He said, Well, nobody is going to come walking into my office to sign a 5-year note on a 2-year Tax Code.

So why are we doing 2 years? Well, there's an election in 2 years. I get that. There are people that, for whatever reasons, want to re-debate this in 2 years. I get that. I just don't get how it actually gets people back to work. And with regard to the spending in this bill, we can help families that are hurting in this economy, particularly during this cherished holiday season. But we can also figure out how to pay for it.

Lastly, let me say the American people have spoken on November 2, Mr. Speaker. The American people did not vote for more deficits or more stimulus or more uncertainty in the Tax Code. But that's just what this lame duck Congress is about to give them. I think we can do better. Every Republican in this Congress would like the opportunity to do better. Sadly, this rule does not permit us to even have a fair up-or-down vote on extending all the current tax rates, and I'm profoundly disappointed by that.

And so I rise in opposition to this rule, but I also rise in opposition to the underlying bill. We can do better. We must do better on behalf of hurting families and Americans who want to go back to work.

Mr. MCGOVERN. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. I'll be voting ''yes'' on the amendment, and if it fails, as I expect it will, I'll be voting ''yes'' on the bill. I'll vote ''yes'' on the amendment, because we ought to have a fair estate tax in this country. But, instead, Republicans insist that we increase the deficit $28 billion over the next 2 years in order to provide the lowest tax rates in 80 years on the richest few dozen families in each of our States.

We should care about the deficit. And to say that the tax rate included in the amendment is unfair is to say that every Republican voted for an unfair tax when they voted for the Bush tax law that was applicable to 2009.

Furthermore, another problem with the estate tax in the bill is that it provides a rate of tax for those deaths that occur in 2010 that is less than zero because the richest families can choose between a zero tax rate or huge write-offs on their income tax, which might be even lower, and they'll get the best possible tax advice.

Finally, under this bill you're going to have some people who realize that if the patriarch of the family dies this year, they save tens of millions of dollars over next year. I hope that no plugs are pulled.

I am going to vote for the bill only because of one question, Compared to what? If we do not send this bill to the President's desk this year, he will certainly sign a worse bill next year. It is not clear that House Democrats were at the table in the December negotiations, but it is clear that House Republicans will be at the table for the negotiations in January on this bill. The President and Democrats in the Senate have already agreed to this deal and I fear that they would agree to something a little bit worse. So it is with great reluctance that I will vote for this bill, should the amendment fail.

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

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I would like to make sure that we classify this not as class warfare, if you will, but a Good Samaritan waving the flag. And, frankly, if we take the best of America and recognize that working people need help, the unemployment insurance that is part of this bill is a valid part of it. The child tax credit, the payroll holiday, all of those speak to the vision of this Nation that we have the willingness to share.

We understand when men and women on the front lines of Iraq and Afghanistan, they fight not for any one class or any one community. They fight for America. So when we provide an estate tax that blurs the understanding of America, that we need an estate tax that is $5 million and $10 million, we're not telling the truth. The present law provides for most Americans, $3.5 million for an individual, $7 million for those who are couples; provides for family businesses; it provide for farmers. It works—and it has worked. It is not necessarily the best. But to give $25 billion to $28 billion unnecessarily that would go and take away from education and Social Security and Medicare, domestic spending that is necessary, is a crime.

So this is not about fighting against someone who has a few more dollars than the next person. It's to do what we're sent here to do and make sure that the capitalistic system works for everybody, including those who are now unemployed. Let's get our senses together. Let's get the Senate to understand what the real deal is. Fight for everybody, not just a small special interest group. It's time to stand up and be counted. And I'd like to see this rule go forward simply because I want to put it to them that you can't spend $28 billion and waste it on those who don't need it.

□ 1230

Mr. DREIER. Mr. Speaker, I am happy to yield 1½ minutes to our very, very, very diligent and hardworking ranking member of the Committee on Energy and Commerce, the gentleman from Ennis, Texas (Mr. BARTON).

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. I thank the distinguished chairman-to-be of the Rules Committee, Mr. DREIER of California, my good friend.

Mr. Speaker, this is not a bad compromise that's before us, but it is also not the best compromise. It's not a bad deal, but it's not the best deal.

The gentleman from California who spoke on the Democratic side just a few minutes ago I think said it best when he said, In January, our Republican friends will be at the table. We are making a compromise today on the Republican side, in my opinion, that we don't have to make. I think the tax

cuts should be permanent, not temporary. I think the additional spending should be paid for now, not just added to the deficit.

A funny thing happened in November: We elected over 80 new Republicans. The majority is going from about 255 Democrats to 242 Republicans. You cannot tell me that the week before Christmas that Americans in the business community are deciding what their capital investments are going to be for 2011. Those decisions have already been made. So I am going to vote against the rule and, with reluctance, vote against the bill, not because it's a bad compromise but because we can do better. And I fully expect in January, when the Republicans become the majority party in the House, that we will do better.

So again, this is not the worst bill that has ever been before us, but it could be better and it should be better, and so I would ask my colleagues to vote ''no'' on the rule and ''no'' on the bill.

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from the great State of New York (Mr. RANGEL).

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

Mr. RANGEL. For the first time approaching this rule, it is my understanding that if I want to stop $23 billion from increasing the deficit by knocking out a Senate provision and substituting a Pomeroy, in order to do that I would have to accept the remainder of the Senate bill. I don't think Members of this House should have to make that choice.

It seems to me that if you believe that it is inequitable for a handful of people to receive such a large amount of money at the expense of the deficit, at the expense of discretionary spending, that we should have an opportunity, one, to vote against the Senate bill in its present form that does that, and two, to vote for Pomeroy, which would allow us to at least control the amount of tax relief that we give to estate taxes.

I yield back the balance of my time, but I do hope we get a rule that will allow us to express exactly how we feel, Republican or Democrat, because if you're not a part of the deal, it's hard to be supporting it.

Mr. MCGOVERN. Mr. Speaker, may I inquire as to how much time is remaining?

The SPEAKER pro tempore. The gentleman from Massachusetts has 3½ minutes remaining. The gentleman from California has 6½ minutes remaining.

Mr. MCGOVERN. Mr. Speaker, at this time, I would like to yield 1½ minutes to my colleague from the Commonwealth of Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. I thank the gentleman for yielding.

Mr. Speaker, like all major bills that we do here, there is good and bad in this bill. There are things I like and things I don't like. That is a normal circumstance here. But in the final analysis I think people have to ask themselves one simple question: Are we ever going to get to the place where we pay our bills? This bill doesn't do it.

In 2002, the last time this House had the opportunity to be fiscally responsible—and that's not the same thing as fiscally conservative or liberal; it's responsible—we voted to let the PAYGO rules go and the results are where we are today. This bill will kill our children, with very little input or benefit at the moment. It is not an emergency.

I want a tax cut just like everyone else, but I also consider myself, and I am a social liberal. I do believe in Social Security and Medicare and senior housing and all the other things that we do here. I do believe in them. I know that others don't, and I respect those who want to cut those programs. Let's have that debate, but let's not do it through the back door. If you believe in those programs, it is incumbent upon us to pay for them. Voting for this bill simply empowers those who want to cut those programs anyway, and I cannot, in good conscience, support that.

This bill must go down even if the deal we get next year is worse. I understand that, but it's not the right thing to do for those of us who believe in the programs we have.

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

Mr. Speaker, Democrats and Republicans alike share the goal of job creation and deficit reduction; we regularly hear that argued from both sides of the aisle. The best way for us to do that is to encourage economic growth. Economic growth is the key to dealing with job creation and deficit reduction.

Mr. Speaker, I don't like this bill that is before us, but I like even less the idea of increasing the tax burden on working Americans—in fact, putting into place what would be tantamount to the largest tax increase that we have ever seen.

I am very pleased that President Obama is beginning to embrace the John F. Kennedy vision for economic growth, the vision that has recognized that reducing marginal rates does in fact create jobs and create more opportunity, and the famous John F. Kennedy line, ''the rising tide lifts all boats.'' The fact that President Obama is now moving into that direction is a very positive thing.

He has also, on another issue that is going to create jobs, done so on the issue of trade. I am pleased that he wants us to move ahead with what will be the largest bilateral free trade agreement in the history of the world, that being the U.S.-Korea Free Trade Agreement. I think it is imperative for us to do this in Colombia and Panama as well so that we can create union and non-union jobs, good manufacturing jobs right here in the United States of America. That is an issue that I hope we are going to be able to address early next year.

So, Mr. Speaker, I believe that it is the right thing for us to do, for us to make sure that we don't increase taxes on working Americans.

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

Mr. MCGOVERN. Mr. Speaker, I want to close simply by saying that I agree with many of my colleagues who have come to the floor today to express their concern about how these tax cuts—mostly for the rich—will add an incredible debt burden on the backs of our children and our grandchildren. We can do better than this.

I am also worried because I think what my friends on the Republican side want to do is basically kind of take tax cuts for the rich off the table next year when they use a budget axe to go after domestic spending.

I would just say to my colleagues that as we have this debate on tax cuts, there are a lot of people in this country who this debate is meaningless to because they're falling through the cracks. We have an obligation to help strengthen the safety net in this country. And I worry about the agenda that my Republican colleagues are going to pursue next year. I worry that it's going to be on the backs of the most vulnerable in this country, and that is wrong. We have an obligation, a moral obligation to be able to make sure that everybody in this country not only has opportunity, but is also not allowed to fall through the cracks.

We have a hunger problem in this country. We have children who go to sleep at night hungry in the richest country in the world. We should be ashamed of ourselves. We can do better than add to the deficit by giving more tax cuts to the wealthy.

Mr. Speaker, with that, I withdraw the resolution.

The SPEAKER pro tempore. The resolution is withdrawn.

MESSAGE FROM THE SENATE

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

H.R. 6516. An act to make technical corrections to provisions of law enacted by the Coast Guard Authorization Act of 2010.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

BANKRUPTCY TECHNICAL CORRECTIONS ACT OF 2010

Ms. CHU. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 6198) to amend title 11 of the United States Code to make technical corrections; and for related purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

On page 3, strike lines 1 through 5 and insert the following: ''and

''(F) in paragraph (51D), by inserting 'of the filing' after 'date' the 1st place it appears,''

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from North Carolina (Mr. MCHENRY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Ms. CHU. I yield myself such time as I may consume.

Mr. Speaker, on November 19, the Senate passed an amended version of H.R. 6198, the Bankruptcy Technical Corrections Act of 2010. H.R. 6198 makes a series of purely technical corrections in response to certain drafting errors resulting from the enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

The Senate amendment simply removes from the bill a provision that corrected a misnumbered paragraph.

It is our understanding that some believe that this provision, which corrects a clear error in bankruptcy law, may possibly cause confusion with respect to other laws that currently contain cross-references to the incorrectly numbered paragraph. While some might question the need for the Senate amendment, we are willing to accommodate the concern.

Accordingly, I urge my colleagues to concur in the Senate amendment to H.R. 6198.

I reserve the balance of my time.

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

Mr. Speaker, I rise in support of the Bankruptcy Technical Corrections Act of 2010, as amended by the Senate.

The House passed the original version of the bill in late September to make purely technical changes to the Bankruptcy Code. Then, as now, these changes are not intended to make any change to substantive bankruptcy law.

□ 1250

Instead, these changes clean up the text of the Bankruptcy Code to make it easier to use by lawyers and judges.

The Senate amendment strikes one provision of the House bill which would have renumbered the section of the Bankruptcy Code that defines the term ''timeshare plan.'' Rather than define ''timeshare plan'' in their own State codes, many State legislatures have chosen to incorporate the Federal definition by reference into their State law. The Senate amendment reflects a concern that changing the section number of the Bankruptcy Code definition would have resulted in inaccurate cross references in numerous State codes.

The necessity of the Senate amendment highlights the perils that result when States legislate by reference to provisions of Federal law. The States are sovereign in our system of constitutional federalism and they should exercise an independent duty to legislate without respect to mutable Federal laws.

The House bill, as amended, will clear up some existing confusion in the bankruptcy community regarding provisions of the Bankruptcy Code. It is important that Federal law be technically sound so that the intent of Congress is clear and judges do not use technical loopholes to practice judicial activism.

In particular, it is important that the Bankruptcy Code be technically sound because of the volume of bankruptcy filings during this recession. As America continues to struggle with high unemployment, bearish capital markets, and massive deficits, the Bankruptcy Code is playing an increasingly important role in our Nation's financial health. Unfortunately, that is the case.

As my colleagues on the Judiciary Committee stated when the House first considered this bill, it is important that the CONGRESSIONAL RECORD reflect the bipartisan acknowledgment that this bill does not, and is not, intended to enact any substantive change to the Bankruptcy Code. Lawyers and judges who practice bankruptcy law should not understand any provision of this bill to confer, modify, or delete any substantive bankruptcy right. Similarly, no inference should be drawn from the absence in this bill of a technical amendment to any other part of the Bankruptcy Code.

With this understanding, I support the bankruptcy technical amendments bill as amended by the Senate, and I share that with my Republican colleagues on the Judiciary Committee.

I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 6198.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PUBLIC CONTRACT LAW TECHNICAL CORRECTIONS

Ms. CHU. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 1107) to enact certain laws relating to public contracts as title 41, United States Code, ''Public Contracts''.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

On page 2, in the item related to chapter 35 in the subtitle analysis, strike ''**and**'' and insert ''**or**''.

On page 7, strike lines 14 through 20 and insert ''In this subtitle, the term ''supplies'' has the same meaning as the terms ''item'' and ''item of supply'' ''.

On page 9, line 20, strike ''**suppport**'' and insert ''**support**''.

On page 25, lines 11 and 12, strike ''under section 5376 of title 5'' and insert ''for level IV of the Executive Schedule''.

On page 48, line 34, strike ''employee from State or local governments'' and insert ''individual''.

On page 55, line 36, strike ''$2,500'' and insert ''$3,000''.

On page 56, line 15, strike ''$2,500'' and insert ''$3,000''.

On page 56, line 19, strike ''$2,500'' and insert ''$3,000''.

On page 77, line 1, strike ''his representatives'' and insert ''representatives of the Comptroller General''.

On page 93, lines 18 and 19, strike ''under section 5376 of title 5'' and insert ''for level IV of the Executive Schedule''.

On page 110, line 21, strike ''**AND**'' and insert ''**OR**''.

Beginning on page 131, strike line 8 and all that follows through page 132, line 19, and insert the following:

''(c) CONTRACT PERIOD.—The period of a task order contract entered into under this section, including all periods of extensions of the contract under options, modifications, or otherwise, may not exceed 5 years unless a longer period is specifically authorized in a law that is applicable to the contract.''

On page 185, line 39, strike ''AMOUNT'' and insert ''AMOUNTS''.

On page 185, line 40, strike ''amount'' and insert ''amounts''.

On page 186, line 1, strike ''amount'' and insert ''amounts''.

On page 201, line 13, strike ''under section 5376 of title 5'' and insert ''for level IV of the Executive Schedule''.

On page 204, between lines 10 and 11, insert the following:

''(3) PERSON.—The term ''person'' means a corporation, partnership, business association of any kind, trust, joint-stock company, or individual.''

On page 204, line 11, strike ''(3)'' and insert ''(4)''.

On page 204, line 14, strike ''(4)'' and insert ''(5)''.

On page 204, line 17, strike ''(5)'' and insert ''(6)''.

On page 204, line 20, strike ''(6)'' and insert ''(7)''.

On page 204, line 24, strike ''(7)'' and insert ''(8)''.

On page 204, line 31, strike ''(8)'' and insert ''(9)''.

On page 208, line 6, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 209, line 3, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 213, line 36, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 213, line 39, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 214, line 8, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 214, line 13, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 214, line 16, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 214, line 19, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 214, line 24, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 214, line 27, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 214, line 39, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 215, line 3, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 215, line 6, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 215, line 10, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 215, line 13, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 215, line 16, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 215, line 19, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 217, line 28, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 219, line 30, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 219, line 33, strike ''(except section 3302)'' and insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)''.

On page 219, line 38, insert ''**(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)**'' after ''**division C**''.

On page 220, line 5, insert ''(EXCEPT SECTIONS 1704 AND 2303)'' after ''DIVISION B''.

On page 220, line 8, insert ''(except sections 1704 and 2303)'' after ''division B''.

On page 220, line 13, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 220, line 16, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 220, line 18, insert ''(except sections 1704 and 2303)'' after ''division B''.

On page 220, line 36, insert ''(except sections 1704 and 2303)'' after ''division B''.

On page 221, line 5, insert ''(except sections 1704 and 2303)'' after ''division B''.

On page 221, line 13, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 221, line 16, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 221, line 26, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 221, line 29, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 222, line 18, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 222, line 22, insert ''**(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)**'' after ''**division C**''.

On page 222, line 37, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 223, line 25, insert ''(EXCEPT SECTIONS 1704 AND 2303)'' after ''DIVISION B''.

On page 236, strike ''2006'' in the column relating to ''Date''.

On page 236, strike the item related to Public Law 109–364.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. CHU) and the gentleman from North Carolina (Mr. MCHENRY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Ms. CHU. I yield myself such time as I may consume.

Mr. Speaker, H.R. 1107 codifies into positive law as title 41, United States Code, certain general and permanent laws related to public contracts. This is a noncontroversial bill that is not intended to make any substantive changes in the law. The Office of Law Revision Counsel periodically suggests to the committee of jurisdiction appropriate revisions to the United States Code in light of the enactment of codified laws. These changes are purely technical in nature. As is typical with the codification process, a number of non-substantive revisions are made, including the reorganization of sections into a more coherent overall structure.

Similar legislation has been introduced and favorably reported in each of the past two Congresses. It passed the House in May of last year. While it has been awaiting action in the Senate, a few additional technical corrections were identified, and they have been incorporated in the version that passed the Senate and that we are considering today.

I urge my colleagues to support this legislation.

I reserve the balance of my time.

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

Mr. Speaker, I support H.R. 1107, a bill proposed by the Office of Law Revision Counsel, to update and approve the codification of title 41 of the United States Code. The Judiciary Committee has jurisdiction over law revision bills, and this particular bill deals with the title addressing public contracts.

The Judiciary Committee considered and approved a similar bill last Congress, but it was ultimately not taken up by the House before the end of the Congress. H.R. 1107 and similar law revision bills are important because they ensure that the U.S. Code is up to date, accurate, and usable. I am glad to support this legislation today.

In closing, certainly the floor has been in chaos this afternoon, but we would like to take care of these Judiciary Committee suspension bills so we can get them done before the end of the year, and I appreciate my colleague taking the floor as well.

I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 1107.

The question was taken.

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

Ms. CHU. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

AUTHORIZING PILOT PROGRAM FOR PATENT CASES

Ms. CHU. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 628) to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. PILOT PROGRAM IN CERTAIN DISTRICT COURTS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a program, in each of the United States district courts designated under subsection (b), under which—

(A) those district judges of that district court who request to hear cases under which 1 or more issues arising under any Act of Congress relating to patents or plant variety protection are required to be decided, are designated by the chief judge of the court to hear those cases;

(B) cases described in subparagraph (A) are randomly assigned to the judges of the district court, regardless of whether the judges are designated under subparagraph (A);

(C) a judge not designated under subparagraph (A) to whom a case is assigned under subparagraph (B) may decline to accept the case; and

(D) a case declined under subparagraph (C) is randomly reassigned to 1 of those judges of the court designated under subparagraph (A).

(2) SENIOR JUDGES.—Senior judges of a district court may be designated under paragraph (1)(A) if at least 1 judge of the court in regular active service is also so designated.

(3) RIGHT TO TRANSFER CASES PRESERVED.—This section shall not be construed to limit the ability of a judge to request the reassignment of or otherwise transfer a case to which the judge is assigned under this section, in accordance with otherwise applicable rules of the court.

(b) DESIGNATION.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Director of the Administrative Office of the United States Courts shall designate not less than 6 United States district courts, in at least 3 different judicial circuits, in which the program established under subsection (a) will be carried out.

(2) CRITERIA FOR DESIGNATIONS.—

(A) IN GENERAL.—The Director shall make designations under paragraph (1) from—

(i) the 15 district courts in which the largest number of patent and plant variety protection cases were filed in the most recent calendar year that has ended; or

(ii) the district courts that have adopted, or certified to the Director the intention to adopt, local rules for patent and plant variety protection cases.

(B) SELECTION OF COURTS.—From amongst the district courts that satisfy the criteria for designation under this subsection, the Director shall select—

(i) 3 district courts that each have at least 10 district judges authorized to be appointed by the President, whether under section 133(a) of title 28, United States Code, or on a temporary basis under any other provision of law, and at least 3 judges of the court have made the request under subsection (a)(1)(A); and

(ii) 3 district courts that each have fewer than 10 district judges authorized to be appointed by the President, whether under section 133(a) of title 28, United States Code, or on a temporary basis under any other provision of law, and at least 2 judges of the court have made the request under subsection (a)(1)(A).

(c) DURATION.—The program established under subsection (a) shall terminate 10 years after the end of the 6-month period described in subsection (b).

(d) APPLICABILITY.—The program established under subsection (a) shall apply in a district court designated under subsection (b) only to cases commenced on or after the date of such designation.

(e) REPORTS TO CONGRESS.—

(1) IN GENERAL.—At the times specified in paragraph (2), the Director of the Administrative Office of the United States Courts, in consultation with the chief judge of each of the district courts designated under subsection (b) and the Director of the Federal Judicial Center, shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the pilot program established under subsection (a). The report shall include—

(A) an analysis of the extent to which the program has succeeded in developing expertise in patent and plant variety protection cases among the district judges of the district courts so designated;

(B) an analysis of the extent to which the program has improved the efficiency of the courts involved by reason of such expertise;

(C) with respect to patent cases handled by the judges designated pursuant to subsection (a)(1)(A) and judges not so designated, a comparison between the 2 groups of judges with respect to—

(i) the rate of reversal by the Court of Appeals for the Federal Circuit, of such cases on the issues of claim construction and substantive patent law; and

(ii) the period of time elapsed from the date on which a case is filed to the date on which trial begins or summary judgment is entered;

(D) a discussion of any evidence indicating that litigants select certain of the judicial districts designated under subsection (b) in an attempt to ensure a given outcome; and

(E) an analysis of whether the pilot program should be extended to other district courts, or should be made permanent and apply to all district courts.

(2) TIMETABLE FOR REPORTS.—The times referred to in paragraph (1) are—

(A) not later than the date that is 5 years and 3 months after the end of the 6-month period described in subsection (b); and

(B) not later than 5 years after the date described in subparagraph (A).

(3) PERIODIC REPORTS.—The Director of the Administrative Office of the United States Courts, in consultation with the chief judge of each of the district courts designated under subsection (b) and the Director of the Federal Judicial Center, shall keep the committees referred to in paragraph (1) informed, on a periodic basis while the pilot program is in effect, with respect to the matters referred to in subparagraphs (A) through (E) of paragraph (1).

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

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Ms. CHU. I yield myself such time as I may consume.

Mr. Speaker, this bill seeks to create a pilot program that will enhance district court expertise in patent cases.

Patent litigation is complex and highly technical. This makes litigation expensive, time consuming, and unpredictable. Moreover, the reversal rate of district court decisions is high, hovering around 50 percent. The bill before us today, H.R. 628, seeks to increase efficiency and consistency in patent and plant variety protection litigation and reduce the reversal rate.

The pilot program created by this bill would enable interested judges in certain district courts to develop expertise in adjudicating patent and plant variety protection cases. This will create a cadre of judges who have advanced knowledge of patent and plant variety protection due to more intensified experience in handling the cases, along with special education and career development opportunities.

By providing judges with more training and experience in patent law, this country will have fairer and more predictable decisions resulting in a positive effect on the economy as a whole, as businesses will be able to allocate more time to inventing and less time litigating.

The program would involve six of the Nation's 94 judicial districts on a strictly voluntary basis. Note this is just a pilot program; and unless Congress chooses to renew it, it will automatically expire after 10 years. The bill mandates reporting requirements to Congress that will help guide our future efforts to further improve the patent system. We will monitor the effects of this program closely.

□ 1300

H.R. 628 has bipartisan support in the Judiciary Committee and broad support from the patent bar and affected industry and trade groups. In 2006, a nearly identical bill, H.R. 5418, was reported by the Judiciary Committee and passed the House under suspension. The legislation passed the House again under suspension in the last Congress. This Congress, back in March of 2009, this House passed H.R. 628. This amended version before us today expands the number of districts that are eligible to be chosen for this program.

I want to particularly note the efforts of my friends on both sides of the aisle, Representative ISSA and Representative SCHIFF, whose tireless and substantial personal efforts shepherded this bill from start to finish—and we are close to the finish line.

I urge my colleagues to once again join me in supporting this bill.

I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself as much time as I may consume.

It is widely recognized that patent litigation is too expensive, too time-consuming, and too unpredictable. H.R. 628 addresses these concerns by authorizing a pilot program in certain United States district courts to promote patent expertise among participating judges.

The need for such a program becomes apparent when one considers that fewer than 1 percent of all the cases in United States district courts, on average, are patent cases and that a district court judge typically has a patent case proceed through trial once every 7 years. Nevertheless, these cases account for 10 percent of complex cases, and they require a disproportionate share of attention and judicial resources.

Notwithstanding the investment of additional time and resources, the rate of reversal on claim construction issues—the correct interpretation of which is central to the proper resolution of these cases—is unacceptably high. The premise underlying H.R. 628 is, succinctly stated, practice makes perfect, or at least better. Judges who focus more attention on patent cases will be expected to be better prepared to make decisions that can withstand appellate scrutiny.

The bill that we have before us today is the product of extensive oversight hearing that focused on proposals to improve patent litigation, which was conducted by the Subcommittee on Courts, the Internet, and Intellectual Property in October of 2005. This litigation is similar to H.R. 34 from the 110th

Congress and H.R. 5418, a bill that passed the House unanimously during the 109th Congress. More recently, the House passed H.R. 628 on March 17, 2009. The other body passed the legislation with amendments on December 13. The new changes improve the measure by eliminating a $10 million authorization and by expanding the bill's application to smaller judicial districts.

Mr. Speaker, H.R. 628 requires the director of the Administrative Office of the Courts to select at least six district courts to participate in a 10-year pilot program that begins no later than 6 months after the date of enactment. The bill specifies criteria the director must employ in determining eligible district courts. It also contains provisions to preserve the random assignment of cases and to prevent the selected districts from becoming magnets for forum-shopping litigants and lawyers.

The litigation additionally requires the director in consultation with the director of the Federal Judicial Center and the chief judge of each participating district to provide the committees on the Judiciary of the House of Representatives and the Senate with periodic progress reports. These reports will enable the Congress and the courts to evaluate whether the pilot program is working and, if so, whether it should be made permanent.

Mr. Speaker, the bill does not substantially amend the patent laws or the judicial process, nor does it serve as a substitute for comprehensive patent reform that is needed. Rather, H.R. 628 constructs a foundation that future Congresses and the courts may use to assess the merits of future related proposals.

Before closing, Mr. Speaker, I would like to take a moment to commend the superb job that the bill's sponsors, Representatives ISSA and SCHIFF, did in seeking out and incorporating the advice of numerous experts as they developed this bipartisan important legislation. Their success and cooperation have resulted in a good bill that deserves the support of Members of the House on both sides of the aisle. I urge Members to support this bill.

I reserve the balance of my time.

Ms. CHU. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. SCHIFF), the sponsor of the bill.

Mr. SCHIFF. Mr. Speaker, I rise in support of H.R. 628, and I want to begin by acknowledging the leadership of my colleague DARRELL ISSA from California in developing this bill. I joined with Mr. ISSA to introduce this important legislation back in the 109th Congress. It has not been a short road to get here today to hopefully enact this bill, but we would not have made it without his leadership.

I partnered with Mr. ISSA on the bill because we share a deep interest in improving the efficiency of the patent process, in reducing litigation costs and inefficiencies in patent review, and also in improving the quality of patents. This bill, in part, grew from a hearing in the 109th Congress on improving Federal court adjudication of patent cases in response to high rates of reversal. At this hearing, a number of proposed options to address this issue were discussed. Serious concerns were expressed about a number of proposals, including those that would create new specialized courts and those that would move all patent cases to existing specialized courts. These concerns centered around the need to maintain generalist judges, to preserve random case assignment, and to continue fostering the important legal percolation that currently occurs among the various district courts. Our proposal aims to avoid these pitfalls.

H.R. 628 establishes a mechanism to steer patent cases to judges that have the desire and the aptitude to hear such cases while preserving the principle of random assignment in order to prevent forum shopping among the pilot districts. The legislation will also provide the Congress and the courts with the opportunity to assess the program on a periodic basis. Reports will examine whether the program succeeds in developing greater expertise among participating district judges, the extent to which the program contributes to improving judicial efficiency in deciding these cases, and whether the program should be extended, expanded, or made permanent. By providing our courts with the resources they need to carefully consider patent cases, we will ultimately save the taxpayer money.

While this legislation is an important step at addressing needed patent reforms, I believe that Congress must continue to work on a more comprehensive reform of our patent system, and I look forward to continuing my work with my colleagues in order to address these issues.

Mr. POE of Texas. Mr. Speaker, I yield such time as he wishes to consume to the gentleman from California (Mr. ISSA), who is a sponsor of this bill.

Mr. ISSA. Mr. Speaker, it's been 8 years since this bill began being kicked around as a pilot. Some people would be less happy to announce it than I, but I would like to find them. Eight years ago when I began the dialogue with my colleagues, then the subcommittee ranking member, Mr. BERMAN, said, Tell me more about this problem. And I told him from life experience of the problem of these very talented judges, magistrates, and Federal judges who wanted to do a good job on patents, but it was almost always their first patent, and they lacked a support system to make it happen in both large and small districts. I told them how the southern district of San Diego had found ways to try to improve the system, gleaning some additional expertise from one or two judges who preferred these cases over some others and who actually sought them out. I also told some of my fellow colleagues about the horror stories of a magistrate ascending to the bench, finding that what he got from each of the other members were all their patent cases, and suddenly he had a backlog of these, had to find out what a Markman hearing was, had to start getting into technical issues, one on electronics, another on biotech, another one on telecommunications.

So over the years, we have all been educated well beyond that initial anecdotal example. Then ORRIN HATCH, Chairman HATCH, was supportive. Now Chairman LEAHY is supportive. All along the way, my classmate ADAM SCHIFF has been supportive, along with both chairman, and ranking member at times, HOWARD BERMAN. Chairman CONYERS has continued to be supportive and has helped me, along with Ranking Member LAMAR SMITH, vote this out early on in this Congress.

□ 1310

But I have a special thanks for Chairman LEAHY who made sure this bill was pulled out of the comprehensive patent reform bill because its time truly had come to begin saying to judges throughout the country that, in fact, we were going to help them help themselves be better at this. Although it's called patent pilot, over the years it has been expanded to the number of jurisdictions that it could be used in to where it's become quite clear that this will be a challenge to be expanded countrywide in whatever format the study shows is best.

I find that this Congress, in its lame duck session, has done a few good things. No surprise that this is one that I think is particularly good, particularly good because, as Congressman SCHIFF just said, we are, in fact, dealing in the lame duck session with a problem that has been pervasive since before Congressman SCHIFF and I became Members of this body 10 full years ago.

So as I thank each of you for your passage of this bill, and with full confidence that this will become a broader consensus throughout the Federal system, I also join with my friend and colleague ADAM SCHIFF in saying that the next Congress, in the early days, we must truly dedicate ourselves to comprehensive patent reform, to take each of the major issues that have been difficult and have, Congress after Congress, failed to become law, and find ways to resolve some or all of them for the good of the American people who find themselves spending 2, 3 or 8 or $10 million on what can often be a frivolous suit.

Again, Mr. POE, I thank you for yielding me the time. I ask all my colleagues to vote for this small but important change in patent law.

Mr. Speaker, I rise today in support of H.R. 628, a bill to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges. Congressman ADAM SCHIFF and I have worked together on this legislation since the last Congress, and I am grateful for the chance to move this legislation forward today.

The high cost of patent litigation is widely publicized, and it is not unusual for a patent suit to cost each party over $10,000,000. Appeals from district courts to the Court of Appeals for the Federal Circuit are frequent. This is caused, in part, by the general perception within the patent community that most district court judges are not sufficiently prepared to hear patent cases. I drafted this legislation in an attempt to decrease the cost of litigation by increasing the success of district court judges.

H.R. 628 establishes a pilot project within at least six district courts. Under the pilot, judges decide whether or not to opt into hearing patent cases. If a judge opts in, and a patent case is randomly assigned to that judge, that judge keeps the case. If a case is randomly assigned to a judge who has not opted into hearing patent cases, that judge has the choice of keeping that case or sending it to the group of judges who have opted in. To be a designated court, the court must have at least 10 authorized judges with at least 3 opting in, or certify that they have adopted local rules for patent and plant variety protection cases.

The core intent of this pilot is to steer patent cases to judges that have the desire and aptitude to hear patent cases, while preserving random assignment as much as possible. The pilot will last no longer than 10 years, and periodic studies will occur to determine the pilot project's success.

I am happy to say that H.R. 628 is supported by software, hardware, tech and electronics companies, pharmaceutical companies, biotech companies, district court judges, the American Intellectual Property Law Association, and the Intellectual Property Owners Association among others.

This legislation is a good first step toward improving the legal environment for the patent community in the United States. H.R. 628 should not, however, be taken as a replacement for broader patent reform. We still need to address substantive issues within patent law, and I look forward to working with my colleagues on that broader effort as well.

I thank Judiciary Committee Chairman JOHN CONYERS and Ranking Member LAMAR SMITH, as well Senators HATCH and LEAHY. I also thank my staff and the committee staff who worked so hard to make this possible.

I encourage all of my colleagues to support H.R. 628.

Ms. CHU. Mr. Speaker, I have no further speakers, and I reserve the balance of my time.

Mr. POE of Texas. I yield myself as much time as I may consume.

Mr. Speaker, patent law is complicated. It is difficult. It is messy. Now, that's why law schools have a special track for those that want to be patent lawyers. They get their own certification, in many law schools, because it is so complicated. And then when those cases go to court, they need to be presented to a judge that has a lot of experience in patent law. It is a difficult, complex legal issue in almost every case. And those cases take, sometimes, years before they are resolved in court, then on appeal, and the reversal rate is extremely high.

This legislation, hopefully, corrects that problem in giving those district judges that want to hear these cases that special expertise in hearing a great number of these cases, becoming experts and understanding the law, the complexities of the law and, hopefully, getting a better and quicker result in the courtrooms of the United States. I support this legislation.

I want to commend, once again, the two representatives from California, Mr. SCHIFF and Mr. ISSA, for their long endurance over sponsoring this legislation.

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

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

The SPEAKER pro tempore (Mr. WEINER). The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 628.

The question was taken.

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

Ms. CHU. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

PRESERVING FOREIGN CRIMINAL ASSETS FOR FORFEITURE ACT OF 2010

Ms. CHU. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4005) to amend title 28, United States Code, to prevent the proceeds or instrumentalities of foreign crime located in the United States from being shielded from foreign forfeiture proceedings.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 4005

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 ''Preserving Foreign Criminal Assets for Forfeiture Act of 2010''.

SEC. 2. PRESERVATION OF PROPERTY SUBJECT TO FORFEITURE UNDER FOREIGN LAW.

Section 2467(d)(3)(A) of title 28, United States Code, is amended to read as follows:

''(A) RESTRAINING ORDERS.—

''(i) IN GENERAL.—To preserve the availability of property subject to civil or criminal forfeiture under foreign law, the Government may apply for, and the court may issue, a restraining order at any time before or after the initiation of forfeiture proceedings by a foreign nation.

''(ii) PROCEDURES.—

''(I) IN GENERAL.—A restraining order under this subparagraph shall be issued in a manner consistent with subparagraphs (A), (C), and (E) of paragraph (1) and the procedural due process protections for a restraining order under section 983(j) of title 18.

''(II) APPLICATION.—For purposes of applying such section 983(j)—

''(aa) references in such section 983(j) to civil forfeiture or the filing of a complaint shall be deemed to refer to the applicable foreign criminal or forfeiture proceedings; and

''(bb) the reference in paragraph (1)(B)(i) of such section 983(j) to the United States shall be deemed to refer to the foreign nation.''.

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

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Ms. CHU. I yield myself such time as I may consume.

Mr. Speaker, the Preserving Foreign Criminal Assets for Forfeiture Act of 2010 will ensure that U.S. courts can freeze assets while foreign legal proceedings are pending. This fix permits Federal law enforcement to assist foreign governments without waiting for a final judgment in a foreign court.

I want to tell you a story that highlights the importance of this legislation. Years ago, I met a bright young man named Bobby Salcedo, who grew up in my district it in El Monte, California. What struck me right away was Bobby's dedication to improving the lives of children and residents of his community. It was that dedication that gave him his incredible energy and passion to achieve as much as he did.

He was an elected member of the El Monte School District. He returned to his alma mater, Mountain View High School, to become its assistant principal, and was studying for his doctorate in education at UCLA.

Aside from his caring, selfless nature, Bobby was very intelligent, driven, and charismatic. It was clear to everyone who knew him that he was going somewhere. He was our rising star.

A year ago, Bobby traveled to Gomez Palacio in the Mexican state of Durango to visit his wife's family for the holidays. On New Year's Eve, he was out with family and friends at a local restaurant when gunmen burst in and dragged Bobby, along with five other men, out of the restaurant at gunpoint. They were then each shot to death execution-style. The next day, all six bodies were found dumped in a ditch. Bobby was only 33 years old.

After the investigation began, it was confirmed that none of the six murder victims were connected to the drug trade in any way. Bobby and the others were in the wrong place at the wrong time. Their deaths exemplify a growing number of innocent bystanders who are

becoming victimized in the cartel violence in Mexico.

It had seemed as though the situation could not get worse. However, only weeks after Bobby was so brutally murdered, the lead state investigator in his case was also shot dead.

For me and thousands of others, Bobby's death is a symbol for both of our countries that progress for peace in Mexico must be made. We cannot allow the death of innocent bystanders or American citizens to pass without consequences. Until there is true accountability for the violence, there is little incentive for the drug lords to keep the peace.

In my conversations with law enforcement, I hear the same thing over and over again. In order to stop this wave of violence on the border and protect both American and Mexican citizens, we must hit the cartels where it hurts the most—their bank accounts and property, which are often located in the United States. So when I heard that Federal courts had severely limited law enforcement's ability to freeze foreign assets in the United States at the request of foreign governments, I had to act.

In 2000, Congress passed the Civil Asset Forfeiture Reform Act of 2000, which authorized Federal courts to assist foreign nations by freezing assets located in the United States while individuals stood trial in foreign courts. This process is consistent with our treaty obligations and, under those same international agreements, foreign courts will offer the United States similar assistance with assets located overseas.

This law is an important tool to fight organized crime, money laundering, and drug trafficking. It allows the U.S. to assist foreign governments in cutting the money supply to international criminal organizations.

Earlier this year, however, Federal courts interpreted the statute to apply only after a final decision has been reached in a foreign court proceeding. After the decision, law enforcement had no way to prevent illicit property from being moved out of our grasp before it was too late.

In the past few months, our government has been unable to protect more than $550 million that had been identified for forfeiture by foreign governments. This money will remain a continuing resource for criminal organizations, allowing them to fund extensive additional criminal activity.

The bill we are considering today includes due process protections similar to those used for restraining orders in anticipation of domestic forfeiture judgments. It also requires the courts to verify that the relevant foreign tribunal observes due process protections, has subject matter jurisdiction, and is not acting as a result of fraud.

This is just one small step to ensure that international criminal organizations like the cartels that murdered Bobby Salcedo have fewer resources to evade prosecution. It is for Bobby, his family, and the thousands of others who have been affected by cartel violence around the world that I fought to pass this important legislation.

□ 1320

I thank the chairman of the Judiciary Committee for allowing this bill to come to the floor so quickly, and I want to recognize the steadfast bipartisan support of my friend, Judge TED POE, and our colleagues in the Senate, Senators WHITEHOUSE and CORNYN.

This bill has the support of the Department of Justice, which is eager to use this tool to protect our borders and make the world a safer place. I urge my colleagues to support this important legislation.

I reserve the balance of my time.

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

Mr. Speaker, S. 4005, the Preserving Foreign Criminal Assets for Forfeiture Act of 2010, makes a simple, yet very important, technical change to Federal law to facilitate asset preservation for foreign countries. I am pleased to be a cosponsor of this legislation, and I commend my colleague from California (Ms. CHU) in sponsoring this House companion to S. 4005. I would like to thank her for her work on this issue in bringing it before Congress.

Federal law currently provides procedures by which the Federal Government can seek a court order to preserve or freeze certain domestic assets on behalf of a foreign government. This is an important tool to take out of the hands of criminals the proceeds that fund their illegal operations.

Criminals will go to great lengths to stash their ill-gotten profits. And whether it is an international drug cartel, a terrorist group, organized crime syndicate, or simply a savvy computer hacker or corrupt corporation, the key to putting a stop to their crimes is to put a stranglehold on their money that they have illegally obtained. But a recent D.C. circuit court of appeals decision limits the ability of the United States to assist foreign governments in retaining and restraining those assets.

The court interpreted section 2464 of title 28, governing the entry of foreign judgments, to authorize a U.S. court to freeze assets only after the foreign court's final forfeiture judgment. This is a significant limitation on our ability to assist in foreign forfeiture proceedings. If forced to await until a final foreign judgment is entered, we run the risk of allowing thousands, if not millions, of dollars to slip through our hands into the hands of the criminals.

In many countries, like Mexico, their judiciaries operate at a much slower pace than ours, and their prosecution rates are much lower. In fact, the criminal conviction rate in Mexico is less than 10 percent. Therefore, a lot of times, by the time a forfeiture judgment is made, the target has already moved their assets someplace else. This hampers our ability to go after Mexican cartel members who have assets here in the United States. So unless Congress clarifies the scope of section 2467, we run the risk of losing cooperation from foreign governments in our request to seize assets that are held abroad.

The investigation into the multi-billion dollar Ponzi scheme undertaken by Allen Stanford demonstrates our need for foreign countries to continue to freeze assets on our behalf. To date, Switzerland, Canada, and the United Kingdom have restrained a combined $400 million on behalf of the United States in just the Stanford case. This is money that certainly could have been lost if the United States was prevented from requesting such assistance from our allies until a final judgment was made.

The court of appeals was correct that it is not a court's role to substitute its view or policy for the legislation which has been passed by Congress. So I don't argue with the court's decision; but it is Congress' obligation to change and fix the law so that this does not occur in the future. With adoption of this legislation, Congress is establishing a clear and simple policy on the restraint of foreign assets.

So I commend my colleagues, Senators Whitehouse and Cornyn, and of course the gentlelady from California (Ms. CHU), for their efforts to clarify this statute. We must ensure that foreign governments can continue to rely on our assistance with their criminal prosecutions and the United States will continue to receive the same cooperation from our foreign allies.

I urge my colleagues to support this legislation.

I yield such time as he wishes to consume to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I thank my colleague from Texas for yielding.

Mr. Speaker, I rise in strong support of the Preserving Criminal Assets for Forfeiture Act, and I want to commend my colleagues, both Ms. CHU and Judge Poe, for bringing this forward.

As he talked about, we've got a problem right now where a court case has allowed a loophole, a major loophole, where criminal organizations are able to shield their assets from our Justice Department. We do not want, and we cannot allow, for these foreign criminal organizations, whether it is drug cartels, money launderers, or others, to be able to shield those assets from the law, not only removing the accountability, but allowing them to keep those assets that they may use against our law enforcement here in the United States. It is critical that we get this passed quickly to close this loophole and prevent those types of shielding from the law as it is currently happening.

I also want to point out something else that my colleague from Texas talked about. In the Stanford case, this is a case where somebody created a

Ponzi scheme that affected lots of people in my State, in Texas, and other States. We cannot allow these kinds of people to be able to shield their assets from justice. Ultimately, they need to have their day in court, and they need to have to face justice for the things that they did to our American citizens here.

I strongly support this legislation and urge all of my colleagues to do so as well.

Ms. CHU. I reserve the balance of my time.

Mr. POE of Texas. I yield myself such time as I may consume.

Mr. Speaker, the forfeiture concept is very important to the helping of our law enforcement agencies throughout the United States. It is the concept that criminals, drug cartels make a lot of money off the crimes they commit; and that money, when confiscated, should be not given back to the perpetrator, of course. It should be used for law enforcement and other worthwhile endeavors.

Under current law, this problem is an extreme problem because of the fact that many times, by the time the criminal cartel has been captured and they go to trial, they have hidden their assets and then there is no money to go back into the forfeiture.

So this legislation prevents this problem from occurring in the future. It allows the seizure of those assets where they can be used for law enforcement. It makes criminals pay the rent on the courthouse and pay for the system that they have created, and it helps in the forfeiture.

I cannot overemphasize how important forfeiture of illegal, ill-gotten gain is to our law enforcement agencies. Just one example of this: down on the Texas border where our sheriffs are operating on the border, we have got one county. The sheriff in Hudspeth County doesn't even have a budget for the motor pool; in other words, he has no vehicles that are funded at taxpayer expense. So the only way he gets vehicles is capturing drug cartels and drug runners when they come into Hudspeth County and forfeiting their vehicles to law enforcement. That is why they have a nice set of Escalades that they use in the fight on the drug cartel.

So forfeiture, whether it is vehicles or whether it is money, is extremely important to law enforcement; and we must continue to help them where we can and make the criminals pay for the system they have created and pay the rent on the courthouse.

I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and pass the bill, S. 4005.

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

A motion to reconsider was laid on the table.

□ 1330

GYNECOLOGIC CANCER EDUCATION AND AWARENESS ACT

Mrs. CAPPS. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2941) to reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. REAUTHORIZATION AND ENHANCEMENT OF JOHANNA'S LAW.

(a) IN GENERAL.—Section 317P(d) of the Public Health Service Act (42 U.S.C. 247b–17(d)(4)) is amended—

(1) in paragraph (4), by inserting after ''2009'' the following: ''and $18,000,000 for the period of fiscal years 2012 through 2014''; and

(2) by redesignating paragraph (4) as paragraph (6).

(b) CONSULTATION WITH NONPROFIT GYNECOLOGIC CANCER ORGANIZATIONS.—Section 317P(d) of such Act (42 U.S.C. 247b–17(d)), as amended by subsection (a), is further amended by inserting after paragraph (3) the following:

''(4) CONSULTATION WITH NONPROFIT GYNECOLOGIC CANCER ORGANIZATIONS.—In carrying out the national campaign under this subsection, the Secretary shall consult with nonprofit gynecologic cancer organizations, with a mission both to conquer ovarian or other gynecologic cancer and to provide outreach to State and local governments and communities, for the purpose of determining the best practices for providing gynecologic cancer information and outreach services to varied populations.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. CAPPS) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

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

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

There was no objection.

Mrs. CAPPS. I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 2941, a bill to reauthorize Johanna's Law. I would also like to acknowledge the hard work of the bill's sponsor, Representative DELAURO, on this legislation. She has been a tireless supporter of this program and a staunch advocate for this reauthorization.

The bill reauthorizes an existing CDC program to educate women and health care providers about the detection and treatment of gynecological cancers. Gynecological cancers are diagnosed in over 80,000 American women annually and they kill nearly 28,000. The program educates women so that they can recognize the warning signs of gynecological cancers, because when such cancers are found early, treatment is most effective. The program also connects women to patient support services and key national organizations which are fighting gynecological cancers.

I know that many of my colleagues here today are cosponsors of the bill, and I urge you all in joining me in supporting it.

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

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

Mr. Speaker, I, too, rise in favor of H.R. 2941, otherwise known as Johanna's Law reauthorization. It would reauthorize Johanna's Law, which was first passed by Congress at the end of the 2006 session and directed the Health and Human Services Department to carry out a national campaign to increase awareness of gynecological cancer.

In 2006, 76,515 women were told that they had gynecological cancer and 27,848 died from that cancer. H.R. 2941 would authorize the Centers for Disease Control and Prevention to continue the nationwide campaign which is entitled ''Inside Knowledge: Get the Facts About Gynecologic Cancer.'' The campaign is designed to increase the awareness and knowledge of health care providers and women with respect to gynecological cancers.

Cancer screenings are effective when they can detect the disease early. It is widely known that the earlier the disease is caught, the greater chance a person has to survive it. However, in the group of gynecological cancers, only cervical cancer has a screening test that can detect the cancer in its earliest stages. It is therefore important that both individual women and their physicians remain aware of the disease and recognize signals that could lead to an earlier detection of the disease. That is why I urge all of my colleagues to support Johanna's Law.

Mr. Speaker, I now yield such time as he may consume to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding.

Ovarian cancer, if it is caught early, has a 93-percent chance for 5-year survival for women with this terrible cancer, and if they don't catch it early, only 27 percent of the ladies that get it have a chance of survival.

This bill was named after Johanna Silver Gordon, who went to the doctor regularly for her physical. Her doctor missed the ovarian cancer that she had, and, like many women, because the doctor either misdiagnosed or missed it, she passed away, I believe in December of 2006.

This was brought to my attention by a very good friend, Ms. Kolleen Stacy, in Indiana, who had gynecological cancer. She fought it for many years and

she was a champion of Johanna's Law, and she brought to the attention of many people, including myself, the problems that women have by not knowing the signs of gynecological cancer problems, in particular ovarian cancer.

It is extremely important that this be caught early. For that reason, that is why this law is so important, because it gives women the opportunity to find out about the problems they may face early so that their survival rate can be increased.

I want to thank DARRELL ISSA, as well as our Democrat colleague who sponsored this bill, for bringing this to the floor a couple of years ago. I am very happy it is being reauthorized today.

What Johanna's Law does is it provides a cancer-specific fact sheet about gynecological cancers in both English and Spanish. It provides a comprehensive gynecological cancer brochure. It provides formative research and concept testing using focus groups to better understand the target audience.

It provides materials for primary care and health care professionals. And that is extremely important, because many physicians don't catch it. It is not because they don't want to; it is because the signs have not been very clearly defined and they haven't seen it. And it is extremely important that these materials for primary care and health care professionals be provided.

It provides print and broadcast public service announcements for women so that they can see on television maybe some of the symptoms that they have that might be leading to a gynecological-type cancer.

It also provides that all materials that have been created through Johanna's Law be sent to television, radio, and printout lists throughout the country. The CDC is tracking and airing the PSAs and audience impressions, and the CDC is also reaching out to groups encouraging the use of these materials.

As my colleague has stated, a lot of women have lost their lives or had their lives shortened because they didn't know the symptoms of gynecological cancer or ovarian cancer early enough.

This is a very important piece of legislation. I know that there are not a lot of people here speaking about it today, but women across the country who have suffered from various forms of cancer understand the import of legislation like this.

I would like to thank my colleagues in the Senate and my colleagues here in the House for bringing this legislation to the floor. Once again, I am very proud to be a cosponsor of it, and I urge its adoption.

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

Mrs. CAPPS. Mr. Speaker, I had intended to yield to the bill's author, our colleague from Connecticut, Representative DELAURO, but then her schedule precluded her from attending this hearing. So I am going to read her statement into the RECORD on her behalf.

Every hour, approximately 10 women in the United States are diagnosed with a gynecologic cancer such as ovarian, cervical, and uterine cancers. Each year, we lose over 26,000 of our mothers, our sisters, our daughters, and our friends to one of these terrible cancers. This is a tragedy.

Research shows that many of those deaths could be prevented if more women knew the risk factors and recognized the early symptoms of gynecologic cancers so that they could discuss them with their doctors. Some cancers have a dramatic difference in likely survival when they are diagnosed early. Ovarian cancer, as my colleague just referred to, for example, has just about a threefold difference in survivability between the early time it can be diagnosed and the later time it is often diagnosed.

In 2007, Johanna's Law, the Gynecologic Cancer Education and Awareness Act, was enacted.

□ 1340

This important legislation created a gynecologic cancer education and awareness campaign which is administered by the Centers for Disease Control and Prevention, CDC, to raise awareness of the five main types of gynecologic cancer: cervical, ovarian, uterine, vaginal, and vulvar.

Johanna's Law was originally authorized for 3 years, and H.R. 2941 reauthorizes the program for another 3 years. This bill reauthorizes a national awareness and education program to ensure that those diagnoses are made as early as possible so that women can have a higher chance of survival and authorizes, in addition, funding of $18 million over the 3-year period. The bill has more than 150 bipartisan cosponsors in the House. It was passed by unanimous voice vote in late September, and the Senate passed revised language on December 10. It is important that we reauthorize Johanna's Law in this Congress to continue building upon the CDC's efforts to educate women and their health care providers.

In conclusion, our colleague Ms. DELAURO wants to thank Congressman DARRELL ISSA; DAN BURTON, our colleague who has just spoken; and SANDY LEVIN for their committed leadership on this issue.

Ms. DELAURO. Mr. Speaker, I rise today in support of an important bill that enjoys strong and consistent bipartisan support—the reauthorization of Johanna's Law through 2014. This is an important vote. It will help to raise awareness of the warning signs of ovarian cancer.

Better awareness is one of the most critical tools we have. Research shows that many deaths from these diseases could be prevented if more women and health care providers knew the risk factors, and recognized the early symptoms of gynecologic cancers.

Better awareness might have helped Johanna Silver Gordon—in whose honor the bill is named. Johanna lost her life to ovarian cancer despite being a health-conscious woman who visited the gynecologist regularly. Like many women, Johanna had symptoms and clinical signs of ovarian cancer that were missed by both her and her healthcare provider. And her sister, Sheryl Silver, was determined never to let another sister, mother, daughter or friend go through the same thing.

This bill is a big step in that fight. It reauthorizes the existing CDC program that educates women and their health care providers about the symptoms of ovarian and other gynecological cancers. Put simply, it will save lives.

I want to thank Congressmen DARRELL ISSA, DAN BURTON, and SANDY LEVIN for their committed leadership on this issue. And I urge my colleagues to vote for this legislation today. As Johanna's family can tell you, it really will make a difference.

Mr. LEVIN. Mr. Speaker, I rise to urge the passage of H.R. 2941, to renew "Johanna's Law" to increase public awareness and knowledge of gynecological cancers. I am pleased to have introduced this important bill with Representatives DELAURO, ISSA, and BURTON. Johanna's Law established a national public information campaign to educate women and health care providers about the risk factors and early warning signs of gynecologic cancers. This bill before the House carries on that important life-saving work by extending funding of Johanna's Law from 2012 to 2014.

The law was named after Michigan resident Johanna Silver Gordon, a loving mother and dedicated public school teacher, who, despite visiting her doctor regularly, was blindsided by a diagnosis of late-stage ovarian cancer, learning only after her diagnosis that the symptoms she had been experiencing were common symptoms of that disease. Despite the best efforts of her physicians, tragically, Johanna lost her life to ovarian cancer 3½ years after being diagnosed.

Johanna's story is far too common. Although it has been 10 years since she died of ovarian cancer, and 4 years since Congress first passed this important legislation, each year over 71,000 women in the U.S. are diagnosed with a gynecologic cancer and over 26,000 women are lost to one of these serious cancers. Many of those deaths could be prevented if more women knew and recognized the early symptoms of gynecologic cancers and received prompt treatment.

Today we continue to build on the work we began with the passage of the first Johanna's Law 4 years ago. Our best weapon against gynecological cancers is early detection. A woman's chance of survival is dramatically improved when the gynecological cancer is diagnosed early. Ovarian cancer causes more deaths in women than any other gynecological cancer; however, it has a 93 percent survival rate if detected in Stage One, but only a 20 percent survival rate if detected in Stage Three or Four.

Right now, awareness, education, early diagnosis, and treatment are the most effective weapons we have in our war against gynecological cancers. I urge my colleagues to support Johanna's Law so we can prevail in our battle against these terrible cancers that cut short the lives of our mothers, daughters, sisters, wives, partners and friends. I urge passage of this very important legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. CAPPS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2941.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

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:

S. 841; by the yeas and nays;

S. 3860; by the yeas and nays;

S. 3447, by the yeas and nays.

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

PEDESTRIAN SAFETY ENHANCEMENT ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass 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, 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 Georgia (Mr. BARROW) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 379, nays 30, not voting 24, as follows:

[Roll No. 640]

YEAS—379

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
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
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
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
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peterson
Petri
Pingree (ME)
Pitts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
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
Shea-Porter
Sherman
Shimkus
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth

NAYS—30

Akin
Barrett (SC)
Broun (GA)
Campbell
Chaffetz
Coffman (CO)
Flake
Franks (AZ)
Garrett (NJ)
Graves (GA)
Hensarling
Hunter
Kingston
Lamborn
Linder
Lummis
Mack
McClintock
Miller (FL)
Nunes
Paul
Poe (TX)
Price (GA)
Reed
Shadegg
Shuster
Stutzman
Westmoreland
Wilson (SC)
Young (AK)

NOT VOTING—24

Baird
Berry
Blunt
Boehner
Brown (SC)
Cardoza
Davis (AL)
Granger
Himes
Hoekstra
Johnson, E. B.
Kilpatrick (MI)
Marchant
Markey (CO)
McCarthy (NY)
McMorris Rodgers
Peters
Platts
Radanovich
Reyes
Shuler
Simpson
Wamp
Young (FL)

□ 1411

Messrs. WILSON of South Carolina, SHUSTER, KINGSTON, CHAFFETZ, LAMBORN, STUTZMAN, MACK, BARRETT of South Carolina, COFFMAN of Colorado, SHADEGG, POE of Texas and AKIN changed their vote from ''yea'' to ''nay.''

Mrs. BACHMANN and Mr. EHLERS changed their vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REQUIRING REPORTS ON MANAGEMENT OF ARLINGTON NATIONAL CEMETERY

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 3860) to require reports on the management of Arlington National Cemetery, 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. FILNER) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 3, not voting 23, as follows:

[Roll No. 641]

YEAS—407

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
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao

Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
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, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
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)
Linder
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)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
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
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
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
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth

NAYS—3

Poe (TX)
Tiahrt
Young (AK)

NOT VOTING—23

Baird
Berry
Blunt
Brown (SC)
Cardoza
Clyburn
Davis (AL)
Farr
Granger
Gutierrez
Johnson, E. B.
Kilpatrick (MI)
Marchant
McCarthy (NY)
McMorris Rodgers
Pence
Platts
Radanovich
Schock
Simpson
Wamp
Watson
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1422

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.

POST–9/11 VETERANS EDUCATIONAL ASSISTANCE IMPROVEMENTS ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 3447) 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, 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. FILNER) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 3, not voting 22, as follows:

[Roll No. 642]

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
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
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
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
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Jackson (IL)
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Johnson, Sam
Jones
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Kennedy
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King (IA)
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Kirkpatrick (AZ)
Kissell
Klein (FL)
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Larsen (WA)
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Lee (CA)
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Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
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Manzullo
Markey (CO)
Markey (MA)
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McCarthy (CA)
McCaul
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McKeon
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Meek (FL)
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Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
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
Pelosi
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Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
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	Smith (WA)	Tsongas
Schauer	Snyder	Turner
Schiff	Space	Upton
Schmidt	Speier	Van Hollen
Schock	Spratt	Velázquez
Schrader	Stark	Visclosky
Schwartz	Stearns	Walden
Scott (GA)	Stupak	Walz
Scott (VA)	Stutzman	Wasserman Schultz
Sensenbrenner	Sullivan	Waters
Serrano	Sutton	Watson
Sessions	Tanner	Watt
Sestak	Taylor	Waxman
Shadegg	Teague	Weiner
Shea-Porter	Terry	Welch
Sherman	Thompson (CA)	Westmoreland
Shimkus	Thompson (MS)	Whitfield
Shuler	Thompson (PA)	Wilson (OH)
Shuster	Thornberry	Wilson (SC)
Sires	Tiahrt	Wittman
Skelton	Tiberi	Wolf
Slaughter	Tierney	Woolsey
Smith (NE)	Titus	Wu
Smith (NJ)	Tonko	Yarmuth
Smith (TX)	Towns	

NAYS—3

Buyer	Flake	Young (AK)

NOT VOTING—22

Baird	Hoekstra	Moore (WI)
Berry	Johnson, E. B.	Pence
Boehner	Kilpatrick (MI)	Platts
Brown (SC)	Kilroy	Radanovich
Cardoza	Marchant	Simpson
Clyburn	McCarthy (NY)	Wamp
Davis (AL)	McMorris Rodgers	Young (FL)
Granger		

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1429

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.

RECESS

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

Accordingly (at 2 o'clock and 29 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1745

AFTER RECESS

The recess having expired, the House was called to order by the SPEAKER pro tempore (Mr. ALTMIRE) at 5 o'clock and 45 minutes p.m.

COMMUNICATION FROM THE CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Chief Administrative Officer of the House of Representatives:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, December 15, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I, in my capacity as Custodian of Records for the Office of the Chief Administrative Officer, have been served with a subpoena for documents issued by a grand jury in New York County, New York.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

DANIEL J. STRODEL.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 4853, TAX RELIEF, UNEMPLOYMENT INSURANCE REAUTHORIZATION, AND JOB CREATION ACT OF 2010

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1766 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1766

Resolved, That upon the adoption of this resolution it shall be in order to debate in the House the topics addressed by the motions specified in sections 2 and 3 of this resolution for three hours equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means or their designees.

SEC. 2. After debate pursuant to the first section of this resolution, it shall be in order to take from the Speaker's table the bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes, with the Senate amendment to the House amendment to the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chair of the Committee on Ways and Means or his designee that the House concur in the Senate amendment to the House amendment to the Senate amendment with the amendment printed in the report of the Committee on Rules accompanying this resolution. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

SEC. 3. If the motion described in section 2 of this resolution fails of adoption, the previous question shall be considered as ordered on a motion that the House concur in the Senate amendment to the House amendment to the Senate amendment, on which the Chair shall immediately put the question.

SEC. 4. Until completion of proceedings enabled by the first three sections of this resolution—

(a) the Chair may decline to entertain any intervening motion, resolution, question, or notice;

(b) the Chair may postpone such proceedings to such time as may be designated by the Speaker; and

(c) each amendment and motion considered pursuant to this resolution shall be considered as read.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members that cell phone use in the House Chamber is not permitted.

The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

GENERAL LEAVE

Ms. SLAUGHTER. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1766.

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

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, since I made a rather lengthy speech at our first rule this morning, I am going to be giving up my time to other Members.

So I will at this point reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I thank my friend from Rochester for yielding me the customary 30 minutes and yield myself such time as I might consume.

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

Mr. DREIER. I think it is very important for us to understand exactly what is taking place here.

About 5 minutes ago I was downstairs and told to appear on the House floor. I am here. I know that there has been a Democratic Caucus held to deal with the changes. I know that lots of people have been following what has transpired over the past few hours, and I think that before we proceed, it would be best for the distinguished chair of the Committee on Rules, Mr. Speaker, to explain to us sort of what's happened and what we're doing and what specific changes Members can anticipate in this rule.

I would be happy to yield to my friend from New York.

Ms. SLAUGHTER. Thank you for yielding.

There are very few changes, if any. The caucus in the Democratic Party is really the most important part of our side of the House. The Speaker is meticulous about working with them to achieve consensus. Frankly, we had a rather raucous meeting this morning at the caucus and it was decided that it would be better if we recessed and took some time to see where we were and to make sure that all facets of the caucus had been listened to. But as I said, there will probably be very little change, if any, from the rule we had this morning.

Mr. DREIER. Well, Mr. Speaker, if I could reclaim my time, there may be

very little change, but it is my understanding, just from the brief staff report that I got, that we are going to, under this rule, continue to have a vote on the Pomeroy amendment, which increases the death tax. And following that, because of a concern that was raised by Members on the majority side of the aisle, there was concern that there wouldn't be a final passage vote. So am I correct to infer that we can anticipate the only change being a final passage vote on the measure?

Ms. SLAUGHTER. The gentleman is correct. There were many Members who felt that they needed that extra vote. At the proper time we will make the decision as to whether we will call and ask for a change in the rule.

Mr. DREIER. Mr. Speaker, reclaiming my time again, I am trying to get a clear understanding so that Members of this body will know what the proposed changes are in this rule that is before us that we are debating now. I think that, again, looking back to what we've gone through over the last several years, transparency, disclosure, accountability, those are the guides that we're trying to use. And so before we proceed, Mr. Speaker, I believe that it's very important to have a clear understanding of exactly what it is that we are considering, and so I would ask the chair if she would explain that to the membership.

I reserve the balance of my time.

□ 1800

Ms. SLAUGHTER. I would be happy to respond to the gentleman.

The only thing I can tell you, Mr. DREIER, as I said before, is that there is no change in this bill. We may or may not ask for an ability to have a separate vote, as you pointed out, so that people will have an up-or-down vote on the bill.

As you know, we are dealing with the resolution, and if the Pomeroy portion of it should go down, then we wouldn't normally have that up-or-down vote. If it should pass, that would normally be the end of our proceedings, and it would go directly to the Senate. We are simply adding, as a precaution and for a number of Members who have requested it, an ability to have that up-or-down vote regardless of whether the amendment passes or fails.

Mr. DREIER. Will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from California.

Mr. DREIER. I am very appreciative of my friend for yielding.

Let me, Mr. Speaker, explain it the way I've understood.

So the rule is identical to the rule that we were debating earlier, that being we are anticipating 3 hours of general debate; we are expecting that there will be a vote then on the proposal by Mr. POMEROY to increase the death tax. Then, Mr. Speaker, we may or may not, following that, have a vote on final passage before the measure is sent to the Senate; and from there, it would then go on to the President.

Is that a correct explanation?

Ms. SLAUGHTER. That is correct.

Mr. DREIER. Thank you very much, Mr. Speaker. I appreciate my friend for having explained it.

I reserve the balance of my time.

Ms. SLAUGHTER. I am now pleased to yield 2 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Madam Chairperson, thank you so very, very much for your leadership and for the change in the rule.

Mr. Speaker, the earlier rule presented a significant problem to us in that it had basically a vote on the Pomeroy amendment; and that would be then, if that passed, the vote on the bill without a separate vote. Separation is very, very important to many of us because we see in this particular piece of legislation numerous serious problems.

For example, we see that the Social Security payroll tax is being reduced, which, for the first time ever in history, I think, has put Social Security's security in play. In the future, we think this may be a very, very serious detriment to the well-being of the Social Security system.

In addition to that, the way in which the taxes are structured, I think, goes basically against some very fundamental principles that were best announced and laid out by Franklin Delano Roosevelt. Etched on the marble at his memorial here in Washington, D.C., are the words that speak, I believe, very directly to this piece of legislation. He said that the test of our progress is not whether those who have much get more but, rather, whether those who have little get enough.

This piece of legislation that we will be voting on, even with the proposed amendment, the Pomeroy amendment, really does give those who have much even more while those who have little get very, very little.

We strongly support the middle class tax cut. That has always been our position. We think President Obama was quite correct in announcing his support for the middle class tax cut. We think that the Republican position of even greater wealth and lower taxes for those who have much—not just a little much but a great, great deal of the wealth of America—is not justified. Therefore, we stand in support of the proposed rule, and we will speak later on the bill.

Mr. DREIER. I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Mr. Speaker, I, too, want to join my colleague from California (Mr. GARAMENDI) in supporting the rule and also in expressing my opposition to this bill.

A number of Members of Congress will come and express their opposition to the bill in the debate, and I wanted to use some of the time during the rule to set the climate for what many Members of this body will be hearing. I want to start with a couple of quotes that, I think, ought to drive some of the discussion that will be taking place here on the floor.

The first is from The Wealth of Nations in 1776, Adam Smith: ''The subjects of every State ought to contribute toward the support of the government, as nearly as possible, in proportion to their respective abilities; that is, in proportion to the revenue which they respectively enjoy under the protection of the State. As Henry Home (Lord Kames) has written, a goal of taxation should be to 'remedy inequality of riches as much as possible by relieving the poor and burdening the rich.' ''

William Jennings Bryan, at the Democratic National Convention, on July 8, 1896, said, ''I am in favor of an income tax. When I find a man''—or a woman—''who is not willing to bear his share of the burdens of the government which protects him, I find a man who is unworthy to enjoy the blessings of a government like ours.''

Franklin Delano Roosevelt, in Worcester, Massachusetts, on October 21, 1936, said, ''Taxes, after all, are the dues that we pay for the privileges of membership in an organized society.''

There will be great debate on the floor of this Congress tonight about extending the Bush-era tax cuts. The Bush-era tax cuts, which are an extension of the Reagan tax cuts of the 1980s, represent one of the most profound shifts of wealth in our Nation from those most vulnerable to those who are well-heeled—those who are better positioned in our society to make their way through life.

So it is our hope, Mr. Speaker, that this debate be conducted in a way that allows for people to participate.

Mr. DREIER. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. MILLER).

Mr. GEORGE MILLER of California. I thank the gentlewoman for yielding this time to me.

Mr. Speaker, I rise in support of this rule, as amended, that will give an opportunity to both sides to address what, I think, is an egregious provision in this bill. It, unfortunately, I think, also mirrors another provision in this bill, which is the tax cuts to the wealthiest 2 percent of the people in this country and to a handful of estates, to some 6,000 estates. It gives them a $25 billion tax cut at a time when working families are struggling to keep their families together.

Also is the fact that it does nothing in terms of stimulus, in terms of job creation. These tax cuts to the wealthy, so many economists have said, is the least stimulative thing you can do. They simply don't spend the money in a timely fashion because they don't need to spend that money. The second one, of course, is that the estate tax provides no stimulative impact either to the economy. In talking

about doing this for the sake of the economy, what we are really doing is cutting taxes to people and to estates that will not contribute to economic growth, so we are creating debt that is unnecessary to create.

You know, we are a couple of weeks away from the debt commission. We are a couple of months away from when people were concerned whether the United States was going to look like Greece or Spain or Portugal. Along we come now, and we're not even prepared to make the distinction as to whether or not we would create debt for, hopefully, stimulative purposes and/or just hand out tax breaks to people who don't need them and who won't contribute to the improvement of the economy. Yet it will clearly be put on the debt of this Nation, and it will clearly have to be dealt with in the ensuing Congresses where it will drive a series of decisions that aren't necessary, but neither was the debt necessary.

I do think this rule is an improvement because it will give the opportunity for those individuals who want to vote against this tax cut for this limited number of estates to do so. Then whether they vote for that or against that or whether that prevails or doesn't prevail, the individuals will still have the ability to vote against this legislation as this is not to suggest that the amendment addresses all that is wrong with this legislation.

□ 1810

It doesn't address the tax cuts for the high income. It doesn't address the complications of the payroll holiday and what that means to the financing of Social Security over the long term, the ability of this Congress to change that a year from now, the fact that that can lead to tax increases for individuals, and that it's less progressive than the higher provision that was in the original Recovery Act to provide assistance to middle-income families.

There are a number of good provisions in this legislation. There are tax provisions in here to help educate their children, to take care of their children, and the extension of unemployment for a year, but I would hope that we would support the rule. As inadequate as this legislation is, I would hope that we would support the rule.

Mr. DREIER. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. I am pleased to yield 3 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER of New York. I thank the gentlelady for yielding me the time.

Mr. Speaker, I'm going to oppose this bill, however the rule comes out, for several reasons. Number one, if this bill passes, we will extend the upper income tax cuts at a cost of increase in the deficit by $700 billion over 10 years.

We're told that in 2 years it will expire. Of course, we also know that our friends on the other side of the aisle will try to extend it in 2 years, and in 2 years, we'll have the same kind of coercion. We'll be told that if we don't extend the upper end tax cuts, the middle class tax cuts will also expire, and I don't see any reason to believe that we wouldn't succumb to that coercion 2 years from now in an election year as much as we're doing now in this bill.

So I believe that passing this bill, in effect, would make permanent the upper end tax cuts which, in effect, would generate a $700 billion increase in the deficit, which would make it almost impossible to fund housing, education, everything else we need. It would be the culmination of the 30-year Republican effort to starve the beast, to deliberately create huge deficits in order to provide the political cover for reducing expenditures in housing, education, Social Security, and Medicare.

Secondly, I hope that Mr. POMEROY's amendment on the estate tax will pass, but if it doesn't, that's another problem.

Thirdly, Social Security. We are going, in this bill, to provide for a 1-year tax reduction of 2 percent in the Social Security tax. That will cost us $120 billion in 1 year, which will be replenished from the general fund, but we know perfectly well that, politically, once you make that tax cut, it will be impossible to restore it, which means it will be $120 billion a year forever taken away from Social Security but replaced by the general fund.

Now, the conservatives have always told us we have to reduce Social Security, increase the retirement age, reduce benefits, because it contributes to the deficit. We said, no, it doesn't contribute to the deficit. Social Security is walled off; it has nothing to do with the deficit. But now it will be put right in the middle of the deficit debate, and it will cost the general fund $120 billion a year, $1.2 trillion over 10 years, and we'll be told you've got to reduce Social Security benefits, increase the retirement age because of the deficit, and it will be in the middle of the deficit debate. We will be told a year or two or three from now, by the way, we'll only replace $100 billion of the $120 billion we have taken away from Social Security this year because we need the money for education and housing and something else, and we should not want to be in that position.

FDR decided in 1935 that Social Security would be supported by its own tax, by its own situation of people paying into it year after year so they take it back when they retired. Now we are going to take some of that money away, and we're going to say the general fund will support it. FDR knew that by setting up Social Security as self-financing, it would be difficult to abolish or to reduce. This undoes that genius by the New Deal and puts Social Security at great risk, and, accordingly, Mr. Speaker, I must oppose this bill.

Mr. DREIER. Mr. Speaker, assuming that my friend still has additional speakers, I will continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland (Ms. EDWARDS).

Ms. EDWARDS of Maryland. Mr. Speaker, I'd like to thank the gentlewoman from New York.

As of this morning, I was not prepared, much to my disappointment, to support this rule, but I do support the rule now and the ability of this House to move forward on this tax cut bill.

It is sad that later on we're going to consider a bill that isn't just about an estate tax that benefits only 6,600 families. It's about what we do with Social Security for the long term, protecting the investment that all of our seniors, people who have invested in Social Security should be able to expect in the years to come. It is about the debt that's going to be saddled onto our children and our grandchildren.

The underlying bill is so problematic in so many ways—and I'll have an opportunity to speak on my opposition to that bill—but I do stand here able to support a rule that allows me to take a vote as a Democrat, to speak to the values that I hold for working people and for working families and for our children and our grandchildren and their future.

Mr. DREIER. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank the gentlewoman from New York.

Mr. Speaker, America faces two great challenges: One, we have too few jobs. Over 15 million Americans who are looking for work can't find it. Even millions more are so discouraged, they don't even go out. Number 2, too much debt; approaching $14 trillion, in this bill would add $858 billion more.

Now, President Obama was right in proposing legislation, absolutely right, legislation is needed to revive our economy. And President Obama is right, he is absolutely right, that we should extend those middle class tax cuts for folks up to $250,000. They need the money. We can't shrink their paycheck, and that will help revive the economy.

But this legislation creates too few jobs and too much debt. The cost per job is in the range of $390,000. The cost of this is largely because of the success of the Senate Republicans to insist on $200 million both in estate tax reductions, in high-end tax reductions, that will go to the wealthiest 2 percent of Americans.

This is not about class warfare. This is not about soak the rich. This is about prudent use of taxpayer dollars. If we borrow a dollar, there should be some job bang for that dollar borrowed, and those high-end tax cuts and the estate tax cuts do not generate jobs, but they will be a bill that comes due and must be paid by the middle class and working families of this country.

We have a responsibility to focus on jobs, to focus on economic revival, and to rebuild the middle class. We can do a better job. We could have a bill that extended the Bush tax cuts up to $250,000, and the money saved, put that into reducing the deficit and infrastructure development. We could have a bill that focussed on an estate tax that was less generous than what is being considered in this legislation, and we could have a bill that would protect Social Security. Americans know that we cannot take money out from the revenue stream and expect to have solvency in the long term.

So we have a chance to pass the legislation to revive us economically, to treat the middle class right, but to limit the debt.

Mr. DREIER. I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. COHEN).

□ 1820

Mr. COHEN. Mr. Speaker, I want to thank the chairlady for giving me this opportunity.

I wasn't going to support the rule this morning, but I am going to support it now. I am going to support it because I want to be able to vote to make the estate tax more reasonable, even though the reality is, what we are voting on is whether we are going to give the wealthy with the estate tax a six-course meal with wine or a seven-course meal with wine, and we should be talking about a meat and three.

The fact is, the estate tax with a $675,000 exemption was started with the Bush tax cuts, and now we are putting it up to a $5 million exemption per person and $10 million per couple. It was at a 55 percent rate and precipitously drops in this bill to 35 percent. The benefit to the heirs of the richest people in this country is unbelievable, unfathomable. And what that means, you will have a continued concentration of wealth in a few select families, lords so to speak, princes that have money beyond what anybody needs to have in this Nation and not contribute to others. The fact is, this was a very difficult vote, a very difficult decision for me. I asked my constituents to let me know what they thought. I had hundreds of people call and write and contribute to a poll, and it was about even, for and against.

The fact is, the future of our Nation is at risk. These tax cuts for the most wealthy people in our Nation, for corporations that will not produce jobs, in the hundreds of billions of dollars category, and the inheritance tax will take away the children, the aged, and the needy in years to come who will need support from this Nation. The deficit will be so great that when it comes time for deficit cutting, the cuts are going to come to the people who most are in need.

Hubert Humphrey said, ''The moral test of government is how it treats those who are in the dawn of life, the children; those who are in the twilight of life, the aged; and those in the shadows of life, the sick, the needy, and the handicapped.'' He and others, like Dr. King, the Dalai Lama, and others who you look to never talk about giving more to the rich. Mr. GARAMENDI started talking about Franklin Roosevelt. The fact is, those people who are the moral tests will suffer when the cuts are made, and I don't see that as something I should support. I cannot be sure of that.

Mr. DREIER. I continue to reserve the balance of my time.

Ms. SLAUGHTER. I am pleased to yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. The lack of response from the Republican side is a bit interesting because we are about to add $430 billion to this year's deficit if this bill passes. That is $430 billion borrowed, probably from China, added to the deficit. A record $1.75 trillion.

Now, we have been told this is the only deal, the best deal. No, we have offered an alternative. And earlier today, I thought we had some prospect of actually voting on it, one that's much less expensive, more targeted to working families, average Americans, and those who are unemployed would have created real jobs with substantial investment in infrastructure projects, not the jobs you are going to get by giving people small tax breaks and saying, Here is some borrowed money from China; go out and buy some goods from China. That will put America on the path to recovery.

Every other industrial nation on Earth is talking about buckling down a little bit and austerity measures and having a sustained recovery. No, not here. We got out the credit card. A trillion dollars—well, no. It's only $858 billion. And guess what, our kids and grandkids are going to be paying that bill for 30 years. And the most insidious part is that $111 billion of that will come from the Social Security trust fund.

But don't worry, after we take the money from the Social Security trust fund and ask people to consume with it, present day consumption, in order to take care of Social Security in the long term, we will go out and borrow $111 billion from China and reinject it into the trust fund. And then a year from today, the Republicans will say to President Obama, You can't raise taxes on every working American. You can't restore the Social Security tax. And, oh, by the way, we just can't afford to subsidize that program anymore. We are just going to have to cut it.

This is a bad deal. It isn't going to create the jobs we could create for a smaller price tag. It's not going to give the relief we, as Democrats, want to give the working families and unemployed Americans and put this country on a path to recovery.

I would urge my colleagues to vote against the rule and get made in order an amendment that would make major structural changes to this deal. It should not be a take-it-or-leave-it deal dictated by the Republican minority leader.

Mr. DREIER. I will continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Republican Senators have held America hostage, held the American economy hostage, held hostage the middle class. And the President agreed to pay the ransom. Now that ransom can be paid this month with the consent not only of the President, but the Senators and this House. So we can stop the ransom from being paid until the end of the year. And at that point, the President will still be willing to pay the ransom, and the ransom will go up.

If the ransom is going to be paid, let us pay it before it goes up. Knowing that the President had agreed to the major and expensive changes that the Republican Senators demanded, I sought to amend this bill only in a modest way, only to the extent that we could do the deal by the end of the year. And I put forward an amendment that would not increase the cost of the bill by a penny or reduce the tax cuts that the Republicans have been asking for by a penny. I asked only that instead of the payroll tax holiday that needlessly involves the Social Security trust fund and comingles general funds with the Social Security trust fund, that we send out checks as soon as possible so that the money the Republicans have already agreed should go to working families would get to them perhaps in time to pay this year's Christmas bills.

Unfortunately, no effort was made at the highest levels to secure the support of even a couple of Republican Senators for that kind of minor tweaking. And so we stand today with only one choice: pay the ransom now, or pay more ransom later. This is not a place Democrats want to be. But, ultimately, it is better to pay the ransom today than to watch the President pay even more—and I think he'd be willing to pay a bit more—next month.

Therefore, we are going to have to swallow hard. We are going to see an estate tax law so bad that for the richest families where someone died in 2010, the tax rate is going to be less than zero. The family will be able to choose zero, or choose huge reductions in future income taxes. And they will be well advised, and they will pick whatever costs the Treasury the most money, and we will collect less than zero from those families. We will see those with an income—not mere millionaires but people with $1 million in annual income—get tax relief that they won't spend and don't particularly need.

The choice is to pay the ransom now, or to watch it go up next month.

Mr. DREIER. I continue to reserve the balance of my time.

The SPEAKER pro tempore. The gentlewoman from New York has 8½ minutes remaining.

Ms. SLAUGHTER. I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, let me say to the chairperson of the Rules Committee what a terrific job she is doing. And of course I would urge us all to vote for the rule, but I don't think we should vote for this tax cut.

□ 1830

The idea is that we will kick all the tax cuts down the road for another 2 years.

Have you ever seen anybody kicking a can? They never bend over and pick it up and drop it in the trash can. They just keep kicking it. And that's what we're going to do.

We knew back in 2001 and 2003, when we were told these tax cuts are going to expire in 2011, that they weren't really going to expire. And they're not going to expire either in an election year. Our President isn't going to run in 2012 on a platform that he's going to raise your taxes.

And with regard to Social Security, do we really think that next year we're going to increase payroll taxes by fifty percent from 4 percent to 6¼ percent? We're not going to do that. And so what's really going to happen is that we're going to take money out the general revenue fund to keep Social Security solvent.

So what we're talking about is not $900 billion. It's really about $4 trillion more of lost revenue. That's what we're committing ourselves to over the next several years.

And yet, back in 2001, President Bush inherited a surplus. The discipline of PAYGO had created 3 straight years of surpluses. Imagine. Think about that, because it's not going to happen again in our lifetimes or the lifetimes of our children or grandchildren after this vote is taken tonight. But we had a projected surplus of $5.6 trillion at the end of the Clinton Administration. In fact, at the end of 2010, we were going to have our debt paid off. Instead of having $12 trillion plus of debt, we would have paid off all our indebtedness. And we would have fulfilled our responsibility to our children and grandchildren's generation. This doesn't.

This is the wrong thing to do. It's the easy thing to do. Everybody loves a tax cut. You know, let's be Santa Claus. Let's give something to everyone. In fact, there are 81 provisions in this tax bill. Most of us have no idea what they actually do. But look through it; 81 different deductions and exemptions and giveaways and accessions to lobbyists and so on. That's not what we ought to be doing at Christmastime.

We ought, when we sit with our children and our grandchildren on our laps, we ought to be proud that we have secured a better standard of living for each of them, that we have looked into the future, and done the right thing.

The Native Americans who originally lived in this land, they used to make decisions based on how they would affect the seventh generation to come. We can't even look 7 years ahead.

We ought to vote ''no'' on this tax bill because it's irresponsible. So I urge my colleagues to vote ''no'' on the bill itself but ''yes'' on the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Speaker, I oppose the estate tax provisions in this bill, and I'm thankful that the rule would allow us to vote against this estate tax.

But I also oppose the extension of the high income tax cuts, and I oppose the way we are doing the Social Security situation because I think it will result in damage to Social Security. And this rule does not give me the opportunity to vote against those two things. And therefore, it's my intention to vote against the rule.

I've tried to make it clear to my leadership that I think it's important for me to have that vote on those two issues, and they haven't seen fit to make that in order. So I feel like I must, under those circumstances, vote against the rule.

Mr. DREIER. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the gentlelady for yielding to me, and I regretfully oppose the rule and will oppose the bill. And the most important reason is that this bill will not translate into job creation in the United States of America. All it does is put our taxpayers on the hook for another trillion dollars of borrowed debt that will be from places like China, and from Saudi Arabia, in order to give more tax cuts to the rich over the next 10 years. There is no guarantee that that money will even be invested in the United States of America.

You know, the Dow is up 42 percent. NASDAQ is up 78 percent. Wall Street is on track to see its second-highest profitable year on record with a projected $144 billion in bonuses going out the door. Couldn't they take some of that and make sure this goes to those who are unemployed and still seeking to earn their way forward in this economy?

This bill will not be a real stimulus. In fact, it will only yield 33 cents of economic impact for every dollar that is borrowed to pay for it. It will not create real robust growth and jobs in this country. There is not even a ''Buy America'' provision in the bill. I'm so sad for our Nation that we can't do better and help put America's unemployed back to work.

Mr. DREIER. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi (Mr. TAYLOR), the last speaker I have.

Mr. TAYLOR. Mr. Speaker, May 9, 2001, was my son's 13th birthday. Thirteen was a very unlucky year for him, and every other kid in America. On that day, unemployment was 4.3 percent. Our Nation was $5,600,286,010,418 in debt.

Nine years and 7 months since the passage of the Bush budget, unemployment is 9.8 percent, and our debt has grown by a staggering $8,204,749,146,330.57. If there's anyone in this body who wants to tell me that the intended effect was to double the number of unemployed people and to add $8 trillion to the debt and, therefore, we should do more of this—I rise in opposition to this rule, and I beg this body to defeat this bill.

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

Mr. Speaker, I've listened to a number of my friends offer great quotes. I listened to Mr. JACKSON quote William Jennings Bryant, Franklin Delano Roosevelt, and Adam Smith. I listened to Mr. GARAMENDI quote Teddy Roosevelt. And I've listened to—was it Franklin Roosevelt? Okay. I thought somebody was quoting Teddy Roosevelt.

Well, I'd like to close by quoting one of our great former colleagues, the late Jack Kemp, who, many times stood here in the well and said, if you tax something, you get less of it. If you subsidize something, you get more of it.

In America we tax work, growth, savings, investment, productivity. We subsidize non-work, welfare, consumption, debt, and leisure.

Now, Mr. Speaker, Jack Kemp was revered by Democrats and Republicans alike, and he was someone who understood very clearly that if you increase that tax burden on job creators, you undermine the ability of people who are trying to get onto that first rung of the economic ladder a chance to do that.

□ 1840

We have a very important vote ahead of us. I don't like this bill. I don't know of anyone who stood up and said that they liked this bill, but I like even less the prospect of increasing taxes on every American who pays income taxes today. That is why I believe we should move ahead as expeditiously as possible so that, come January, we can have this laser-like focus in our quest to grow our economy by reducing the size and scope and reach of government so that we can increase opportunity for all Americans.

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

Ms. SLAUGHTER. I yield myself the balance of my time.

Mr. Speaker, in a moment I will be offering an amendment to the rule, and I want to take this opportunity to briefly describe the amendment.

The amendment shifts initial consideration of the Senate amendment to the House amendment to the Senate

amendment to H.R. 4853 into the Committee of the Whole. After 3 hours of general debate, a vote will occur on the amendment printed in the report of the Committee on Rules and the Committee of the Whole shall rise. If the amendment passes, a vote will occur on a motion that the House concur in the Senate amendment to the House amendment to the Senate amendment with the amendment adopted in the Committee of the Whole. If the motion fails, a vote will occur on a motion that the House concur in the Senate amendment to the House amendment to the Senate amendment.

I urge a ''yes'' vote on the amendment, the rule, and the previous question.

AMENDMENT OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. I have an amendment to this rule at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Ms. SLAUGHTER:

Strike all after the resolving clause and insert the following:

''That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 4853), to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes. All points of order against consideration of the Senate amendment are waived except those arising under clause 10 of rule XXI. General debate shall be confined to the Senate amendment and the motions addressed by this resolution and shall not exceed three hours equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means or their designees. After general debate, the Senate amendment shall be considered for amendment under the five-minute rule. No amendment shall be in order except the amendment printed in the report of the Committee on Rules accompanying this resolution. That amendment may be offered only by Representative Levin of Michigan or his designee and shall not be debatable. All points of order against that amendment are waived except those arising under clause 10 of rule XXI.

''SEC. 2. Upon disposition of the proposed House amendment made in order in the first section of this resolution, the Committee of the Whole shall rise and report the Senate amendment back to the House with such amendment as may have been adopted.

''SEC. 3. (a) If the Committee of the Whole reports the Senate amendment back to the House with an amendment, the pending question shall be a motion that the House concur in the Senate amendment to the House amendment to the Senate amendment with such amendment.

''(b) If a motion specified in subsection (a) fails of adoption, the pending question shall be a motion that the House concur in the Senate amendment to the House amendment to the Senate amendment.

''SEC. 4. If the Committee of the Whole reports the Senate amendment back to the House without amendment, the pending question shall be a motion that the House concur in the Senate amendment to the House amendment to the Senate amendment.

''SEC. 5. Until completion of proceedings enabled by this resolution—

''(a) the Chair may decline to entertain any intervening motion, resolution, question, or notice;

''(b) the Chair may postpone proceedings in the House to such time as may be designated by the Speaker;

''(c) each amendment and motion considered pursuant to this resolution shall be considered as read; and

''(d) all points of order against pending motions specified in sections 3 and 4 are waived (except those arising under clause 10 of rule XXI), and the previous question shall be considered as ordered on each such motion to final adoption without intervening motion or question of consideration.''

Ms. SLAUGHTER. Mr. Speaker, I urge a ''yes'' vote on the amendment, on the rule, and the previous question.

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

The previous question was ordered.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the amendment to House Resolution 1766 will be followed by 5-minute votes on adoption, if ordered; and the motion to suspend the rules on S. 987.

The vote was taken by electronic device, and there were—ayes 230, noes 186, not voting 17, as follows:

[Roll No. 643]

AYES—230

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

NOES—186

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Emerson
Fallin
Filner
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves (GA)
Graves (MO)
Griffith
Grijalva
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Kosmas
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Napolitano
Neugebauer
Nunes
Obey
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Reed
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Schrader
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Stutzman

Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Wu
Young (AK)

NOT VOTING—17

Berry
Brown (SC)
Buyer
Davis (AL)
Granger
Johnson, E. B.
Kilroy
Marchant
McCarthy (NY)
McMorris Rodgers
Ortiz
Radanovich
Speier
Tanner
Van Hollen
Wamp
Young (FL)

□ 1917

Messrs. MCCOTTER, MCINTYRE, SIMPSON, OBEY, and Ms. KOSMAS changed their vote from ''aye'' to ''no.''

Mr. WATT and Ms. FUDGE changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution, as amended.

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 214, noes 201, not voting 18, as follows:

[Roll No. 644]

AYES—214

Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Farr
Fattah
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Kagen
Kennedy
Kildee
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Neal (MA)
Nye
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Teague
Thompson (CA)
Titus
Tonko
Towns
Tsongas
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Yarmuth

NOES—201

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Cleaver
Coble
Coffman (CO)
Cole
Conaway
Cooper
Crenshaw
Culberson
Dahlkemper
Davis (KY)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Doggett
Dreier
Duncan
Ehlers
Emerson
Etheridge
Fallin
Filner
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves (GA)
Graves (MO)
Grayson
Griffith
Grijalva
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Holt
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
Kaptur
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lofgren, Zoe
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Manzullo
McCarthy (CA)
McCaul
McClintock
McCotter
McKeon
McMahon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Napolitano
Neugebauer
Nunes
Olson
Paul
Paulsen
Payne
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Reed
Rehberg
Reichert
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Stutzman
Sullivan
Taylor
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Watt
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Wu
Young (AK)

NOT VOTING—18

Berry
Brown (SC)
Buyer
Granger
Johnson, E. B.
Kilroy
Kratovil
Marchant
McCarthy (NY)
McHenry
McMorris Rodgers
Ortiz
Radanovich
Tanner
Tierney
Van Hollen
Wamp
Young (FL)

□ 1926

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

INTERNATIONAL PROTECTING GIRLS BY PREVENTING CHILD MARRIAGE ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 987) to protect girls in developing countries through the prevention of child marriage, 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. BERMAN) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 241, nays 166, not voting 26, as follows:

[Roll No. 645]

YEAS—241

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Chu
Clarke
Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
Delahunt
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)

Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Teague
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—166

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boucher
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Costello
Culberson
Davis (KY)
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Goodlatte
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kaptur
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul
McClintock
McCotter
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Owens
Paul
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rahall
Reed
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Stutzman
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—26

Berry
Brown (SC)
Buyer
Cleaver
DeGette
Gohmert
Gordon (TN)
Granger
Halvorson
Hare
Johnson, E. B.
Kilroy
Marchant
McCarthy (NY)
McHenry
McMorris Rodgers
Olver
Ortiz
Radanovich
Rangel
Rush
Salazar
Tanner
Van Hollen
Wamp
Young (FL)

□ 1933

Messrs. LIPINSKI and COSTELLO changed their vote from ''yea'' to ''nay.''

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

TAX RELIEF, UNEMPLOYMENT INSURANCE REAUTHORIZATION, AND JOB CREATION ACT OF 2010

The SPEAKER pro tempore. Pending any declaration of the House into the Committee of the Whole pursuant to House Resolution 1766, the Chair would note that the Senate amendment to the House amendment to the Senate amendment to the bill H.R. 4853 contains an emergency designation for purposes of pay-as-you-go principles under clause 10(c) of rule XXI and an emergency designation pursuant to section 4(g)(1) of the Statutory Pay-As-You-Go Act of 2010.

Accordingly, the Chair must put the question of consideration under clause 10(c)(3) of rule XXI and under section 4(g)(2) of the Statutory Pay-As-You-Go Act of 2010.

The question is, Will the House now consider the Senate amendment to the House amendment to the Senate amendment?

The question of consideration was decided in the affirmative.

The SPEAKER pro tempore. Pursuant to House Resolution 1766 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the Senate amendment to the House amendment to the Senate amendment to the bill, H.R. 4853.

□ 1937

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes, with Mr. SABLAN in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the Senate amendment is considered read.

General debate shall not exceed 3 hours equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The gentleman from Michigan (Mr. LEVIN) and the gentleman from Michigan (Mr. CAMP) each will control 90 minutes.

PARLIAMENTARY INQUIRIES

Mr. GOHMERT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIR. The gentleman will state his parliamentary inquiry.

Mr. GOHMERT. My parliamentary inquiry is, since the rules of the House allow for someone in opposition to claim time in order to speak on a bill, is that rule being abrogated now, or can we follow the rules and have someone like me, who is opposed to the bill, claim time?

The CHAIR. No such rule is applicable to these proceedings.

Mr. GOHMERT. I'm sorry. I did not understand.

The CHAIR. There is no such rule.

Mr. GOHMERT. So this is set up now, the rules have been abrogated, so no time is allotted to anyone in opposition? Did I understand that correct, Mr. Chairman?

The CHAIR. The gentleman has not stated a parliamentary inquiry.

Mr. GOHMERT. Parliamentary inquiry, then.

The CHAIR. The gentleman will state his inquiry.

Mr. GOHMERT. Under the rules of the House, going back to the Thomas Jefferson rules of the House, as adopted by this majority in this term, someone in opposition to a bill is always given the right to claim time. So I am asking the parliamentary inquiry if that is now the case, or if that rule—the standing rule—is not going to be allowed at this time?

The CHAIR. The gentleman's premise is incorrect.

Mr. GOHMERT. The gentleman's premise is incorrect?

So someone can claim time in opposition? Thank you.

The CHAIR. The House is operating under a rule that allocates control of the time for debate to the chair and ranking minority member of the Committee on Ways and Means.

□ 1940

Mr. TAYLOR. Further parliamentary inquiry, Mr. Chairman.

The CHAIR. The gentleman from Mississippi will state his inquiry.

Mr. TAYLOR. I understand that under the rule just passed, the time has been allocated to a proponent on this side of the aisle for the bill, a proponent on this side of the aisle for the bill. The understanding was, though, that time would be allowed to the opponents of this bill.

I am asking if the Chair or someone would identify who that time will be yielded to.

The CHAIR. The rule provides for the debate time to be allocated equally and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The Chair recognizes the gentleman from Michigan.

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

The Democratic majority in the House has made it crystal clear that we stand on the side of middle income families, of unemployed workers, of small businesses struggling in this difficult economy. The compromise before

us clearly requires painful choices. These choices relate to each of the three criteria for judging the merits of this package: Does it add to the deficit? Does it promote economic growth? And does it promote fairness?

For decades, Republicans have unwisely promoted a view that tax cuts pay for themselves. So while making deficit reduction their rhetoric, they never have had any intention of paying for tax cuts which add to the deficit, plain and simple. Adding to the deficit is defensible if the bill meets another criterion: Does it promote economic growth? Adding to the deficit in the short term as a tool to promote economic growth that will, in turn, help address the long-term deficit has been the basis of vital actions taken by the Democratic majority, actions to stem the financial crisis, jump-start the economy, and save the auto industry. These were necessary steps, sometimes unpopular ones, and steps unfortunately not effectively articulated at times by the administration.

This bill does include important provisions aimed at increasing economic growth and jobs: unemployment insurance for millions out of work who will spend money received to keep their families afloat; the middle income tax cut; the temporary reduction in payroll taxes; and business provisions like the R&D tax credit, the new markets credit, and full expensing of business investment for 1 year.

Unfortunately, in their zeal to undo the Recovery Act, Republicans have insisted that we not extend the successful 48C credit for advanced engineering manufacturing or the Build America Bond program, working to rebuild our economy. The Republicans have insisted on provisions that violate the third criterion, fairness for taxpayers.

In order for the administration to be able to include provisions that help lower and middle income families, it came at the price of assisting the very wealthy, the Republicans' priority. Their position has led to a package where the top six-tenths of 1 percent of the very wealthiest receive 20 percent of the benefits of the tax package. My amendment would strike a blow at this unfairness by replacing the highly irresponsible and unfair Kyl estate tax giveaway. The resulting $23 billion in additional borrowing won't go to create jobs. It will be used to provide an average tax cut of more than $1.5 million to the 6,600 wealthiest estates next year. This represents less than three-tenths of 1 percent of all estates.

I urge my colleagues to vote to change this egregious piece of the legislation so the American people can see clearly who puts the interests of the middle class ahead of the very wealthiest. And then the Republicans in the Senate will have a stark choice that might be painful for them. It would make it clear whose side they are on.

I will accept the remainder of the bill because after the approach taken by Republicans in the House and Senate these last weeks, obstructing and holding hostage everything until they get their way on the tax breaks for the very wealthy, I am not willing to put the fate of the middle class and the unemployed in the hands of the Republican majority next year. Especially when voiced by the Senate Republican leader that their main priority is the failure of our President.

I reserve the balance of my time.

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

This House—the people's House—has a simple choice today: raise taxes on families and small businesses or prevent a massive job-killing tax increase from going into effect a mere 16 days from now.

If you think our economy can handle higher taxes, if you think middle class families should lose roughly $100 per week out of their paychecks, then vote ''no'' today. Make no mistake about it, a ''no'' vote today is a vote for higher taxes, taxes that would devastate families and send shock waves throughout our economy.

If you believe we should stop this massive tax increase in its tracks, especially when unemployment is stuck at nearly 10 percent, then vote ''yes.'' If you want to be sure we don't extend the failed Making Work Pay policy from the failed stimulus law that has the IRS writing checks to people who pay no income or payroll taxes, then vote ''yes.'' If you are opposed to the Federal Government taking more than half of a family farm or business due to a death, then vote ''yes.'' And if you are interested in fundamental tax reform—getting rid of exemptions, deductions, and loopholes that complicate our Tax Code—then vote ''yes'' because this bill gives us the time that we need to rewrite the Tax Code, cut spending next year, and get our economy back on track.

I know some of my friends want to wait until January when Republicans are back in the majority because they think that we can get a better deal. That is as misguided as it is politically callous. And let me be blunt. It's irresponsible to play a game of chicken with the Senate and the White House next year when middle class Americans are literally forced to pay $100 more a week in taxes and are forced to suffer even greater job losses. If this bill fails today, that's what will happen. Paychecks and jobs will burn while Washington fiddles.

If that's your stance, then I ask, What better deal could we get? People talk about making tax rates permanent. That's something I support. That's something every Republican in this House supports. But how does waiting until January, February, March, April, or May make that a reality?

The Senate voted yesterday on the DeMint amendment which would have made the rates permanent, and it failed 37–63. Last time I looked, we didn't pick up 23 seats in the United States Senate. And the President has flatly refused to sign such legislation into law. So again, tell me, how do we get a better deal by waiting? It makes no sense to gamble with the American people's jobs and the very paychecks they rely on to put food on the table and keep the house warm this winter.

Americans are suffering through the deepest and longest recession since the Great Depression. This is not a time for political speeches or electoral posturing. This is a time to act responsibly, to do what is right, and to vote ''yes.'' Employers are begging us to pass this legislation. Small businesses and the National Federation of Independent Business are supporting the bill because they know they cannot afford a tax hike. The Business Roundtable which represents the largest employers in the country with over 12 million employees is supporting this bill because they know the economy cannot afford a tax hike.

□ 1950

The U.S. Chamber of Commerce is supporting this legislation because they know we cannot afford a tax hike. The National Association of Manufacturers is supporting this legislation. Economists across the spectrum, from the far left to the far right, are supporting this legislation, and so should the Members of this House.

By no means is this bill perfect. For example, I think we should have paid for the extension of unemployment insurance and, frankly, we will. I'm committed to producing legislation next year to revamp, reform, and pay for the Federal unemployment benefits our Nation provides. We should not have to choose between adding to the deficit and providing this important help, but we cannot allow that single concern to hold this bill up.

Time has run out. This is our only chance, and the harm to our economy and the hit families would suffer is far too great a risk.

And let's be clear, this bill is about taxes, longstanding tax policy, for that matter, and preventing a tax hike. It isn't about spending. Nearly 90 percent of this bill is tax policy, and that policy is aimed at preventing a tax hike for families and employers or providing direct tax relief to the American worker.

It also protects family farms, ranches and businesses from being hit by the destructive death tax. That will go as high as 55 percent next year if we do not act. Instead, this bill reduces that rate to 35 percent, while increasing the exemption amount from $1 million to $5 million.

Now, I know $1 million sounds like a lot of money, and it is. But think about the family farmers in your districts. Think about the costs of the big machinery it takes to operate and manage their land. Some of the combines I see every day in my district cost a quarter of a million each. That isn't cash in the bank. That's equipment in the field,

and the Federal Government has no right to take half of it when mom or dad passes on.

While I support a total repeal of the death tax, at least this bill makes significant improvements to the estate and gift taxes, and it deserves our support.

Members should also know, and the American people should know, that this bill does not contain new policy. New provisions were not snuck in late in the night or behind closed doors. We took a firm stand against new policy. We took a firm stand against policy that had not been renewed repeatedly and, as a result, more than 70 provisions, some of them my own, were excluded from the bill, well over $100 billion worth.

The most notable provisions of these we terminated were from the failed stimulus bill, like the refundable Making Work Pay credit, the Build America Bonds program, which simply subsidized State and local governments going deeper into debt, and grants in lieu of the low-income housing credit. None of that is in here, nor are there the usual Washington Christmas tree ornaments. This bill is narrowly focused on tax and unemployment policy.

Unlike the omnibus Democrats are preparing, there are no earmarks like the $2 million for an Ice Age National Scenic trail in Wisconsin. There isn't a $3.5 million study on subterranean termites in New Orleans, and there certainly isn't an extra $1 billion for the new job-killing health care law.

My friends, the election's over. Let's not start the next campaign here today. Let's make the right choice. Let's stop this tax hike from going into effect in 2 weeks. Let's put our constituents' jobs before our own. Let's show the American people we can govern and we can take yes for an answer.

So let's pass this bill with broad bipartisan support, as the Senate did yesterday by a vote of 81–19. I urge my colleagues to vote ''yes.''

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

Mr. LEVIN. Mr. Chairman, I yield 2 minutes to the very distinguished gentleman from New York (Mr. RANGEL).

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

Mr. RANGEL. Tonight is going to be a rather historic vote. In the old days, the House would initiate tax bills, and then we would send it to the Senate, and then the Senate and the House would come together and have what was known as a conference.

But it's clear to me that rules are changing fast, and now that the House has spoken in terms of a tax bill, in terms of giving some comfort to those people who are unemployed, it seems to me now that it works that the President works with a handful of Republicans and tells us, on the House side, that if we change anything, there's absolutely no deal. I think the President said that these people that were unemployed were being held as hostage.

In addition to that, we find that all of the tax benefits seem to be centered among the people who are the richest that we have in this country, while we find more and more Americans going into poverty. I submit to you that democracy cannot grow with this type of diversity, where we find so much wealth held in the hands of so few and so many other people are without jobs and without hope.

It would seem to me that we have time to correct these things. There's nothing in the Constitution or the House rules that indicates that we can't work closer to Christmas. I know other people believe that this would be a violation of Christian values. But helping those people who are poor, helping those people who are without jobs, I submit to you and to Christians, Jews and Gentiles, that this will be the proper thing to do, with the spirit of Christmas, rather than just to do what people outside of the House have dictated that if we don't do it their way, then these people that we have such a moral commitment to will go without compensation, and the rest of the people that deserve a tax break would be denied if we don't go along with the package.

So, to Members who are coming to this body, this is a new set of rules, a new set of tradition; but I tell you, it is not the American tradition that I knew and loved so well.

Mr. CAMP. I yield 3 minutes to a distinguished member of the Ways and Means Committee, the gentleman from California (Mr. HERGER).

Mr. HERGER. Madam Chairman, the bill that came to us from the Senate is far from perfect. I'm going to vote ''yes'' because if the scheduled $3.8 trillion tax increase takes effect in just 2 weeks, the consequences for our economy could be catastrophic. Even if we reversed this tax hike next year, families and small businesses would see higher taxes immediately on January 1.

According to the Tax Foundation, the average middle class family in my own northern California district would see their Federal income taxes more than double. People in my district are already struggling. Small businesses are barely hanging on. The unemployment rate is near 20 percent in several counties I represent. We simply cannot afford this enormous tax hit.

This has been a difficult decision for me. I'm outraged that the President and the Democratic leaders are demanding billions of dollars in unpaid-for spending on unemployment benefits and special interest giveaways as the price for stopping a massive tax increase.

Additionally, we should be making the current tax rate permanent. If businesses face the threat of another tax increase in 2 years, they will be reluctant to make investments that pay off in 5 or 10 years.

Madam Chairman, we have to provide long-term certainty for America's small businesses. I commend Mr. CAMP for his dedication to protecting taxpayers and his hard work on this legislation. In the next Congress, I look forward to working with Chairman CAMP to fix this bill's flaws. We must bring permanency to the Tax Code, and we must cut wasteful Federal spending, both to pay for the unemployment benefits and also to start bringing down our unsustainable Federal deficit.

Finally, I know from personal experience how much of a burden the death tax is for family businesses. My relatives on my mother's side of the family had to sell our own family's farm in North Dakota just to pay the death tax bill. That should not happen in America.

I urge the House to vote ''no'' on the Pomeroy death tax amendment and ''yes'' on the Senate bill.

□ 2000

Mr. LEVIN. I yield 2 minutes to the very distinguished gentleman from North Dakota, a member of our committee, Mr. POMEROY.

Mr. POMEROY. Madam Chair, for the last five sessions I have worked to try and clarify the rate of estate taxation in this country. I felt the right approach was ultimately to take the 2009 levels and make them permanent.

The amendment that carries my name in this debate would take the 2009 levels for estate taxation instead of the levels contained in the Senate compromise.

The rationale for the 2009 level is pretty compelling. The estate tax in 2009 was the smallest rate of taxation on estates in 80 years.

My friend just referenced an estate tax situation encountered from his family. He did not say it was at a much higher rate of tax than was ultimately achieved in 2009. In fact, the rate in 2009 means 99.8 percent of the families in this country have no estate tax. Zero. It went gradually lower and lower, and in 2009 hit a lower rate of taxation for estates than was ever the case under Ronald Reagan, was ever the case under George Bush I, was ever the case under George W. Bush.

Now, why would we want to go with 2009 levels as opposed to the Senate deal? It's simply a matter of money: $23 billion over 2. And, quite possibly, the levels in the Senate bill would be the new rate for the estate tax. In that case, we would lose $90 billion over 10.

I have heard on the other side such concern about unpaid-for unemployment benefits. I have not heard one word about unpaid-for estate tax levels. They would add to the national debt $23 billion more than the 2009 levels. They don't pay for a cent of it, and they seem to think that is fine. Do you know who benefits from the Senate tax levels compared to the 2009 levels? 6,600 of the wealthiest families.

Let's go with the 2009 levels. Let's save $23 billion over 2, let's save $90 billion over 10. Let's tackle these deficits, starting with a fair estate tax level.

Mr. CAMP. I yield 4 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Madam Chair, a gun is pointed at the head of our taxpayers, and it will go off January 1 unless Congress acts.

If we let that gun go off, it is going to hurt families who are struggling to make ends meet, it is going to hurt small businesses trying to survive this recession, it is going to hurt seniors, almost tripling the taxes on the dividends that they need to live month to month and day to day. It is going to hurt businesses trying to track capital. And it is going to revive the death tax, an immoral tax where you work your whole life to build up your nest egg, your small business, your family-owned farm, and when you die, Uncle Sam swoops in and takes more than half of everything you have earned. All that happens if Congress refuses to act.

Some are here today saying, no, let's not change that death tax. Let's raise that death tax.

Last night on my Facebook page, I got a posting from Tammy Fisher of East Texas. Her family has had to sell 6,000 acres of their timber land to pay the death tax. They held that land for 100 years.

Clarence Leaveritt of Texas is a rancher. His grandmother died. They had to take out a loan from the bank to pay the death tax. They are still paying on it. His father passed away recently, and they had to take out a second loan. Today he is paying two loans to Uncle Sam and can barely keep his ranch. And last night, we heard Democrats say, Those people are stingy and cheap, and haven't worked a day in their life.

All that death tax comes back January 1 if we don't act. And I'll tell you what, we have some very good friends of mine who say, ''Look, just let that gun go off because we can get a better deal later.'' Well, I am conservative and I am skeptical, and I am not raising taxes for anyone for any period, period.

I don't like the spending in this bill, and I offered an amendment, along with other conservatives, to cut $152 billion from this bill to cover all the costs. We couldn't get a vote on that. We are voting on a lot of things tonight, but not a straight up-or-down vote on trimming government.

We didn't get that vote, but I can tell you, on the spending cuts, this isn't the end of that discussion; it is the beginning. When we have a new Republican majority, I'm going to take that gun down from our taxpayers' head. I'm going to give them a chance to keep their own money, get this economy going, and keep fighting for permanent tax relief and a permanent death tax repeal.

Mr. LEVIN. I now yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. NEAL), an active member of our committee.

Mr. NEAL. I thank the gentleman.

Madam Chair, I am standing in opposition to this proposal. When we debated the middle income tax cut a few weeks ago, I spoke in favor of a tax system that we might design for the future, a progressive system with substantial tax relief for working families, and, in our own Democratic caucus, suggested that the number $250,000 was too low; that if we raised that ceiling to $500,000, we could take care of every S corporation, we could take care of every small business person who at the end of the month uses their credit card. That was rejected. But I still thought that was a reasonable compromise.

Now, when my friend Mr. CAMP spoke a couple of minutes ago, he delineated the clearest position of the two parties when he said he was upset that we were not paying for the extension of unemployment benefits.

For years they borrowed the money for Iraq, they borrowed the money for Afghanistan, and, I challenge anybody on the other side tonight to dispute this point, they borrowed the money for the Bush tax cuts as well. That is what we are discussing here.

Now, the reason that I stand in opposition to this proposal tonight—because there are many good provisions in this bill, including alternative minimum tax, and I do wish the Build America Bonds program was in here—this represents a serious threat to the solvency of the Social Security system. We will never return that number down the road. And you mark my words tonight, what they will argue down the road is the Social Security system has been weakened, proving that you need private accounts. Their fingerprints will be all over it. They will suggest this proves the theory of the benefit of a private account.

So we borrowed the money for Iraq. And when I said to President Bush in 2001 in the Oval Office, ''Mr. President, modest tax cuts for middle income Americans,'' it was rejected. And that is why we are in the condition that we are in today financially.

Mr. CAMP. I yield 5 minutes to a distinguished member of the Ways and Means Committee, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Madam Chair, I rise today in support of grownups, grownups who realize that the end of the year is coming, and taxes will be raised if we don't act now.

When I first came to Congress, I knew that partisanship had taken over. I knew the enormous extent of the philosophical divide, but I didn't fully realize that entire years would go by without the two sides working together to come up with an answer for the American people. Sadly, it seems it takes a genuine crisis and a sense of panic before we can work together. In any case, here we are.

The bill before us is not the bill that I would have written, that I would have participated in; it is not the bill that conservative radio talk show host or Tea Party constituents would have liked written; and it is not the bill that The New York Times editorial page or the President himself would have written. It is a compromise. This is what a compromise looks like. Some so-called constitutionalists want to ignore the fact that the Constitution itself actually was a compromise, with a capital ''C.''

And while we are still in this bipartisan moment of clarity, let me say a few other things. First, while I strongly disagreed with the policies put forth by my Democrat colleagues, I do not envy them for having to preside over the biggest economic collapse in a generation. And while I believe their economic premise is misguided, I cannot fault any legislator for sticking to his or her principles.

□ 2010

What I do believe is unforgivable, however, is the tremendous uncertainty that has been created over the past few years. Uncertainty is not good for families; it is not good for investors; it is not good for employers.

Regardless of the cause, all economic crises are ultimately a crisis of confidence. Frankly, the Democrat-controlled government has contributed to that. At a basic level, beyond all of the fancy models and theory, the economy is really not that complicated. Uncertainty leads to doubt, doubt leads to fear, and fear leads to paralysis; and that, ladies and gentlemen, is exactly where our country is today.

By refusing to work with this side of the aisle until this point, we have prolonged uncertainty and aggravated the fear. Even here today, in what feels like a great legislative compromise, the most we can deliver for the American people is a year of this and 2 years of that.

The uncertainty must end, Madam Chair, and I believe Mr. CAMP when he says that we are going to work on that in January when the Republican majority takes over. At this point, I don't much care what the policy is. I just think it needs to be set in stone. My constituents want to see all the tax cuts extended permanently, and they want the estate tax eliminated permanently.

Now, let me make it clear: I probably have about five wealthy people living in my district, so some might say, What do they care about the estate tax? While they may not be wealthy, they certainly hope that sometime in their life they will be wealthy or their children will be, and they realize the impact of that. And based on the economic situation, it is kind of a mystery to me why they would even care so much about these rich people, but as I said, they probably would like to work hard and become them.

Madam Chair, we know better and our constituents know better. If they aren't rich, they have lived just long enough to know that in this world there are no free lunches. You have to

work for what you get and you have to fight to keep it. So even though many of them are poor and even though many of them are struggling, my constituents don't want handouts. My constituents just want to be able to earn an honest living and rest easy at night knowing that the government isn't going to come in and suddenly swoop in and take everything away from them. For them, Madam Chair, it is more than a matter of principle—it is simply a way of life.

My constituents are upset that the tax cuts aren't permanent, and many of them believe I should vote against this bill.

In short, the story cannot explain that despite the fact that only 2 percent of Americans are rich, more than half the country does not want them to be taxed more to expand government spending. You know, the truth of the matter is, Madam Chair, it is simple. They don't want government's help and they don't want our generosity with other people's money. My constituents simply don't buy it. They don't want a nanny state, and they don't want somebody else to have to pay for it—not their kids, not the Chinese, not their grandchildren, and not rich people.

The Acting CHAIR (Ms. NORTON). The time of the gentlewoman has expired.

Mr. CAMP. I yield the gentlewoman an additional minute.

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman.

Their philosophy and mine is we want the government to reward hard work, savings, investment, and job creation. I simply don't think these things should be punished, and certainly not in the name of fixing everybody's problems everywhere, because at the end of the day, doing that will just create more problems, more uncertainty, and more panic.

Finally, Madam Chair, my constituents know that we will never climb out of this ditch as long as we keep moving that ladder. Keeping taxes low has to be our goal. That is the ladder to getting out of that ditch.

I urge adoption of the bill.

Mr. LEVIN. Madam Chair, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. KIND), a member of our committee.

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

Mr. KIND. Madam Chair, I rise in opposition to the underlying bill and in support of the Pomeroy amendment. But let's be clear what this legislation does tonight. It adds another $1 trillion to our national budget deficit over the next 2 years. One trillion dollars.

Given the weak recovery we have going on with our economy, I think everyone is in agreement that now is not the time to be increasing taxes on working families and small businesses. We did that. We had that vote just a couple of weeks ago, where we protected tax relief on the first $250,000 worth of income, no matter who you are, and on small businesses. That covered 98 percent of Americans.

But for those of you who are saying we need to continue tax breaks for the wealthiest 3 percent that is included in this bill, I say, find corresponding spending cuts in the budget to pay for it so we are not having to go to China to borrow another $300 billion and adding to the debt burden of our children and grandchildren.

These are two unstated facts that we have before us today that no one is talking about and that are not being reported in the media. First, our effective tax rate in this country today is at a 60-year low. A 60-year low. That predates the Medicare program and it certainly predates the 80 million baby boomers who are about to begin their massive retirement and join Medicare and Social Security.

But also, the effective tax rate for the wealthiest 3 percent is not the 36 or 39 percent marginal rate that some talk about. The effective tax rate for the wealthiest 3% is 17 percent, after they itemize and they deduct and back out their expenses with the numerous tax loopholes that exist in the current code. That is less than the average working family is paying with their effective tax rate. We cannot sustain that. It is irresponsible.

Now, about a week from now little boys and girls around the country are going to be waiting for Santa Claus' arrival. And I hope they are not watching this debate tonight, because the truth is there is no Santa Claus for the U.S. economy. But there are too many people in this Congress who think that their Kris Kringle is China that they can run to and borrow money from in order to sustain a fiscally and economically reckless policy. Rather than their children leaving out cookies and milk for Santa, they instead should leave out their piggy banks because of what we're doing to them in this bill.

We can do better, and I encourage my colleagues to vote ''no'' on this legislation.

Mr. CAMP. I yield 5 minutes to a distinguished member of the Ways and Means Committee and the ranking member on the House Budget Committee, the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. I thank the gentleman for yielding.

Madam Chair, let me address just a few of the issues that I have been hearing here on the floor. I am hearing some of my colleagues from the other side of the aisle saying, ''We just can't afford these tax cuts.'' Well, let's look at it.

Only in Washington is not raising taxes on people considered a tax cut. What we are talking about here is not cutting taxes. We are talking about keeping taxes where they are and preventing tax increases.

The second point: We, meaning the government, can't afford this. Whose money is this, after all? Is all the money that is made in America Washington's money, the government's money, or is it the people's money who earned it? I hear all this talk about the death tax, the estate tax. This is going to give a windfall to these people, all this money going to these privileged people who have built these businesses, made all this money. It's their money.

Which is it? Do we have a country built on equal natural rights, where you can make the most of your life, get up, work hard, take risks, become successful, create jobs, grow businesses, do well, earn success, and, yes, pass it on to your kids? What on Earth is wrong with that? That's the American Dream.

And to my friends on my side of the aisle who simply don't like some of the spending in this bill, I don't like it either. So let's cut the spending next year when we're in charge.

There's junk in the Tax Code. Everybody agrees with this. This is advancing some of the junk in the Tax Code. And what I say to my friends on the other side of the aisle is, next year, let's get rid of that junk in the Tax Code when we're in charge. But right now, let's not hit the American people with a massive tax increase.

If we want to get this debt under control, if we want to get our deficit going down, there are two things we need to be doing: We need to cut spending and we need to grow the economy.

We need prosperity in this country. We need job creation. We need people going from collecting unemployment to having a job and paying taxes so the revenues can reduce the deficit. And if we raise taxes, even the Congressional Budget Office is telling us, if this bill fails and these tax increases continue, we're going to lose 1.25 million jobs next year. Do we want to do that?

Low tax rates give us economic growth. Low tax rates make us competitive in the international economy. Low tax rates allow businesses to plan.

Is this a growth package? No, it's not a growth package. You know why it's not a growth package? Because it still proposes to move this uncertainty forward. It's only a 2-year extension.

□ 2020

So we're not talking about a pro-growth economic package, but we're talking about preventing a destructive economic package from being inflicted on the American people in about 2 weeks. The last thing you want to do is put more uncertainty in the economy, hit the economy with a huge tax increase, trigger a stock market sell-off, and lose jobs.

So do we want to make these permanent? You bet we do. And that's exactly what we're going to be advancing. But the last thing we want to do is inject more uncertainty, raise taxes. We need economic growth. We need spending cuts. That's exactly what we intend on doing. And I think that's the message the voters sent us here. So let's prevent this tax increase from happening. Let's clean up the stuff we don't like in this bill next year. And

let's make sure that when people go to Christmas, they know they're not going to have a massive tax increase 5 days later.

Mr. Chairman, this is a bill that is necessary to prevent our economy from getting worse. This is not a bill that's going to turn it around. Next year, let's pass the policies that will turn this economy around.

Mr. LEVIN. I now yield 15 seconds to Mr. WELCH of Vermont, followed by 3 minutes to Mr. JACKSON of Illinois.

Mr. WELCH. We have been awarded 45 minutes to state our objections to this bill. And it is essentially this: Too much debt, too few jobs, too much risk to Social Security.

Our lead speaker is the member from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Mr. Chairman, in about a month, almost every Member of this body will be speaking at events in their district commemorating the life of Rev. Martin Luther King, Jr., and his famous, ''I Have a Dream'' speech. Amid the soaring rhetoric and the beautiful prose, Dr. King made a clear point. In a sense, we have come to our Nation's capital ''to cash a check. When the architects of our Republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American wants to fall heir. That note was a promise that all men would be guaranteed the inalienable rights of life, liberty, and the pursuit of happiness.''

And I paraphrase, It is obvious today that America has defaulted on this promissory note. Instead of honoring this sacred obligation, America has given the people a bad check which has come back marked ''insufficient funds.'' But we refuse to believe the bank of justice is bankrupt. We refuse to believe that there are insufficient funds in the great vault of opportunity in this great Nation. So we have come to cash this check—a check that will give us upon demand the riches of freedom and the security of justice.

Mr. Chairman, if we pass this bill, it will signal a refusal to pay our fair share into the vaults of opportunity for all Americans. It will drive up the debt and put pressure on our Nation's Capital to cut programs for the most vulnerable. If this agreement passes, when out-of-work Americans look in the 112th Congress for help in paying their rent, our Nation's Capital will look to those Americans and say, insufficient funds. When we look to veterans who need health care that is owed them, the 112th Congress will say, insufficient funds. When our schools look for funding they need to teach our kids, our Congress will say, insufficient funds.

Mr. Chairman, this bill will only drive up the deficit, which is already too high in the eyes of the American people. It will put even more pressure on Congress and the President to cut vital programs when we convene next year.

If this sounds familiar to the American people, it should. In the early 1980s, President Reagan's budget director, David Stockman, conceived of a strategy called ''starve the beast.'' By cutting taxes and increasing military spending, the President could force Congress to cut social spending in order to control the deficit. As Stockman put it, they would cut ''real blood and guts stuff.'' You heard it from the Budget chairman a few moments ago. When they're in charge, they plan to cut real blood and guts stuff.

Mr. Chairman, if this tax deal goes through, blood and guts will affect us. At a time when they're needed the most, they will put these important programs on the chopping block. Indeed, Mr. Chairman, we refuse to believe that the American people should be forced to accept this tax deal, to accept ''insufficient funds.'' We see $858 billion that should be in the vaults of opportunity of this Nation. And that's why we oppose this bill.

Members will follow me opposed to any argument that say there are insufficient funds in the great vaults of opportunity to rebuild this Nation.

Mr. CAMP. I yield 5 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. Mr. Chairman, today we debate legislation to prevent taxes from increasing on all taxpayers as our economy struggles to recover. We know without any doubt that virtually all Americans will be forced to send more of their hard-earned dollars to Washington on January 1, 2011, if we fail to act.

Although this legislation is not perfect in my estimation, the package does provide a measure of certainty and predictability that will allow broader debate in the coming Congress without immediately damaging our fragile economy. This package will prevent devastating tax increases from falling on the backs of hardworking Americans, small businesses, and job-creating investments.

This imperfect legislation represents the best agreement that can be reached by Republicans and Democrats determined to avoid the shock to our economy that would come from increasing taxes on the American people and many of our job creators. A vote against this agreement, which would prevent the largest tax increase in history, is really a vote for a $3.8 trillion job-killing tax increase. Regardless of what side of the aisle the opposition comes from, they're willing to accept the proposition that taxes will increase for all Americans. They may hope to gain political points, but I am not willing to let perfect stand in the way of good when it comes to matters that negatively impact the paychecks of Kentuckians.

Earlier this week, this package earned the bipartisan support of more than 80 Senators. If we fail today, middle class families will see roughly $100 per week taken out of their paychecks. Increasing taxes now will cause more pain for families with tight budgets, force small businesses to cut more employees, and further slow economic growth throughout the Nation.

Critics of extending the tax cuts for Americans have suggested that the cost will add to the deficit in coming years. While taxing is a functioning of government, the Federal Government is not entitled to any specific amount of revenue from the American people. What is the ''cost'' of letting Americans and job creators keep their own money? Because of budgetary gimmicks in Washington, many Members of Congress have lost sight of the fact that the money Congress spends comes from the American people, is owned by the American people, and the debt we accrue falls on their shoulders. Instead of following the budgetary common sense possessed by most Americans, Democrats and Republicans in Congress have routinely spent well beyond their means.

Now, many of my colleagues are looking to the pockets of the American people to foot the bill rather than making tough choices to cut spending in Washington. If less tax revenue is coming into the Treasury, Congress has an obligation to spend less. Democratic leadership in the House refuses to accept that proposition. Rather than take steps to solve excessive congressional spending, Democrats in Congress have had one response to the problem of our mounting debt: send more money.

Americans have lost faith in the ability of their Federal Government to demonstrate fiscal responsibility and self-control. Why would they trust those who claim the tax increases are the answer to our fiscal problems? With the tax record of this Congress, increasing taxes is tantamount to entrusting your teenager with a credit card.

This past November, voters sent a clear message, a restraining order on Washington: stop the political games with our economy, restore fiscal sanity to Washington, and create certainty and stability in our markets. American families and small businesses can't afford for Congress to play chicken with their hard-earned tax dollars rather than renewing the expiring tax cuts. Therefore, if Congress chooses to ignore the demands of the people, dragging the debate into the next year, the result will be more money taken out of American families' paychecks, impeded job creation, and more partisan political bickering.

Were I drafting this legislation, I would repeal the AMT, permanently abolish the estate tax, make the tax reductions permanent for all Americans, and insist that the unemployment compensation be offset by commonsense spending reductions. However, President Obama has made it clear that he won't sign an extension of current tax relief without the unemployment provisions or that makes the 2001 and 2003 tax relief permanent. Congress

must develop and adopt a workout plan to eliminate the deficit just like any business or family in financial trouble.

Congress must learn from the mistakes epitomized by Washington's ''bailout'' culture and support policies to increase American competitiveness and improve the economic climate for entrepreneurs and small businesses. The road to prosperity allows you to take more home to your family and enjoy the economic freedom that historically has been a hallmark of American culture.

Mr. MCDERMOTT. I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. ''Moment of Truth'' is the very appropriately entitled report of the President's bipartisan deficit commission, since it took barely a moment for him to cut a deal with Senate Republicans that spikes our national debt upwards almost a trillion dollars in new borrowing from the Chinese and others. This deal borrows from our future to throw tax money at problems with the efficiency of most of its provisions that you would get if people stood and shoveled out cash at the front door of the Capitol.

□ 2030

Billionaire estate bonuses, or 1 percent of the people getting a giant tax cut—that doesn't provide meaningful job growth.

There is a very good reason we pay Social Security taxes: in order to share in the old-age survivor and disability insurance that is Social Security. This proposed Republican payroll tax holiday is not a day at the beach. It endangers the very fabric of Social Security. That is why the National Committee to Preserve Social Security and Medicare has rightfully called this bad deal ''a disaster'' for Social Security.

In a very few months, these same Republican privatizers of Social Security will claim, just as they are tonight about the Bush tax proposal, that we are raising taxes on workers when we seek to end this alleged ''temporary'' payroll tax cut.

This same dangerous deal for Social Security discriminates against so many people, who tonight are on the front lines with their lives, as our firefighters, as our law enforcement officers, as those who educate our children—those who provide vital public services. They don't get a dime out of this provision. Ninety-five percent of the public employees in Massachusetts and a majority of those in the State of Texas get absolutely no benefit from this provision.

This bill undermines a guiding Democratic principle—dignity for seniors—and it undermines 75 years of Social Security.

Mr. CAMP. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. REICHERT).

Mr. REICHERT. I thank the gentleman for yielding.

Mr. Chairman, I rise to express my support for this bipartisan tax compromise. We need to do this. We need to do this to prevent a massive tax increase on the American people, on American families and on American businesses.

The clock is ticking and the American people are waiting. If Congress doesn't approve this proposal, our small businesses will be saddled and crushed by a $858 billion tax hike. One-third of all business activity in the United States will see higher taxes—businesses that create 80 percent of our jobs in this country. Raising taxes on small businesses in the middle of a recession is absolutely the last thing Congress should do. Even those in Congress who want to raise taxes must question the timing of doing so when credit is scarce, wages are being cut, and people are losing their jobs.

As I travel around my district, I hear one consistent theme over and over again from small business owners: they need certainty. They want certainty—certainty so they know what Uncle Sam is going to take from them from their bottom lines now and into the future; certainty so they can plan for and make future investments—hire workers and buy equipment; certainty so they can pursue the American Dream without worrying about how government will get in the way.

Opponents of extending all of the individual income tax rates ignore the fact that more than 4.5 million small businesses in America pay taxes at the individual rate, not at the corporate rate. Failure to extend the current individual tax rates is a tax hike on small businesses.

My colleagues who want to discuss comprehensive tax reform should remember that extending all of the rates now will give us the chance to have that discussion without adding a massive tax increase on small businesses.

Avoiding this tax hike is just as important for families across this country as it is for our small businesses. Millions of Americans are employed by small businesses that will face this tax hike; and in many cases, their wages and their jobs hang in the balance of the decision that we will make here today.

The business world needs certainty and families need certainty—certainty to plan for the cost of higher education for their children, certainty to buy homes that they can call their own, and certainty for the day-to-day task of making ends meet in order to provide for the basic needs of their families. Businesses are struggling and families are hurting. The last thing we need government to do is to reach deeper into their pockets and take their hard-earned dollars.

This compromise package isn't perfect, as has been said over and over—compromise rarely is—but perfection shouldn't be the barrier to what is practical and necessary.

Mr. MCDERMOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Chairman, I came to peace with my decision on this bill this weekend when I was holding my 2-year-old grandson, Brody, who was checking out the Christmas tree. I became focused on the real question before us: Is it right to put $858 billion of debt on that kid's shoulders? The answer is ''no'' for three reasons.

First, this bill represents an old and unsuccessful experiment in supply-side economics. It has failed time and time again. In 2001, it was going to create jobs. It didn't create a single net job. Most of us remember when the first President Bush called this type of scheme ''voodoo economics.'' Do you remember that? Well, this is deja vu voodoo economics, and we have no interest in erecting a fiscal monument to the failed policies of George Bush.

Second, let's be honest about what this deal is—a bipartisan deal gone bad. It's a case where both sides handed out candy to their favorite constituencies, put the candy together in one pile of $858 billion of deficit spending and said, We will sober up, just not today.

We've got to have time to eat our spinach, not just our candy. Stop kicking this can down the road. True bipartisanship will happen when both parties confront fiscal reality and become responsible.

Third, we have to face the music as to what this deal is. It's just another case of using an overextended credit card. We cannot build an economy based on consumer credit card spending, which is what got us in the hole in the first place. This deal does not educate one kid; it does not build one bridge; it does not lead to the production of one innovative company. It doesn't build America. It just builds American debt.

So let's learn from our past. Let's put away the credit card. Let's get an unemployment extension the old-fashioned way. Let's have more jobs and less debt.

Let's defeat this bill.

Mr. CAMP. Mr. Chairman, I yield 5 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. I thank the gentleman for yielding time to me.

Mr. Chairman, indeed, this is a sad state of affairs in which we find ourselves and having to deal with this in the waning days of the 111th Congress. In just a mere 16 days, a massive tax increase—$3.8 trillion—will hit every American taxpayer at a time when we are dealing with high unemployment, very sluggish economic growth, and uncertainty about our future.

American families and businesses have had uncertainty hanging over their heads for months, and we have known about the date of the expiration of these tax provisions. It is time for this Congress to act. It is way past due.

No one is satisfied. No one in this body, I'm sure, is satisfied completely with this bill. I certainly don't like provisions in it. We may not like the situation that we find ourselves in, but it is this situation that determines our duty to act.

Mr. Chairman, we cannot roll the dice with the American economy and with the fate of American families and American businesses. That would be the height of irresponsibility, and we have seen enough of that in this 111th Congress. Let's examine just some of the provisions in this bill.

If you vote ''yes,'' you are voting to prevent tax increases on working Americans. You are voting to prevent tax increases on small businesses and job-creating investments.

If you vote ''no,'' you are voting for a job-killing $3.8 trillion tax increase that kicks in on January 1, and it will be paid for by every taxpayer and most small businesses in this country. If you vote ''no,'' you are basically voting to allow for the average middle class family to see $100 pulled out of their paychecks every week. That is a lot of money for the average family.

If you vote ''yes,'' you are voting to prevent a hike in the death tax on our family farmers and small business owners, who take risks and who have built farms and small businesses—taking those risks in a uniquely American way.

□ 2040

Why do we want to penalize that? Mr. Chair, now there are some who say on our side that we ought to wait. They may think it's good politics. They may think we may have more leverage. Well, it's not all that clear as to what could be gained if we were to wait. But I will say this, Mr. Chair: It's inevitable that there would be delays in enacting any kind of a package, and as a result of the delays, months going by perhaps, we'll see a job-killing massive tax hike on everyone.

For those concerned about the deficit, certainly a concern I share, this tax increase will basically hit economic growth, hit prosperity in this country like a category 5 hurricane. It will put us back into a recession, and the prospects to try to correct these problems will be even worse and make it much more difficult for us to act in the future.

Let's be clear. This is not a pro-growth program as my colleague Mr. RYAN said earlier. This is a 2-year agreement. It is a first step in correcting the severe problems that we find ourselves in. This will give us time to move forward with fundamental tax reform which, when coupled with spending decreases, cutting spending, we can get our country back on a sustainable economic course, a sustainable path to prosperity, a sustainable path to restore American competitiveness and to restore American leadership at a time when we need to do this from a position of economic strength.

So let's clear the slate so that we can start anew in January to get our country back on a competitive basis. I urge our colleagues on both sides of the aisle to support the passage of this bill.

Mr. LEVIN. It is now my privilege to yield 2 minutes to a member of our committee, the distinguished gentleman from Washington (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Chair, I rise today in opposition to the Senate amendment to the Middle Class Tax Relief Act of 2010.

This bill has good parts to it for the poor and the middle class, but it gives away $120 billion to the superrich, $120 billion the rich don't need, and will not create any jobs. It's a huge giveaway to the superrich in these tough economic times. It just boggles the mind. It's unconscionable. It's indefensible.

We all know the only reason we're even considering this craziness is to get Republican votes in the Senate so they won't filibuster the bill. That Republicans insist on giving away taxpayer money to the rich while sticking it to the poor and the unemployed is worse than wrong. It is without conscience.

Yesterday, my State of Washington announced it will cut all of the working poor health care from the State basic health plan. 66,000 people and 16,000 low-income children will lose their health care. All they will have is the emergency room. It doesn't end there. Washington State is also cutting off 85,000 elderly off their drug assistance program. These are people's lives we're talking about, and we're pushing American families off their last lifelines during a recession to give tax breaks to the rich. That's the Republican tradeoff.

Americans don't want this giveaway. They want us to act with compassion and economic common sense and not help start another Republican economic disaster.

We could and should fix this bill with fair rates, but we won't because Senator MCCONNELL says, Give me money for the rich.

I urge you to vote against it.

Mr. Chair, I rise today in opposition to the Senate Amendment to the Middle Class Tax Relief Act of 2010.

This bill has good parts to it for the poor and middle class, but it gives away $120 billion dollars to the super rich—$120 billion dollars the rich don't need and will do nothing to create jobs.

A huge give-away to the super-rich in these tough economic times just boggles the mind.

We all know the only reason we're even considering this craziness is to get Republicans votes in the Senate so they won't filibuster the bill.

That Republicans insist on giving away tax payer money to the rich while sticking it to the poor and unemployed is worse than wrong—it's without conscience.

Just yesterday my own State of Washington announced it will cut all of the working poor from the State basic health plan.

Working poor numbering 66,000 and 16,000 low income children will lose their health care—all they'll have is the emergency room. It doesn't end there—Washington State is pushing 85,000 elderly off of drug assistance too.

This bill undermines Social Security and increases taxes on the poor. Republicans won't ever want to restore the so-called temporary 2-year cut to social security taxes in this bill. Republicans will soon be calling the restoration of this tax, which keeps social security solvent, a 'tax hike'. Then Republicans will bring up privatization as the only way to solve the shortfall. As a replacement to the Making Work Pay Credit, this tax cut actually increases taxes on the poor, and gives even more tax benefits to the rich.

This bill creates only stop-gap funding for unemployment insurance. Next year at this time unemployment will still be high, and we'll have another mean-spirited debate that demonizes the unemployed.

The give-aways and bad policy in this bill are capped off with the wasteful, environmentally disastrous Ethanol subsidy. Subsidizing ethanol distorts food markets and slows this country's real progress toward a sustainable green energy economy.

This bill transfers enormous amounts of wealth from the average American tax payer into the pockets of the wealthiest of this country at a huge cost.

These are people's lives we're talking about. We're pushing American families off their last life lines during a recession to give tax breaks to the super rich. That's the Republican trade off.

Americans don't want this give-away. They want us to act with compassion and economic common sense—and not help start another Republican economic disaster.

We should fix this bill with fair rates for the wealthy and funding for unemployment insurance that lasts until the working families of this country are back on their feet.

I urge my colleagues to vote ''no.''

Mr. CAMP. I yield 5 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. Mr. Chair, I thank the gentleman for yielding.

The State of Washington is cutting the working health care for the working poor? That's what we heard a minute ago. But wasn't it just an argument just a couple of months ago, Mr. Chair, that if this body took up the ObamaCare that basically the birds were going to be chirping and the sun was going to come out and the clouds were going to part and the economy was going to be fabulous and we were not going to have another health care problem again? But what happened? Running ramrod through this body ended up a job-killing health care bill, and now we're wringing our hands. It's amazing to me.

Back when I was in the Illinois General Assembly, Mr. Chair, I used to practice law, and there was one time when I filed a motion at a courthouse and I approached a judge, and he knew that I was a legislator. And with a twinkle in his eye, he said, Well, Mr. ROSKAM, let's see how you voted on the judicial pay raise, and he kind of

looked underneath his blotter. He was teasing me, and I quickly said, Well, Your Honor, I voted ''no'' but I hoped ''yes.'' He thought about that for a second and he said, Motion granted.

Now, I hope today there's a whole lot of show business going on here, because I hope today, Mr. Chair, what's happening is that there's a lot of people who say they're voting ''no'' that aren't really voting ''no.'' I mean, with due respect to my friend and colleague from the State of Illinois who acknowledged that there's insufficient funds, he thinks there's going to be insufficient funds, Mr. Chair, in the 112th Congress? Hey, look around, 111th Congress, there isn't sufficient funds.

This Congress and this leadership, Mr. Chair, has doubled our national debt in 5 years and, based on their own numbers, will triple that national debt in 10 years. So this is not a news flash that's coming in the 112th Congress. It's here today.

We had Debt Dependence Day here in the United States on August 4 of this year, which was the date at which every dime that went out from the Federal Government, Mr. Chair, was borrowed money. So let's not act as if this is a new issue. This is not a new issue.

Here's the issue that's before us: We're looking at a cataclysmic tax increase that has the potential to drive us and to push us to a tipping point and a spiral that goes further and further down.

Now, let me talk to friends on my side of the aisle who think a better deal is coming. Friends on my side of the aisle say, Oh, we're going to get a better deal. On January 5, we'll pass a bill. On January 6, somehow, miraculously, the Senate is going to pass it. On January 7, the President is going to remove all his objections. Even assuming, Mr. Chair, that that's true, let's think that through for a second.

Okay. So January 7, a new fabulous bill is signed into law. It's not until mid-February until the Internal Revenue Service can deal with that. It's not until mid-March when corporations and payers can deal with it. And so, again, at the best case scenario, you're looking at sucking the life out of this economy for 90 days. And what does that do to all of our constituents? That puts us in a downward trajectory that none of us want. Nobody wants that.

You know, I think one of the messages of November 2 is that we need to come together and work together. Yeah, there's things in this bill I don't like. There's things in this bill that I'm not pleased with, but I do know that at all costs we need to avoid a job-killing tax increase.

I would be happy to yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. I thank the gentleman for yielding.

I just wanted to ask the question. I was hoping the gentleman might comment on whether or not his impression of the bill was that it was deficit neutral. The gentleman has spoken about the deficit in the past. I wanted to know if he wanted to comment on that.

Mr. ROSKAM. Reclaiming my time, clearly it's not deficit neutral. Clearly, it does add to the deficit, which is why I said that it's not completely satisfactory. So Mr. RYAN, as ranking member and incoming chairman of the Budget Committee, has indicated what his intentions are.

But, you know, I do find it ironic that there is this newfound robust interest on the other side of the aisle as it relates to deficit reduction, notwithstanding the CBO's, OMB's, and everybody else's numbers that the national debt will triple in 10 years based on the current majority.

So I've said my piece, but I think it's very clear that what we need to avoid, Mr. Chair, at all costs, is raising taxes and putting this economy into a spiral out of which real, real difficulties come.

Mr. LEVIN. It is now my pleasure to yield 2 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER), an active member of our committee.

Mr. BLUMENAUER. A vote on this agreement may or may not be good politics, but it is wrong. It continues the Washington tradition of ducking tough issues, making suboptimal choices, and trying to make every interest group happy.

I'll be the first to admit that it contains items I support, including some I've worked hard to enact, but they're not worth the price, no matter how much I've invested in them.

□ 2050

This should be the time when we stopped adding to the deficit with nothing to show for it but a temporary boost to pocketbooks with a minimal boost to the economy and controversies that will continue nonstop through the next election. If, like a prudent family, we must borrow, it should not be for current operations but for long-term investment. The tinkering around the edges of the tax code and the fixes, like the need to continue to ''patch'' the AMT in order to protect 30 million people, is counterproductive. It will cost money to repair the broken tax code, but it is an investment well worth the cost.

We should, instead, repeal the AMT, lower the rates, broaden the base, make the code simpler, more fair, and less costly. If we will be $1 trillion more in debt, we should at least address the infrastructure deficit. That would at least pay for itself with projects that will last for decades while putting hundreds of thousands to work at family wage jobs.

Make no mistake, this vote means an exchange for a little temporary relief weighted in favor of those who need it the least. This bill means Americans will pay more in debt and interest, a sluggish economy, and costs of an unfair tax system. It's a bad bargain for the future of America's families.

Mr. CAMP. I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

I don't have time to detail all that is wrong with this bill, so I will focus on one very small part of it. It's the Social Security payroll reduction. I want everybody in this body to remember this figure, this one number: $2,136. $2,136—that's the raise that we're all giving ourselves with this bill. That's the raise that we're giving ourselves, and we're borrowing every penny of it from our kids and our grandkids, or probably China.

$2,136. We don't know where that came from. I asked people in this body, How did that provision get in here? It's not part of extending current tax rates, keeping the tax rates current. This is something completely new. We're told, Oh, somebody in the Senate put that in. But nobody has sought to remove it here. But keep in mind, again, $2,136. That's how much every Member of this body—because all of us make more than $106,000 a year, so all of us are giving ourselves a $2,136 raise with this legislation. We had better remember it because the voters certainly will.

As I mentioned, we're borrowing this money. We don't have it. We can't pull it from another account. There is nothing in the Social Security Trust Fund to take it from, so we're borrowing it, every penny of it. So just remember that number, $2,136. That's the raise we are giving ourselves with this legislation. I urge a ''no'' vote.

Mr. LEVIN. I now yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL), a very distinguished colleague on the Ways and Means Committee.

Mr. PASCRELL. Mr. Chairman, our families are hanging by threads—literally—as we debate this tonight. We know the economic wreckage that occurred between 2001 and 2008. Double unemployment, flat wages, and unbridled greed. We didn't do a very good job in correcting the problem in the second 2 years since we took over, no question about it. So these are perilous times.

And I say to my friend from Arizona, both sides agree. We need extraordinary remedies in extraordinary times. Ordinarily, your side and our side would vote against this legislation because it's not paid for. But these are not ordinary times.

You have said in the past ''no'' to tax relief that every American, even billionaires, could take advantage of, if an extra 2,800 estates don't get a massive tax break at a cost of $60 billion. We had an agreement on the estate tax. H.R. 4151 provided a $7 million exemption for families, affecting less than 0.02 percent of the country. That wasn't good enough. So when the negotiations over the next tax relief for America's middle class started, opponents saw the chance. They decided to take the middle class hostage, agree

with the tax relief for all of America, only if 2,800 additional estates worth over $7 million were also provided billions more in tax relief.

The truth of the matter is that I don't know any working class families that own estates worth over $7 million. Maybe you do in your district. No, you said to middle class tax relief, if the top bracket is not extended for the top 2 percent, so as to give $63.2 billion to 315,000 families making over $1 million a year.

I ask for your support of this amendment.

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

Let me just say, the gentleman from Arizona who spoke is a cosponsor of the legislation that would reduce the payroll tax that would give the so-called pay hike to Members of Congress. But let me just say, this payroll tax deduction applies to every working American, just as the rate reductions apply to every small business in America.

I yield 3 minutes to the gentlewoman from Kansas (Ms. JENKINS).

Ms. JENKINS. I thank the gentleman from Michigan for yielding.

When I ran for Congress, I made a pledge to the people of Kansas that I would not vote to raise their taxes. Today I will honor that pledge and vote for the tax bill before us because a ''no'' vote on this measure is a vote to raise taxes on every American taxpayer, every working parent, every small businessperson, every retiree, everyone. While the economy struggles to get back on its feet and unemployment remains at nearly 10 percent, allowing liberals to achieve their goal of raising taxes on American families and small businesses by nearly $4 trillion is extremely bad economics.

There are several aspects of this provision that I am adamantly against, including the massive deficit spending required to extend unemployment benefits for 13 months that are not paid for and the onerous 35 percent death tax which will create hardship for many family farms across the entire Midwest. But failure to pass this legislation will be the equivalent of reaching into the bank account of every middle class family and pulling out an additional $5,000 next year. The families I represent in Kansas have had to tighten their belts and can't figure out why Washington continues to raid their bank accounts and refuses to tighten the belt of the Federal Government.

It is truly sad that we have reached this point. The current majority could have addressed this issue at any time over the last 2 years, but they were so busy throwing money at solutions in need of problems that they didn't take time to build a budget, appropriate money, or address the issue of taxes, and now our backs are against the wall. While this is far from the ideal permanent extension we desire, a 2-year extension of all the current tax rates provided in this bill gives business some short-term certainty so they can go out and invest and hire new workers to grow the economy, and it provides Congress with a window to truly reform the tax code correctly without a mad scramble next year to undo the damage.

When we reconvene in January, it is imperative that the next Congress, led by a new majority, reform our tax code and the death tax, rein in spending, and balance our budget. Placing punitive and oppressive taxes on hard-working Americans until Washington can agree on how best to accomplish all that is not the right way to go about this. Kansans expect more of their representatives in Washington. I urge my colleagues to cast a vote against tax increases and vote in favor of this bill.

□ 2100

Mr. LEVIN. Mr. Chairman, it is now my privilege to yield 2 minutes to the distinguished Member from the great State of Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I rise in favor of this bill. The people in the State of Nevada are having a very tough time right now. We have the highest unemployment rate in the country and the highest mortgage foreclosure rate. The people in my district are particularly hard hit. One in five people that I represent have no jobs. The unemployment benefit extension in this piece of legislation is critical to the very survival of so many of the families that I represent.

Everybody thinks of my district of Las Vegas and North Las Vegas as a very glitzy, shiny, wonderful town, and it is all of those things. But it's a working class town, and most people don't fully appreciate that. I represent construction workers and electricians and plumbers, Keno runners and cocktail waitresses and waiters and waitresses and valets and porters. All of these people are middle-income wage earners, and the middle-income tax extension is going to be a tremendous help to these families.

The child care tax credit, so many of the people that I represent in Las Vegas are single mothers who are working. The bane of every single mother, and I know this, is good child care at an affordable price. The child care tax credit makes a difference whether these women can go to work or not.

If you add in the alternative minimum tax, 33,000 of the people I represent will be slammed by that if we don't extend it.

Marriage penalty tax, earned income tax, these are all very important to the middle-income wage earners that call Las Vegas and Nevada home.

One of the most important things is the tax extenders that are included in this. Nevada is one of eight States that does not have a State income tax. If you're a State income tax State, you can deduct your State income tax from your Federal income tax. Nevada doesn't have one, so we, a few years ago, along with Brian Baird and a few others, were able to get an extension for sales tax and being able to deduct the sales tax.

The Acting CHAIR (Mr. SNYDER). The time of the gentlewoman has expired.

Mr. CAMP. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Chairman, job creation is priority number one. Fourteen million Americans are striving every day to find a job. But what they fail to understand in Washington, to get a job, you've got to promote small business and free enterprise and entrepreneurship.

Seventy percent of all the jobs created in America are created by small business. In my State of Florida, 99 percent of all businesses registered in Tallahassee, our capital, are either small businesses or medium-sized businesses mainly, a couple of hundred employees or less.

To raise taxes in this environment, when many businesses right now are struggling, on the verge of trying to stay open—many of them can't get credit. If we raise the taxes on small businesses—and a lot of people don't realize, a lot of small businesses are subchapter S, LLCs, partnerships, sole proprietorships, so it's all pass-through income to them personally. But raising taxes on small business, they're saying it will affect 48 percent of the businesses if we don't pass this today.

People ask, Why is it that business doesn't have any confidence right now or the confidence they should?

They just don't believe what's happening in Washington. The administration and this Congress, in their mind, and they're right, is very antibusiness.

So if we want to create jobs, the last thing we should be doing is raising taxes on small businesses. If we want to help families and we want to get people back to work, we need to pass this bill and do what we can. No tax increases come January 1.

Mr. LEVIN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. DAVIS), a member of our committee.

Mr. DAVIS of Illinois. Mr. Chairman, Justice Oliver Wendell Holmes is credited with saying that taxation is the price that we pay for a civilized society. And today we need the money.

As a matter of fact, I was in a meeting 2 days ago at CEDA—that's the organization in Chicago and Cook County that services low-income families—trying to figure out how to help some of my constituents get their homes heated, because it might be snowing in Washington, but it's cold in Chicago.

The telephone rang. Somebody said, Could you take a call from the President? I said, Which President? They said, Well, the President of the United States. And I said, Of course, I'll take it.

I got on the phone and the President said to me, DANNY, we need to pass this

bill, and we need to pass it because even though it's cold, it's going to get colder; and there are going to be people who don't have any unemployment compensation benefits, and they can't pay their heating bill. There are going to be people who want to send their kids to college, and without the tax credits for college tuition, they won't be able to pay the tuition.

And I said, Yeah, but, Mr. President, what about those people way up at the top that are getting all of this money?

He said, Well, there might be an opportunity to reduce that.

And I'm looking forward to voting on the Pomeroy amendment so that we can reduce some of that money that they're going to keep in their pockets, put it into the Treasury so that we can help the poor people in Chicago who are cold and don't have any heat.

Mr. CAMP. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. SMITH).

(Mr. SMITH of Nebraska asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Nebraska. Mr. Chairman, I rise today in support of the underlying tax bill and in opposition to the Pomeroy amendment that would increase the death tax.

It is vital we do not stymie any economic recovery by failing to extend current tax rates. If we fail to enact this legislation, in just two short weeks, taxes will increase on every American.

Our country needs real economic growth, which can't happen if Washington doesn't prevent these tax increases on farmers, ranchers, and small businesses. The sooner we can provide certainty to American businesses, the sooner they can get our economy back on track and start hiring again.

In particular, I would like to highlight the importance of providing certainty to farmers and ranchers in my district with a lower estate tax rate indexed for inflation. Despite the rhetoric from some, these folks aren't millionaires and billionaires. They want to simply leave their children and grandchildren the land they use to grow and raise food which feeds Americans and others around the world.

In the last year, the value of Nebraska farmland has increased by 9 percent, continuing a trend in which this land has doubled in value over the past decade. Without an estate tax exemption indexed for inflation, these farmers and ranchers will be forced to divide or sell their land, threatening the very existence of farming traditions which, in many cases, have been passed on for several generations.

Grieving families should never be forced to deal with the IRS during a time of mourning. The prosperity earned by generations of Americans should not be forfeited just because one life has reached its end.

I urge my colleagues to support the underlying bill.

Mr. LEVIN. Mr. Chairman, I yield 2 minutes to the distinguished Member from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. Mr. Chairman, tonight I rise in support of middle class Americans. As families and the Nation continue to face economic challenges, we should extend tax cuts for Americans; yet the Republicans insisted that tax cuts apply to all incomes, even multimillionaires. And they are insisting, even tonight, on including an additional tax break for just 6,600 wealthy estates at the expense of tax relief for middle class Americans.

The goals of this tax relief package should be to help middle-income Americans and promote economic growth. And because of the President and Democrats in Congress, most of this bill accomplishes just that.

I commend the pro-growth business provisions, particularly the acceleration of business depreciation and extension of the research and development tax credits, which encourage innovation and investment. And I strongly support the extension of tax breaks for middle class families.

Unfortunately, the Senate Republicans' last-minute estate tax provision does not meet the goal of either economic growth or tax relief for the middle class. It is simply a bonus to the wealthiest few that is not fair, not justifiable, and not fiscally responsible.

Instead, the estate tax proposal that we offer as a substitute saves $25 billion. The House should vote for this proposal because it promotes economic growth, extends tax cuts for all Americans, and provides sensible estate tax relief for 99.75 percent of the Nation's small businesses, families, and farms.

Vote for the tax cuts. Vote for fair estate tax policy. Vote for this legislation, as amended.

Mr. CAMP. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. PAULSEN).

□ 2110

Mr. PAULSEN. I thank the gentleman for yielding.

Mr. Chairman, our number one priority in Congress should be enacting pro-growth policies that will put Americans back to work and get our economy back on track.

Sadly, in the past 2 years, this body has done very little to accommodate the record high unemployment that this country has faced. And this tax bill before us today will give us an opportunity to finally change that, because in just 2 weeks our country's small businesses will see a huge job-killing tax increase imposed upon them.

Now, we all know small businesses have been the backbone of our economy for a long period of years. They have served as our Nation's top and chief job creators, generating nearly 7 out of every 10 new jobs created. But according to the National Federation of Independent Business, small business optimism is still at a recessionary level, and only a net 4 percent of firms are even planning to create new jobs. Stopping these tax increases on January 1 will add jobs to the economy.

On the other hand, imposing these job-killing tax increases on our small businesses is only going to further delay an economic recovery that has been denied to the American people. So we must act now to prevent this from happening.

This bill also has a significant impact on our Nation's families. Voting against this bill will lead to a nearly $100 tax increase on every hardworking American family every single week. These are families that are already struggling to make ends meet in tough economic times, and increasing taxes on them is only going to make matters worse.

Mr. Chairman, this bill is not perfect. Would I like to see these tax rates made permanent? Yes. Would I like to see the spending provisions and portions paid for? Yes. But well over 80 percent of this bill is tax relief. It prevents income tax rates from increasing; it prevents the alternative tax from hitting more middle-income families; it preserves the child tax credit; and it prevents the marriage penalty from being put in place.

Unless we act, on January 1 we will see job-killing taxes. But tonight, and today, we will have an opportunity to support American families and the small businesses that employ them.

Ms. SCHWARTZ. I ask unanimous consent to control the time until the gentleman from Michigan returns.

The Acting CHAIR (Mr. DRIEHAUS). The gentlewoman from Pennsylvania is recognized.

Ms. SCHWARTZ. I yield 1½ minutes to Mr. HOLT from New Jersey.

Mr. HOLT. I rise in opposition.

I am most concerned that this bill will undermine the very idea of Social Security by taking money out of Social Security and promising to make it whole with general revenues.

When FDR and others created Social Security in 1935, it was a political master stroke. Social Security was created as an insurance program and has remained intact for 75 years because Americans have a real sense of ownership for the program. FDR said Social Security should not use general tax revenues.

This bill puts Social Security on the table with tax breaks for the top 2 percent, with estate tax, alternative minimum tax, accelerated depreciation, making it essentially another bargaining chip. If we allow Social Security to become another bargaining chip for dealing politicians, then it will not be long for this world.

In good economic times and bad, this sense of ownership that Americans will get their due from Social Security has allowed it to survive despite determined efforts by determined enemies.

We can find better ways to boost our economy that do not add billions of dollars of debt to pay for tax cuts for the privileged few and do not jeopardize Social Security.

It is with regret that I rise in opposition to this legislation. Less than two weeks ago, I

joined a majority of this House in passing middle class tax relief that balanced the needs of working families with our Nation's need to get its fiscal house in order. Unfortunately the Senate failed to pass this bill.

The legislation we are considering today is deeply flawed. We should try to put money in the pockets of working families, and I do not fault President Obama and many of my colleagues who want to get something done on behalf of the millions of Americans who need help. But, this is the wrong way to do it.

Yet, at a time when income inequality in the United States has risen to its highest level in decades, the bill under consideration would shift the burden of funding the Federal government further onto middle-class and working-class families. The bill would give away tax breaks to the wealthiest two percent of households at a cost of more than $120 billion charged to the national debt.

I am most concerned, however, that the bill undermines the very idea of Social Security. Social Security has been a pillar of our society for generations. When Franklin Delano Roosevelt, Frances Perkins, and others created Social Security in 1935, it was a political masterstroke. Social Security was created as an insurance program and has remained intact for 75 years because Americans have a real sense of ownership for the program.

In good economic times and in bad, regardless of which political party is in power, this sense of ownership—that Americans will get out that which they put into the Social Security—has allowed it to survive despite the efforts of determined enemies.

A provision in the bill would reduce an employee's contribution to Social Security from 6.2 percent to 4.2 percent of salary. This could have a beneficial stimulative economic effect. The $112 billion cost to the Social Security trust fund of this payroll tax holiday is supposed to be replaced with money from the general treasury fund. But that is just the problem. In Social Security's history such a commingling of payroll taxes and money from the Treasury at this scale is unprecedented.

This is not just about the financial health of Social Security, rather it is about Social Security's rationale that has worked well for generations. This bill places Social Security on the table with tax breaks for business expenses and tax breaks for the top two percent of Americans—essentially making it just another bargaining chip. If we allow Social Security to become a bargaining chip for dealing politicians, then it will not be long for this world. As much as we need economic stimulus now, we will need Social security for decades to come. Rather than taking money from Social Security, I would support a tax credit—similar to President Obama's Making Work Pay tax credit—that would give working families a sizeable tax break with money from general revenues.

In a message to Congress on January 17, 1935, FDR insisted that Social Security should be self sustaining and that funds for the payment of insurance benefits should not come from the process of general taxation. FDR's message is as correct today as it was 75 years ago.

To be sure, the legislation before us today contains many good provisions that I would support on their own. The bill contains a one year extension of emergency unemployment benefits. According to the Labor Department, there are five job-seekers for every job opening in the U.S. Extending unemployment is the right thing to do morally and for the economy. The legislation would extend middle class tax relief for two years along with many family-friendly tax breaks such as the Child Tax Credit, Earned Income Tax Credit, Alternative Minimum Tax relief, and marriage penalty relief. The bill also would extend expanded transportation benefits for commuters and tax credits like the research and development tax credit to help businesses grow and create jobs.

Congress needs to provide unemployment insurance for Americans searching for work, extend tax relief for working families, and find solutions to our budget crisis. Yet these must not come at the expense of Social Security. It is too important to lose.

Mr. CAMP. I yield 3 minutes to the gentleman from New York (Mr. LEE).

Mr. LEE of New York. Mr. Chairman, I am amazed how my friends across the aisle now, all of a sudden, have found religion when it comes to fiscal issues.

But where were they when we had the $800 billion stimulus? Where were they with the $1.2 trillion health care bill that they all promoted? Where were they when the Speaker chose not to enact a budget resolution this year, the first time in 36 years? And now they're preaching fiscal responsibility when we are out promoting a bill that is not cutting taxes; it is helping to ensure that every American citizen who pays taxes won't be seeing an increase this year. It is truly, truly amazing.

Simply put, this bill before us today will allow taxpayers to keep more of what they earn and will allow small businesses, the engines of our economy, to invest in themselves and invest in jobs. This bill will provide much-needed certainty that businesses have been screaming for. They are looking to invest in themselves and truly what they want to do is hire more workers, but: tell us what the rules are going to be.

Currently, today, businesses are sitting on close to $2 trillion in cash and liquid assets awaiting to know what the rules are going to be. This bill is not perfect, but it will help set the stage for businesses to get some confidence and certainty in this economy and go out and start investing in U.S. workers. Congress is long overdue in providing this certainty to small businesses, and it is one of the best ways that we can start turning around this economy.

I ran a manufacturing business before coming to Congress. I know what it feels like to look at a production line and not know if you will be able to operate it the next month because Washington is dragging its feet.

By acting now, we can also ensure that small businesses and family farms aren't hit with a 55 percent death tax. We reaffirm our commitment to providing incentives for manufacturers to invest in research and development. And we help every American family by extending current tax rates, the child tax credit, and the marriage penalty relief.

Is this bill perfect? No. Few things are that come out of Washington. But the bottom line is that this bill will allow families to keep more of what they earn and help small businesses grow and invest in themselves.

This is a proven recipe for job creation. I urge my colleagues to support this bipartisan legislation so we can protect taxpayers and get on to the tough work of cutting spending next year.

Mr. LEVIN. I yield 1 minute to the gentleman from New York (Mr. TONKO).

Mr. TONKO. I thank the gentleman for yielding.

This bill is a bad deal for the middle class. If you work hard and play by the rules, you should be rewarded; however, today's bill ignores this. It lines the pockets of the mega-rich at the expense of everyone else.

Our top priority right now should be job creation. We tried the tax cuts proposed today for the last decade under the illusion that they would create jobs. And so I ask, Where are the jobs? Where are the jobs? This recession wasn't an act of nature; it was man-made. Shame on us if we do the same thing again and expect different results.

I will continue to fight to strengthen the middle class, and I will continue to fight to extend unemployment benefits for the millions who are out of work through no fault of their own. I have voted in favor of both in recent weeks. However, we should not support a giveaway to millionaires and billionaires at the expense of future generations.

Mr. Chairman, this bill needs more jobs and less debt.

Mr. CAMP. I yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I thank the gentleman from Michigan for yielding.

Mr. Chairman, there are a number of things that have been talked about here that I think need to be addressed. One that I want to address point blank is this concept, this myth, that somehow preventing a tax increase adds money to the deficit.

Only in Washington would some liberal politician think that allowing somebody to keep money in their pockets and not have a tax increase somehow adds to the deficit.

In fact, if you really want to see growth in this country, if you really want to see more money coming into the Federal Government, something that's always been proven is having lower tax rates coupled with controlled spending. And that's the problem, that we don't have those issues being addressed here today. Hopefully, we will address that, and, I know in the new Republican Congress, we will address that we should make these tax rates permanent, including a complete repeal of the death tax, and you'll see some real growth in this country.

But there is a moral imperative here, too. There's been this talk about class warfare on this House floor tonight,

and a lot of people running around talking about certain people that should have a tax increase. And that is a moral imperative because who is the greedy one here. Is it the single mother who is struggling to make ends meet right now? Or is it the liberal Washington politician who is trying to saddle her with another 50 percent increase in her tax rate if this bill doesn't pass? Who is the greedy one? Is it the small business owner who is struggling in tough economic times but maybe wants to create another 20 jobs in their small business? Or is it the liberal Washington politician that is going to try to saddle them with thousands of dollars in new taxes that will make it impossible for them to create jobs? That's the moral imperative.

It's time for the liberal Washington politicians to get their hands out of the pockets of the taxpayers and hard-working Americans in this country so we can get some real job growth. I am glad the gentleman from Michigan, when he becomes the chairman of the Ways and Means Committee next year, wants to address the long-term problems. But in the short term, we need to prevent any American from having their taxes raised, and that's what this debate is all about.

□ 2120

Mr. LEVIN. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Mr. Chairman, I thank the gentleman for yielding.

I associate myself with the remarks of the gentleman from Arizona who spoke earlier. There is another important number in this bill, and that number is $119 billion—$119 billion. You might ask why that number is important. That is the amount of money that this bill will rob from the Social Security trust fund if it is implemented, at a time when more and more of our seniors rely on Social Security as their sole source of income, at a time when more and more of our seniors are vulnerable and are on fixed income and can't go out and get a second job, at a time when more American workers are desperately needing Social Security benefits because their defined benefit pensions have gone away, any kind of pensions have gone away.

In spite of the remarks of the gentleman from Louisiana who just spoke, it is easy to forget that on most of these issues, Democrats and Republicans agreed. We agreed that 98 percent of Americans needed a tax break continued. We are fighting about that 2 percent. That is where the argument is. We are arguing about people who have $10 million in an estate. In a windfall to them, should they pay taxes?

It is interesting that in this bill, those people have been protected, but the folks who are on Social Security and the solvency of the Social Security trust fund is fair game. Vote ''no'' on this measure.

Mr. BRADY of Texas. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Chairman, there's not much time when there's 3 hours and most of that is dedicated to pushing this bill. But the fact is, following up on Social Security tax, it's reduced by 2 percent, from 6.2 percent, for 2 years, which dramatically does affect the solvency of Social Security.

When I proposed the payroll tax holiday, I was going to pay for that—it's in the bill—pay for it with TARP. We were going to take that money from the Wall Street bailout and give it to the people that actually earned it. That would have worked. This isn't paid for.

We were elected into the majority to stop the deficit spending. We do need to extend the current tax rates so that we can give some stability to this economy. But two years, analysts say, is not going to push businessmen to run out and fix the economy.

This is a mistake. We can do much better for the economy. This is no time to sell out just to get some extensions. We can do better.

Mr. LEVIN. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Maryland (Ms. EDWARDS).

Ms. EDWARDS of Maryland. Mr. Chairman, in 2006, Warren Buffett wrote, ''There's class warfare, but it's my class, the rich, that's making war, and we're winning.'' Today, in this bill, Mr. Buffett's sentiment rings as startlingly true today as it did 4 years ago.

I rise in strong opposition to this bill that will benefit only the wealthiest Americans at the expense of putting billions of dollars in debt on the backs of our children and grandchildren.

Over the last 35 years, our tax policies have concentrated a third of this Nation's wealth in 1 percent of our population, leaving 80 percent of us with 16 percent of our Nation's wealth, the rest. The proposal on the floor today only exacerbates that trend.

Mr. Chairman, we have staked our reputation and the legacy of this 111th Congress on fighting for working families. I just don't understand how we can saddle those same families with unsustainable tax cuts for the wealthy, an estate tax that benefits 6,600 families, and a payroll tax that without question raids Social Security.

If this is war, then let's put away this white flag. I refuse to surrender to those who want to benefit the two-percenters at the expense of the rest of us. To do that would surrender the hopes, the dreams, the retirements, and the paychecks of families all across this country.

It is time to put away the white flag and fight for working families.

Mr. BRADY of Texas. Mr. Chairman, may I inquire as to the time remaining on both sides?

The Acting CHAIR. The gentleman from Texas controls 35 minutes; the gentleman from Michigan controls 52½ minutes.

Mr. BRADY of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. LEVIN. Mr. Chairman, I now yield 2 minutes to a distinguished Member of the Ways and Means Committee, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. Mr. Chairman, I rise today in strong opposition to this reckless legislation. There is no question that I strongly support some of the items in this bill. Unemployed Americans desperately need their benefits extended, and I proudly have voted to do so every time I have had the chance. This bill also contains tax cuts for hard-working American families, tax cuts I voted for 2 weeks ago on this very floor.

But this bill holds these good policies hostage to a giant handout to those who need help the least. It is political bullying at its very worst, an affront to working American families waged by Republicans whose irresponsible decisions got us into this mess in the first place.

This bill contains a radical change to the inheritance tax that will concentrate wealth and power in even fewer hands than it is now. In a country that prides itself on being a meritocracy, not an aristocracy, such a giveaway is irrational. It completely neuters our ability to invest in people and infrastructure.

This bill contains tax breaks for those who will make more than $250,000 a year, breaks that our country can ill-afford when teachers are being laid off and libraries are being closed, when those who have been unemployed for the longest are losing their safety net, and young men and women are still being asked to serve and die in Iraq and Afghanistan.

The payroll tax cut is another bad idea. Not only does it make Social Security less secure, many public servants, including California teachers, won't see any tax cut at all.

Overall, this bill adds nearly $1 trillion to the deficit, while doing very, very little to create jobs, spur economic growth, or invest in America's future.

Because I am committed to creating jobs, making retirement secure, and investing in this country, I cannot in good conscience support this bill. Compromise is one thing, surrender is another, and I will not surrender in my fight to ensure that America remains the land of opportunity for all.

Mr. BRADY of Texas. Mr. Chairman, I continue to reserve the balance of my time.

Mr. LEVIN. I now yield 1 minute to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Chairman, I rise in support of this bill because it strikes the right balance between support for the unemployed and those who continue to suffer in the economic downturn, the continuation of pro-American and pro-family economic policies, and providing the much needed certainty for American job creators to make the long-term strategic decisions necessary to help grow our economy.

Now is not the time to raise taxes for anyone in America. One of the key factors that has stalled our economic recovery is the uncertainty about the regulatory environment and tax rates that small businesses will face in the coming years. With passage of this legislation, we can provide the certainty these businesses have sought, enabling them to finally be able to make the long-term strategic and hiring decisions that they were reluctant to do before they knew what the playing field would look like.

I urge my colleagues to support this bipartisan legislation compromise that will help kick-start our economy.

Mr. BRADY of Texas. Mr. Chairman, I continue to reserve the balance of my time.

Mr. LEVIN. Mr. Chairman, I now yield 1 minute to the very distinguished gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Let me first correct the gentleman from Texas, Mr. GOHMERT, when he says that this bill would make the Social Security trust fund less solvent. Every penny that the Social Security trust fund doesn't receive from payroll taxes it gets from the general fund.

But let me especially correct him when he says, oh, the other way to pay for this is by canceling the TARP bill. We canceled the TARP bill six months, seven months ago. He voted against the bill, but that bill passed, was enacted, and returned $225 billion to the Treasury. Having done that once, we can't make money by just doing it again.

The Republican Senators held this country hostage, they held the middle class tax cuts hostage, they held the American economy hostage. President Obama agreed to pay the ransom. Now the question before this House is, do we block that ransom payment?

□ 2130

The problem is that if we do not make the ransom payment this month, President Obama will be willing to pay just a little bit more next month. So today we will do what we have to do.

Mr. BRADY of Texas. I continue to reserve the balance of my time.

Mr. LEVIN. I now yield 1 minute to the very distinguished gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. For many Americans, tonight their urgent priority is to find a job. It should be our urgent priority to create those jobs for those Americans. I support this imperfect bill because I believe it will help create those jobs. I think a tax cut of $1,000 a year for a family making $50,000 will help spur spending. I think that not raising taxes on people who sell real estate or teach school or drive a school bus is the right thing to do.

I think that some degree of tax certainty for business people and investors over the next 2 years will help to spur investment. And I know that every penny that people receive in an unemployment check will be spent as soon as possible—because people have to. And that helps spur the economy as well. And I also hope that the bipartisan agreement tonight to do the easy thing, which is reduce people's taxes, will be followed by a bipartisan agreement to do the hard thing—and that's reduce spending in a way that is sensible, equitable, fair, and necessary. This is not a perfect agreement, but it's a necessary one.

I urge a ''yes'' vote.

Mr. BRADY of Texas. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. CANTOR) who has been a leader on lowering taxes, fighting the expansion of government, and expanding liberty.

Mr. CANTOR. I thank the gentleman from Texas.

Mr. Chairman, as we contemplate the tax agreement before us, I urge my colleagues to put politics aside and focus on the facts. We are crawling out of the worst economic downturn in generations. Working families and businesses remain gripped by economic uncertainty, and to this day Washington has only made the problem worse. If we want to cut into the 9.8 percent unemployment rate, Mr. Chairman, we have to instill confidence in the economy and begin to foster an environment for job creation. Today, we take our first step toward achieving that goal.

This tax deal is not perfect. And nearly all of us, myself included, disagree with certain elements of this bill. But let us not forget what we're fighting for. The reality is, Mr. Chairman, that on January 1, one of two things is going to happen to all taxpayers and most small businesses: Their tax rates are either going to go up, or they'll stay the same. The choice is to act now or impose the onset of a $3.8 trillion tax increase that will crush the fragile recovery and cost tens of thousands of jobs nationally. This is an indisputable fact—and an unacceptable result.

Mr. Chairman, this tax increase would punish families and small businesses that cannot afford to pay it. Middle class families will see their taxes go up by $100 per week. Let me be clear. There's only one path out of this economic crisis—and it's economic growth. But by transferring vast sums of cash out of the private sector and into Washington, Congress would be taking a club to investment, entrepreneurship, and innovation—the very building blocks of what we need to foster economic growth and job creation. About 84 percent of this package, Mr. Chairman, is either tax relief or extension of current tax rates. So, while not perfect, this is the kind of action that most Americans voted for last November.

In addition to preserving all marginal tax rates, it would kill the Making Work Pay credit and replace it with a payroll tax credit for all workers. It would deal with the alternative minimum tax that would begin to hit individuals making well below $100,000, and would head off a punishing increase in the death tax.

Mr. Chairman, we could try to hold out and pass a different tax bill. But there's no reason to believe that the Senate will pass it or the President would sign it if this fight spills into next year. Meanwhile, Mr. Chairman, the uncertainty associated with a prolonged debate would cause grave economic harm and possibly send us back into a double-dip recession.

With that, Mr. Chairman, I urge my colleagues to pass this current legislation.

Mr. LEVIN. It is now my privilege to yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. I want to thank the gentleman for yielding.

Mr. Chairman, we're voting on a tax package that gives away $139 billion in tax breaks to the wealthiest 2 percent of Americans over the next 2 years in exchange for $57 billion in unemployment compensation benefits for the next 13 months. The math just doesn't add up.

Many Members are opposed to this bill because it's bad economic policy. But it's also morally wrong. Last Friday, the Congressional Black Caucus, led by Congressman BOBBY SCOTT, a member of the Budget Committee, proposed a fair deal by eliminating the tax giveaway to the richest in our country and by extending the middle-income tax cuts, unemployment insurance, Temporary Assistance for Needy Families, Build America Bonds, affordable housing provisions, and the earned income and child care tax credit. Our proposal would also protect Social Security by offering a tax rebate instead of a payroll tax holiday to ensure that Social Security is not cut in the future, and it would create the same amount of jobs at half the cost.

We should let the Bush tax break for the rich expire. Period. Extending them for another 2 years digs us deeper into this deficit hole—and we know who will end up paying for it. It won't be the rich. It will be the poor, low-income communities, and communities of color, who lack well-paid lobbyists to look out for their interests here on Capitol Hill. I am reminded also of what Dr. Martin Luther King, Jr., called to our attention: ''A bad check such as the one being written today will come back marked 'insufficient funds.' ''

Instead of stuffing the stockings of the super rich, we need to stimulate direct job creation and economic recovery efforts. And we should not leave the chronically unemployed, those who have exhausted their 99 weeks of unemployment compensation, out of this deal. They should not be left out in the cold due to insufficient funds.

We should not allow the other side of the aisle to shove these tax breaks for the super rich down our throats in exchange for middle-income tax breaks.

As AFL–CIO President Richard Trumka said yesterday in opposition to this bill, ''Working families must not continue to bear the cost of unnecessary giveaways to the wealthiest,'' due to insufficient funds.

CONGRESSIONAL BLACK CAUCUS ALTERNATIVE TO THE PRESIDENT'S COMPROMISE

Members of the Congressional Black Caucus (CBC) are overwhelmingly opposed to the President's compromise with Republicans on extending all of the Bush-era tax cuts for two years. While we are an ideologically diverse Caucus, the CBC has reached a consensus that we cannot support extending the Bush-era tax cuts for the wealthiest Americans; we can support moving forward on the following:

A 13-month extension of Emergency Unemployment Insurance Benefits plus additional assistance for the chronically unemployed—those Americans who have been unable to find work for more than 99 weeks.

A payroll tax holiday or equivalent payment, such as a tax rebate check, with guarantees that Social Security will not be deprived of revenue.

Targeted tax relief through a 2-year extension of the Bush-era tax cuts for hardworking middle- and low-income families and extending the enhanced provisions included in the American Recovery and Reinvestment Act for the Earned Income Tax Credit, the Child Tax Credit, and the American Opportunity Tax Credit.

The CBC proposal will cost less than half of the President's proposed trillion dollar compromise.

Members of the Congressional Black Caucus are keenly aware of the day-to-day struggles of hardworking American families and the unemployed. In the long-run, we believe permanently extending the Bush-era tax cuts will add trillions of dollars to our national debt thus jeopardizing the fiscal solvency of the United States Government.

This nation has difficult decisions to make in the years ahead and the CBC believes that vital programs, such as public education funding, financial aid for students to go to college, child nutrition programs, Veterans benefits, Social Security and Medicare, will all be put at risk if we permanently extend all of the Bush-era tax cuts. We believe the benefits of these vital programs to all Americans, especially to middle- and low-income Americans, far outweigh any tax cut.

It will take strong political will to make the tough choices necessary to bring our fiscal house in order. One such choice the Caucus made was to consider and reject support for the proposed reduction in the estate tax, which has a two year price tag of $60 billion and only benefits the wealthiest 2% of American families. Rejecting that choice is particularly timely in light of the recent defeat of a $250 payment to struggling Social Security recipients who are going another year without a Cost-of-Living-Adjustment. As we move ahead on ways to accelerate our economic recovery and balance our budget, the CBC stands ready to assist the President in a meaningful and responsible way.

Mr. BRADY of Texas. I yield 2 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. I do rise in support of this legislation. Obviously, it's not a perfect bill, but it is a good bill. And we have heard all the policy and political arguments against this bill. Let me just be very clear. It's really time to stop this $3.8 trillion tax increase that awaits the American people. It's time to take ''yes'' for an answer. It's really time to get on board. If this bill fails, taxes go up on American savings, investments, income, estates, small businesses. We know what is coming. We know what is awaiting the American people.

As it relates to the estate tax, just think about that one moment. After January 1, we know people will die. And if this law is not enacted, this bill is not enacted, we know what will happen. Lifetimes of hard work, sacrifice, and thrift will be punished, and this Federal Government will confiscate money from people at 55 percent who have less than $5 million in assets. It's terribly unfair to family farms and family businesses.

Let's be clear. If you're voting ''no,'' you're voting to raise taxes. Again, if you're voting ''no,'' you're voting to raise taxes by $3.8 trillion. If you're voting ''yes,'' you're voting to stop a $3.8 trillion tax increase. This is the vote that counts. The political games are over. No more posturing. The train is pulling out of the station. It's time to get on board. Vote ''yes.'' Stop the tax increase.

□ 2140

Mr. LEVIN. It is now my privilege to yield 1 minute to the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. Thank you, Mr. Chairman.

Tonight, by extending the Bush-era tax cuts, the greedy will prevail, and the needy will fail to receive desperately needed social services going forward. Even the so-called middle class Bush-era tax cuts will deliver six times the benefit to the wealthy than to ordinary hardworking families.

How many times do we have to hear Republicans boldly declare, We will starve the beast and deny the least social welfare?

Frankly, this $1 trillion tax cutting and Social Security gutting feeds right into the 75-year Republican sentiment to eliminate entitlements: $1 trillion debt and goodbye Social Security net. Lure them with short-term gain and usher in long-term pain.

Colleagues, beware. Tonight begins the undermining of Social Security and Medicare.

Mr. BRADY of Texas. I am proud to yield 2 minutes to the distinguished gentleman from New Jersey (Mr. LANCE).

Mr. LANCE. Thank you very much.

Mr. Chairman, I rise in support of the underlying bill that ensures that taxes will rise on no one in America on New Year's Day, 15 days from now. What a terrible New Year's present that would be to the American people.

This bill creates greater certainty in the business community so that businesses across America can create the jobs this country so desperately needs, especially given our current 9.8 unemployment rate. New jobs will lower our annual deficits. Almost 85 percent of this bill provides tax relief, including preventing the job-killing tax hikes; enacting the AMT patch—extremely important to the district I serve and to New Jersey as a whole; and reducing the Federal estate tax from the scheduled 55 percent rate on January 1 down to 35 percent—also extremely important to New Jersey where residential real estate is so expensive.

This bill has been endorsed by leading conservatives, including our new reform Governor in New Jersey, Chris Christie. It will give us time in the new Congress to enact fundamental reform, including deficit reduction, a permanent extension of existing tax rates, and the elimination of the Federal estate tax.

Mr. LEVIN. May I inquire as to how much time is remaining on each side?

The Acting CHAIR. The gentleman from Michigan controls 46½ minutes. The gentleman from Texas controls 28½ minutes.

Mr. LEVIN. It is now my real privilege to yield 1 minute to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Thank you, Mr. Chairman.

I rise in opposition to the bill because its passage will make it impossible to ever balance the Federal budget.

This compromise will add about $900 billion to the national debt. That's more than TARP. That's more than the stimulus package. The 2-year cost of the bill is about the same as the 10-year cost of the health care reform bill. At least we paid for that.

We need to make tough, unpopular choices to balance the budget. Obviously, letting tax cuts expire would be unpopular. But when we ever decide to get serious about the deficit, we will find that the alternatives are even more unpopular because, after today's vote, the choices will necessarily include cuts in Social Security, Medicare, education, and other popular programs.

If we don't have the political will to end the disastrous Bush-era tax cuts now, we certainly won't have that political will during the middle of a Presidential election. The job creation in this bill is paltry—$400,000 a job. We can do better than that.

Accordingly, Mr. Chairman, I urge my colleagues to make the tough choice and defeat this bill.

Mr. BRADY of Texas. I reserve the balance of my time.

Mr. LEVIN. Mr. Chairman, it is now my privilege to yield 2 minutes to a very active member of our committee, the gentleman from California (Mr. BECERRA).

Mr. BECERRA. I thank the gentleman for yielding.

For more than 200 years, America has worked hard to earn a reputation around the world that, when the going gets tough, America gets going.

We could lead in tough times. We could withstand adversity. We were prepared to sacrifice. Then, as our country matured, we were prepared,

not only to do all those tough things, but to do them the right way, and we were able to somehow figure out where the sweet spot was for prosperity in America—building the middle class: the GI Bill for our troops, Social Security and Medicare for our seniors, the best universities for our kids. As we invested in the middle class, our prosperity bloomed.

Fast-forward to the Bush recession and to the tough times we find ourselves in today. Americans are hanging tough, fighting to hold onto their jobs and their homes. But is everyone in America sharing in the sacrifice? This proposal gives millionaires $139,000 in tax breaks each year. On top of that, it gives the 6,600 wealthiest Americans a tax break equal to $23 billion.

Perhaps the most sinister provision in this proposal is the more than $100 billion that it diverts from the Social Security trust fund and then borrows money from places like China to replace those dollars.

Everyone in America is ready to sacrifice. Everyone in America should be ready to sacrifice. This bill doesn't ask all Americans to sacrifice. The day should come, as the days have come, when all of us are prepared to sacrifice. This is not the bill. This is not the time to change America's history. Let us all work together, to pull together, to let everyone in the world know that we are prepared to sacrifice. America's wealthy are ready to sacrifice as all Americans who are trying to hold onto their jobs and their homes are prepared to sacrifice.

Let's do this together. We have that reputation. We know how to do it. Adversity doesn't concern us. We will do it the right way. Let us pull together. We can do much better than this bill. It is our chance to prove it to America.

Mr. BRADY of Texas. I continue to reserve the balance of my time.

Mr. LEVIN. I now yield 2 minutes to another active, distinguished member of the Ways and Means Committee, the gentleman from North Carolina (Mr. ETHERIDGE).

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

Mr. ETHERIDGE. I thank the gentleman for yielding.

Mr. Chairman, let me state that there is much in this bill that concerns me.

Specifically at a time when our budget deficits and national debt continue to hold back our economic growth, we should not be passing bonus tax breaks for the wealthiest few in this country and handing the bill to our children and our grandchildren. I also strongly prefer the House-passed language that provides estate tax relief in a responsible manner. Additionally, I worry that the payroll tax provisions, while good for working families in the short run, could undermine the finances of Social Security over the long run.

But, at a time when so many people face uncertainty in a fragile economy, doing nothing is not a very good option.

For far too long in this town, shortsighted partisanship has prevailed against the long-term best interests of our country. We need more bipartisanship in Washington, D.C., to tackle our Nation's most pressing problems.

I commend the President for getting us beyond the partisan stalemate and for laying the groundwork for economic progress for the American people.

There are many provisions in this bill that are going to help working families. I strongly support the middle class tax cuts, or at least to keep them going, in this bill. Child tax credits, marriage penalty relief, and education incentives will help middle class families make ends meet and invest for a brighter, more secure economic future.

Most urgently, Congress needs to pass the extension of unemployment benefits contained in this legislation. In my home State of North Carolina, thousands of workers have lost their jobs in the recession caused by the misguided policies of the previous administration. I have met with many, many of these people and have looked them in the eyes as they have told me their stories. These are good people who have worked hard and who have played by the rules. They are depending on these unemployment benefits to get them through these tough times until the economy picks back up and creates good jobs. We are here the week before Christmas, and the last thing we should do is cut off their lifeline.

I will vote to pass this bill, and I urge my colleagues to join me in doing so.

Mr. BRADY of Texas. I continue to reserve the balance of my time.

Mr. LEVIN. It is now my pleasure to yield 1½ minutes to the distinguished gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman.

What we are about to do here today is extraordinary, and the impact will be felt by our kids and grandkids for the next 30 years. With one vote, we are going to increase the already projected record deficit for this year of $1.3 trillion to $1.7 trillion.

□ 2150

Every penny of income forgone here tonight will be borrowed, much of it from China and some of it from our Social Security trust fund, for the first time in our history. For what? For continuing the failed economic policies of the last 9 years? We've got these tax cuts in place today. How many jobs are they creating? But you tell me we can't afford to invest, we can't rebuild our Nation's crumbling infrastructure, we don't have the money to do that. We know we can create real jobs there. We can increase the productivity of our Nation. We can compete better worldwide if we invest in our infrastructure and our education system and our people.

But no, we're going to have debt-financed, consumption-driven recovery as people buy goods made in China and, of course, the $112 billion taken out of Social Security. And the Republicans have made it painfully clear tonight that the temporary cut in Social Security income is not temporary. They've said it time and time and time again. There is no such thing as a temporary tax cut.

I hope the White House is listening. They're about to spring the trap, and next year, they will say, Mr. President, you're going to raise taxes on every working American by making Social Security whole. You can't do that. Oh, and by the way, we're tired of subsidizing that program with money we're borrowing.

That is a horrible, horrible step for this Congress to take.

Mr. BRADY of Texas. Yielding myself 30 seconds, I would point out, our Democrat friends have run the first and second highest deficits in American history the last 2 years. They have raised taxes this session $625 billion, and guess how much went to reduce the deficit? Not one dime. In fact, all that money was sent in twice. No one seriously believes Democrats will use tax increases to lower the debt, but to expand and grow this government.

I reserve the balance of my time.

Mr. LEVIN. It is now my pleasure to yield 1 minute to the gentleman from Florida (Mr. DEUTCH).

Mr. DEUTCH. Mr. Chairman, I rise with deep concerns over the temporary payroll tax cut included in the package before us tonight, not because we shouldn't provide relief to the middle class. We must, tonight. Cutting Social Security contributions could have lasting consequences, however, for our Nation's most successful domestic program.

In a year, in this very Chamber, many of our colleagues across the aisle will likely work to make this tax holiday permanent, just as they are tonight for the Bush tax cuts. Jeopardizing Social Security's independent revenue stream will open retirement benefits to budgetary attacks for the first time and pave the way for attempts to privatize Social Security.

We could give middle class Americans tax relief without threatening Social Security in this way. The unfortunate truth is we will not accomplish that here tonight, even as we do provide struggling working families and jobless Americans with a lifeline that they desperately need.

But we must commit ourselves tonight to the fight that lies ahead. We must be ready to protect Social Security and defend our seniors and working Americans from the attacks that are sure to come.

Mr. BRADY of Texas. I continue to reserve the balance of my time.

Mr. LEVIN. It is now my real pleasure to yield 1½ minutes to the distinguished gentleman from California (Mr. GARAMENDI).

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

Mr. GARAMENDI. Etched on the stones in the FDR Memorial are his words that are applicable tonight. He said: The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have little. President Roosevelt.

On December 2, the Democrats in this House honored those words. We passed a middle class tax cut, and we passed unemployment insurance, and we provided for those who have little. Tonight, because of the ransom that's been demanded by our Republican colleagues, we're left with a different option. We're left with the option of providing abundance to those who already have much, $130 billion, every dollar borrowed probably from China. Is that fiscally responsible? I think not.

And furthermore, President Roosevelt, we are, in this bill, about to destroy your greatest heritage, the Social Security system. The Republicans are opening the door to the destruction of the Social Security system and thereby carrying out their 74-year task.

It cannot happen. We provided an alternative and we must not let that happen. I urge a ''no'' vote.

Mr. CAMP. I continue to reserve the balance of my time.

Mr. LEVIN. It is my pleasure to yield 1 minute to the active Member from Mississippi (Mr. TAYLOR).

Mr. TAYLOR. Our country is going bankrupt. On May 9, 2001, Mr. CAMP, our Nation was $5.643 trillion in debt with a 4.3 unemployment rate. Guys like you came to the floor and said let's pass the Bush tax cuts. They did. I didn't vote for it. Eight years later when the President left office, our debt had increased by $4,983,609,000,000, and the unemployment rate had gone up to 7.7 percent.

The argument that somehow these tax cuts are going to magically put people to work is bunk. Since the Bush tax cuts, we are now $8,204,749,000,000 deeper in debt, and the unemployment rate is a shocking 9.8 percent. How much is enough? How much debt is enough? How many more bills are we going to stick on my kids and my grandkids so that you and others can get reelected?

It is time to draw the line, Mr. CAMP. I do believe in a balanced budget, and I would beg my colleagues, I would beg my colleagues, to defeat this measure.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (Mr. SCHIFF). Members should direct their remarks to the Chair.

Mr. CAMP. I continue to reserve the balance of my time.

Mr. BECERRA. I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I strongly oppose this so-called tax compromise because it represents a windfall for the wealthy, a windfall that will result in one thing and one thing only: insufficient funds for all other social programs.

By holding assistance for the unemployed hostage and giving tax breaks to the billionaires, tax breaks actually that create absolutely no jobs, we will create a big hole, a big hole in all of the support that we need for our children, for women, for veterans, for our education and health programs, and that only names a few, Mr. Chairman. Rather than tax breaks for the wealthy, we need policies that create jobs, jobs that will help our working families.

Mr. Chairman, I urge my colleagues to oppose this flawed tax package because it will yield only one thing, and that is insufficient funds for any of the social programs we need in our country.

Mr. CAMP. I continue to reserve the balance of my time.

Mr. BECERRA. I yield 1 minute to the gentlelady from Texas (Ms. JACKSON LEE).

(Ms. JACKSON LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. Mr. Chairman, I ask that we send this bill back to the drawing board, work with the President, so that we can really help the unemployed, the 99ers, and not just grow the deficit. Where are the good Samaritans?

We have voted over and over for tax cuts. I believe in them. The House voted for tax cuts 2 weeks ago, but this tax bill is a budget buster and just growing the deficit, the same deficit that we're going to be called upon to do something about.

I want America to thrive. So they cannot be giving tax cuts to billionaires who do not want them. We cannot cut into the Social Security, costing us $120 billion and impacting firefighters, teachers, and police who do not get a benefit from the payroll tax holiday. I want middle class tax cuts, but I want the Republicans to stop holding us hostage for hardworking Americans to get a dime from this country. They work hard.

I offered an amendment to ensure that the corporations that are getting the tax cuts really do save a job or hire the people who are unemployed. With billions being spent and trillions in the deficit, it is time now to work for middle class Americans.

Mr. Chair, I have deep reservations with portions of this bill, especially as it relates to the estate tax and tax cuts for the wealthiest 2% of Americans. Nevertheless, I do support portions of H.R. 4853, to extend vital tax cuts for America's middle and working class and extending unemployment insurance benefits that will otherwise expire at the end of this month. I have consistently supported and voted for middle class tax cuts, as I did two weeks ago when I voted for the Middle Class Tax Relief Act of 2010, and the extension of unemployment benefits.

I am deeply saddened that the fate of unemployed, low and middle income Americans has been held hostage by the insistence by Republicans that this legislation include a giveaway to the wealthiest 2% of Americans that is going to irresponsibly expand the already large deficit. I have spoken to and heard from many fine, patriotic, hardworking middle income Americans from Houston, from the great State of Texas, and all across the nation. Middle class American families and small businesses are deeply concerned about our troubled economy, the skyrocketing national deficit, high unemployment rates, job creation, and sorely needed extension of the tax relief and unemployment benefits set to expire at the end of this month. The American people are asking the President and Members of Congress to move swiftly and take decisive action to help restore our economy in a fiscally responsible manner. I am disappointed that Republicans have insisted on holding unemployment benefits and tax cuts for working and middle class families' hostage in order to benefit the wealthiest 2% of Americans.

I also have some serious concerns that the temporary payroll tax cut included in this legislation could jeopardize Social Security. Although this is a temporary tax cut, there will inevitably be debate in the future about extending it before its expiration, which could create substantial shortfalls in Social Security's long term viability. Future extensions of this payroll tax at the expense of Social Security could force hard-earned retirement benefits to compete with other government programs for funding rather than remaining self-sufficient. Tax cuts must be instituted without compromising Social Security.

I would like to thank President Obama for his determined leadership, support and commitment to protecting important tax relief issues for middle-income Americans and the nation's small businesses and farmers during these challenging economic times. I would also like to thank all the Members and their staff who worked diligently to bring this essential legislation to the House floor today in an attempt to do all that we can to protect the American people and move this nation toward fiscally responsible economic recovery.

I support those provisions of H.R. 4853 as amended by Senate Amendment 4753 that provide necessary tax relief to struggling middle income Americans. Under the Tax Relief, Unemployment Insurance Reauthorization and Job Creation Act, Senate Amendment 4753, middle-class families and small businesses will see their taxes go down. This measure contains job-creating tax incentives, including incentives to create clean energy jobs, energy-efficient homes, and investments in renewable energy. It also ensures that millions of Americans still looking for work continue to have access to an emergency safety net to afford basic necessities, without extending the amount of time these benefits can be claimed for any given household.

The specific ways that this bill will benefit middle-class families and aid the economic recovery include the following:

It preserves the current income tax rate for middle-class families (2 years).

It reauthorizes the current emergency unemployment insurance program (13 months, or through the end of 2011).

It continues vital middle-class tax credits, including the American Opportunity Tax Credit to help families pay for college, the Child Tax Credit, and the Earned Income Tax Credit (two years).

It helps businesses by allowing them to deduct 100 percent of certain investments in 2011 and 50 percent in 2012.

It extends the state and local sales tax deduction, which is particularly important for states, like Texas, which have no state income tax (2 years).

It extends Alternative Minimum Tax relief through 2011 (2 years).

I have already voted for all of the above benefits.

Unlike those provisions of H.R. 4853 which benefit America's struggling middle class, I do not support the provisions of this legislation which condition that desperately needed relief upon the unconscionably high cost of providing an unnecessary, expensive giveaway to the wealthiest Americans by providing a two-year extension of Bush-era tax cuts for the wealthiest 2% of Americans while lowering their estate tax rate to 35% on estates valued at more than $5 million for individuals and more than $10 million for couples. These giveaways to the wealthiest Americans during these dire economic times needlessly add billions of dollars to our skyrocketing deficit yet create no value for our ailing economy since these tax cuts are not tied to job creation and preservation.

I offered an amendment that would require all large businesses and corporations who received a tax benefit under this legislation to report how their tax savings are being used to create or save jobs. Tax cuts for America's largest corporations must be tied to job creation or preservation, which is why I offered my amendment. Failing to tie tax cuts to job creation is irresponsible since it exacerbates our growing deficit without bolstering job creation.

I would like to add my support for the Amendment to H.R. 4853 introduced by my colleague, Mr. POMEROY of North Dakota. This amendment would strike Title III of the Senate amendment to H.R. 4583 and amend the bill to provide two years of estate tax relief at 2009 levels. In calendar years 2011 and 2012, the estate tax exemption amount would be $3.5 million ($7 million total for a married couple) and the maximum tax rate on estates would be 45%. Additionally, the amendment would provide estates from decedents in 2010 with the ability to elect to be treated under the 2009 levels or to be treated under current law for tax purposes. This election will allow estates to receive a step up in basis on inherited property rather than the 2010 carryover basis rules. The exemption level and rate are consistent with the estate tax proposal included in the President's FY2010 and FY2011 budgets.

While I am opposed to the portions of H.R. 4853 that amount to an expensive giveaway to the wealthiest 2% of Americans, I want to emphasize that I fully support President Obama's vision for change. I share his commitment to fighting for low and middle-income Americans who are the backbone of this country and our economy. However, this legislation, especially as it pertains to tax cuts for the top 2% of Americans and estate tax provisions that are regressive and inflate the deficit, does not comport with this vision. I have serious misgivings about extending tax cuts for the wealthiest Americans at the expense of our deficit, especially if these tax cuts are not targeted towards job creation.

I strongly support the tax and unemployment insurance relief that H.R. 4853 provides to middle-income families, small businesses and farmers. But, my friends, I must express my concern that this legislation does not provide extension of unemployment benefits for those unfortunate unemployed Americans who have run up against a brick wall. These so-called "99ers" have been sincerely looking for work for a very long time and have run out of resources to provide for their families and pay their mortgages, pay their bills and buy food. They simply want and need a job to pay for these obligations. H.R. 4853 proposes to give tax cuts to the wealthiest Americans, yet fails to provide for the so-called "99ers."

□ 2200

Mr. BECERRA. I yield 1 minute to the gentleman from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. Mr. Chairman, my constituents are willing to support this Congress borrowing money, but only if all of that effort is targeted at creating jobs. This bill fails that test. We're going to borrow almost $900 billion under this bill in order to give $140,000 in tax cuts to somebody that makes $1 million. We're going to reduce the estate tax so that only 3,500 families in the entire country pay it next year.

Tax cuts for billionaires don't create jobs. Sure, there are important provisions in this bill that do help the most needy, like extending tax cuts to the middle class and unemployment benefits to those that are out of work. But these benefits are going to be greatly outweighed by the crushing debt that those same families will have to carry and the cuts to education and to health care and to Social Security that will inevitably be passed in order to finance those same tax cuts.

My constituents want a bill that is 100 percent focused on jobs. Unfortunately in this bill, 20 percent of the money goes to almost only 1 percent of Americans. It's not a deal to create jobs. It's not a deal that we can afford.

Mr. CAMP. I yield 2 minutes to the distinguished gentleman from Indiana (Mr. STUTZMAN).

Mr. STUTZMAN. Mr. Chairman, tonight we find ourselves faced with a very important decision with regard to what sort of taxes we face in the coming years. We are not simply voting on whether to "keep tax cuts." We are voting on whether or not we "raise taxes." To let our current tax law expire is to raise taxes on Americans.

Some say that the tax cuts will cost the government $700 billion. Well, I say that allowing the current tax cuts to expire will cost taxpayers $700 billion. Who needs that money the most, our government or the people? If this bill fails and taxes go up in the middle of a very fragile economy, we risk any potential job growth and recovery from this great recession. Refusing to take more of taxpayers' money is not spending we wish we could afford. Taking taxpayers' money is spending the taxpayer cannot afford.

Mr. Chairman, I contend that we cannot punish taxpayers with a massive tax increase to pay for the massive spending problem in Washington. Let's let Americans keep more of their money, and let's start cutting spending and be responsible with the money that they have entrusted us with.

Should we increase taxes to bring more money into the government so that we can pay for the spending that's happened over the last several years? I say no. The message we need to be sending to the citizens of our great Nation is this, that we get it. We are not going to live beyond our means and ask you to foot the bill. We are going to cut spending, eliminate waste, and reduce our national debt responsibly. Let Americans keep their money and see what happens to the economy. Let Americans keep their money and see what happens to the unemployment rate. Let Americans keep their money because it's the responsible thing to do.

Mr. BECERRA. I yield 1 minute to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Chairman, I rise in strong opposition to the Obama tax bill.

I strongly support middle class tax cuts. I strongly support extending unemployment benefits to Oregon families who are still struggling to find jobs. However, this bill is not balanced. The bill extends tax cuts for millionaires and billionaires for 2 years. Yet unemployment insurance is extended for only 1 year. Why are we providing tax cuts to the very wealthy while literally leaving unemployed Americans out in the cold?

Further, this bill is fiscally irresponsible and, as a result, bad for jobs and bad for our economy. The bill costs over $800 billion over the next 10 years. The bond markets are already reacting to this, interest rates are going up, and this will squelch what anemic job growth we do have.

We should defeat this bill, restore fairness and balance between those who have the most and those who have the least, and cut the cost in length of this tax giveaway to millionaires so that interest rates rise less and job growth can continue. Please defeat this legislation.

Mr. CAMP. I continue to reserve the balance of my time.

Mr. YARMUTH. Mr. Chairman, I ask unanimous consent to control the time until the gentleman from Michigan returns.

The Acting CHAIR. The gentleman from Kentucky is recognized.

Mr. YARMUTH. I yield myself 2 minutes.

Mr. Chairman, when families around the country try to deal with their budgetary issues and there are limited resources available, what they do is, they say, Well, we may have to borrow money; but if we're borrowing money, we're going to borrow it for survival—meaning necessities—or we're going to borrow it to make an investment that will pay off over time.

There are many things in this package that represent those two standards. Unemployment benefits represent necessities. Those are things our citizens need to survive for them and their families, and there are business tax credits

in these bills that represent investments that will create jobs and stimulate economic activity. All of those are good things.

On the other hand, there are expenditures in this bill that don't meet either of those standards. These are the expenditures that give over $100 billion to the wealthiest citizens in this country, the ones whose net worth has dramatically increased over the last decade, who now, 1 percent of this country, control a vast majority of the wealth of this country. They have done extremely well. To give them more money when we're borrowing it is not the kind of priority we need to set. It does not represent an investment in jobs or in stimulative activity, and it does not represent necessities. These are bonuses to people who don't need them.

There are lots of good things in this bill. Unfortunately, the price for getting them is much too high. This is like going to the hospital when you're very sick, and the doctor says, You know, I'm going to give you $250,000 of care that's going to be really effective for you. It's going to make you well. Unfortunately, you're going to have to eat $100,000 worth of candy which will do nothing for you. This is the price that we are being asked to pay by Republicans in the Senate for the many good things in this bill. Always, government is about choices. Governing is always about choices and priorities. This is the wrong set of priorities for this country.

Mr. CAMP. I yield 4 minutes to the distinguished gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

And, Mr. Chairman, I had not originally thought I would come here to speak. I must admit, I have been watching the debate in my office and have some amount of envy for my colleagues who bring such passion and certainty of their vote as they come to the floor.

As I look at this legislation and listen to my colleagues, I must admit I consider it to be a very successful negotiation because I am not sure I have heard anybody who really likes the bill. Perhaps that's a hallmark of a successful negotiation. As I look at the legislation, it is the classic challenge of, Is the glass half full or is it half empty? I, for one, have decided it to be half full.

Mr. Chairman, clearly there are items in this legislation that I find not just empty but, frankly, atrocious. Yes, there is tax pork in this legislation. There is an unpaid-for extension of unemployment benefits. Mr. Chairman, at some point, I would hope the majority—soon to be minority in this institution—would realize that we have got to concentrate on the paychecks. Americans want paychecks, not unemployment checks. And if we're going to have them, they need to be paid for. And worst of all, what's happening to Social Security, with the payroll tax without putting any fundamental reform on the table. And what I would say to my friends on the other side of the aisle, It is you who brought that to the table.

Mr. Chairman, I made a pledge to my constituents. I told them I would fight any tax increases. I told them I would try to bring certainty to this economy because that is what businesses need. Trillions of dollars sitting on the sidelines, waiting to come into this economy; but yet the party who has been in control of Congress for 4 years, had the White House for 2 years waits until almost Christmas Eve, and we still don't know what tax rates are. There's no certainty.

□ 2210

The only thing I am certain of is that if we don't pass this legislation, there's about to be a $3.9 trillion tax increase on the American people, on school teachers, on farmers, on single mothers, on small businesses, on job creators, and, yes, even the vilified wealthy.

Mr. Chairman, we've heard the class warfare rhetoric for quite some time now; and look what it's got us, almost serial double digit unemployment and human suffering.

Mr. Chairman, I've held a lot of jobs in my life. I used to bus tables at the Holiday Inn in College Station, Texas. I used to work on a loading dock and load windows. I used to clean out chicken houses, which to some extent was sufficient training for the present occupation, but that's a subject for a different time.

But, you know what, Mr. Chairman? In all these jobs I've held, no poor person ever hired me. It was somebody who went out and risked capital and took a chance and built something. And yet the left and my colleagues on the other side of the aisle want to vilify this person, that somehow it's bad to go out and be successful and create jobs so that people can put roofs over their heads, put food on their table, send their kids to college. I don't get it.

Now, my friends on the other side of the aisle say well, this will add to the deficit. Well, why didn't I hear that argument during the $1.2 trillion failed stimulus? I didn't hear the great angst and anxiety from my friends on the other side of the aisle at that point when we passed an almost $400 billion omnibus spending bill. I really didn't hear it.

The Acting CHAIR. The time of the gentleman has expired.

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

Mr. HENSARLING. I didn't, Mr. Chairman, hear this angst and anxiety when my friends on the other side of the aisle not only brought us the first trillion dollar deficit in America's history, but backed it up with the second trillion dollar deficit in American history. I didn't hear all this concern. I only hear it now when we're talking about letting the American people keep what they earn.

We're not even talking about a tax cut here. We're talking about preventing a tax increase. So I don't quite understand all of a sudden this great angst and concern about the deficit.

And I might remind all of my colleagues, it is the deficit which is the symptom. It is spending which is the disease. We can clearly get rid of the deficit tonight. Let's increase taxes 60 percent, 60 percent on all Americans. Let's more than double taxes on our children and destroy the American Dream. Sure, we can balance the budget. That doesn't take care of the fiscal insanity.

And so to avoid a further job meltdown—and let me make it very clear, Mr. Chairman, this is not any great economic growth package that is put before us. I don't believe that this is going to be the cornucopia of jobs. What we're trying to do here is avoid further damage to a crippled economy that, again, has almost double-digit unemployment on a serial basis. I wish we had at least 10 years of certainty of these tax rates. I'm sorry it's only two.

I would say to my friends on this side of the aisle who say, well, we could have gotten a better deal: well, I don't know. I wasn't in the room. I didn't negotiate the deal. Maybe their crystal ball is clearer than my crystal ball.

Here's what I see in my crystal ball. I'm absolutely for certain in my crystal ball that come January, Barack Obama is still going to be President of the United States. In my crystal ball, HARRY REID is still going to be Senate majority leader.

The Acting CHAIR. The time of the gentleman has again expired.

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

Mr. HENSARLING. That's what I see in my crystal ball. So maybe the friends on my side of the aisle, maybe you're right. But you have a degree of certainty and clarity of the future I do not have. So, personally, I'm not willing to take the chance.

I'm going to cast the ''aye'' vote. I'm going to stop the job-killing tax increases. I'm going to add at least a modicum of certainty, 2 years of certainty to the Tax Code. And I'm going to fight to put this Nation back on the road to fiscal sanity because, in this legislation, I see the glass half full.

Mr. LEVIN. It is now my privilege to yield 1 minute to the very distinguished Member from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I'm deeply disappointed in the recently negotiated tax deal by the White House. While one can find items that are politically and practically attractive, in its totality, it borrows just shy of $1 trillion to pay for, amongst other items, expiring tax breaks for the top 2 percent of our country. My fear is that the 2001–2003 Bush tax cuts will become permanent, and our fiscal future will

dim as America struggles with the largest transfer of wealth and debt creation in its history. We should, instead, be investing in capital formation, technological innovation, job creation, and education. These are the real building blocks for a strong future for all Americans.

I'm also deeply, deeply concerned about borrowing from the general fund to cover Social Security payroll taxes. This is the first time in the history of Social Security that the firewall between the general fund and Social Security is being taken down. This is dangerous. It's a bad precedent and one I believe we will all regret.

Mr. CAMP. Mr. Chairman, I reserve the balance of my time.

Mr. LEVIN. It is now my privilege to yield 3 minutes to a member of our committee, the gentleman from Maryland (Mr. VAN HOLLEN), who has been working day and night on this issue.

Mr. VAN HOLLEN. Mr. Chairman, I am pleased to have worked with Congressman POMEROY and Chairman LEVIN and others on the amendment that we're going to be voting on later tonight.

While this House recently passed, and Democrats have been fighting, to ensure that tax rates do not go up on 98 percent of the American people, Senate Republicans made it clear that they will raise, that they will raise taxes on every American if they don't get a special bonus tax break for the very top 2 percent.

In order to break that stalemate, President Obama concluded he needed to cut a deal. What this amendment we will be voting on later tonight does is give the American people a better deal. Specifically, it asks all of us to consider this question: In an era of $1 trillion deficits, with our national debt approaching $14 trillion, barely 2 weeks after the bipartisan fiscal commission's ''Moment of Truth'' report, should we really be borrowing $23 billion from China to give the wealthiest 6,600 estates an average tax break of $1.7 million a year?

Think about it: $23 billion for the wealthiest 6,600 estates a year, at a time of fiscal challenge, in a Nation of over 300 million people, without any benefit for job creation or economic growth.

Mr. Chairman, much of the deal negotiated by the White House is defensible. But I would say to my colleagues, if we can't agree now that now is not the time to be giving the top three-tenths of 1 percent a multi-million dollar tax break, we're clearly not serious about bringing down the deficit.

There's another way, and that's in the amendment we will be voting on later today. We can adopt the amendment. It will provide a $3.5 million exemption and 45 percent maximum rate. That's identical, identical to the rates and exemptions that were in effect in 2009 and significantly better than the rates that will take place if we take no action on January 1 when the exemption would go to 1 million and the rate would go to 55 percent. In fact, if enacted, this amendment would represent the lowest estate tax in 77 years up through 2009.

Mr. Chairman, we have to level with the American people. We've got to start somewhere bringing down the deficits. And if we can't settle on the estate tax exemptions and rates that were in place in 2009, which, as I say, were the lowest, the lowest in 77 years, if we can't do that and, instead, we're going to say to the very wealthiest estates, heck, we're going to give you $23 billion over the next 2 years to benefit just 6,600 estates, how can we look the American people in the eye and say we're serious?

□ 2220

Mr. Chairman, I hope when this amendment comes up later today we can make this deal one that truly benefits all the interests of all the people in this great country.

Mr. CAMP. I continue to reserve the balance of my time.

Mr. LEVIN. I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR. I thank the gentleman for yielding.

Wake up and listen to the sirens, the sirens of the election that were about the deficit in America, and you want to add $1 trillion to that deficit. Wake up and listen to the sirens of the people who are needing of help.

I can't believe that you talk about this bill as fiscal sanity. It's fiscal insanity, putting us in another trillion dollars of debt, and with this concept of, if you give the rich more money, it will trickle down.

Well, those sirens that are responding to the children that are in need of health care, to the people who need to be rescued, aren't paid for by trickle-down economics. The rich never pay for that. There isn't an ambulance in the country that's paid for by the rich. There isn't a soldier that's paid for by the rich. There isn't a schoolteacher in a public school paid for by the rich. That doesn't happen.

Your putting our country into debt is what Admiral Mullen said is the biggest issue in national security. It's what the debt commission said we couldn't do. There's nothing in this bill that's fiscal sanity. It's insanity. We fixed this debt by closing these tax loopholes, and now you want to give them away. Shame on you.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Members are reminded to direct their remarks to the Chair.

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

Mr. LEVIN. I am privileged to yield 1 minute to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. The definition of insanity is doing the same thing over again and expecting a different result.

To my friends on the Republican side, we did this 10 years ago with the Bush tax cuts, and it didn't work. It has been mentioned over and over again. It built up these deficits, including the wars in Iraq and Afghanistan that you supported so well, and has created this deficit that threatened our country to make us look like a future Ireland, a future Portugal, countries that are in great deficit, problems that we are putting our country and our future into. We don't need to be insane and try to do this over again. I feel like it's a return to Christmas Past.

And there's a book in the New Testament that says: From those who are given much, much is expected. But in this Congress, from those who have much, we are expecting little, we get little from it, and we are giving them the biggest tax breaks of all. And to the people who die and are the richest in our Nation, the Steinbrenners who died with $1.1 billion, we will be giving them this year a $450 million free ride and, with the differences in the taxes of 35 or 45 percent, $100 million. This is wrong, and that's why I'm opposed to the bill.

Mr. CAMP. I yield 5 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Ohio (Mr. TIBERI).

Mr. TIBERI. Mr. Chairman, what an honor and privilege it is to be a Member of this House, and what an amazement it is to me to hear this debate that I have heard so much in the past. The road to prosperity is not through tax increases. The road to prosperity in America is not through class warfare.

My mother and father came to an America, a United States of America, for a better life, for an opportunity—not a guarantee, an opportunity, for their kids to be successful, for their kids to do well and pay taxes and do well for their kids.

When you're voting on a bill tonight that extends current tax rates, the current Tax Code that represents, Mr. Chairman, three-quarters of this bill, that represents three-quarters of the, quote, spending in this bill, and Members of this body say we have to borrow to allow people to keep the money that they earned, where have we come?

My father was a steelworker who loved John F. Kennedy, who proposed similar types of tax increases. My mother was a seamstress. Neither graduated from high school. They don't believe in class warfare.

Do they support all of this bill? Certainly not. Do I? Certainly not. But the question now, Mr. Chairman, is: Do we allow, on January 1, the largest tax increase in American history? That's the question.

I didn't negotiate this bill. If I were king, I would have certainly negotiated it differently. Only in Washington, D.C., can people keep what they have today and not pay more taxes does it cost the government money.

Think about the farmer who is sick, who is trying to plan his estate. And would I support permanency in the estate tax? Absolutely. And let's eliminate it. But if this bill doesn't pass, a

$1 million exemption occurs for that sick farmer trying to plan his estate. Will he have to sell his land, Mr. Chairman?

How about the single mom with two jobs trying to provide for her two kids? Her taxes will go up. How about the teacher and the police officer raising a family? The marriage penalty. How about the small business owner who pulled me aside on Wednesday and said: I can't even plan my business. I'd like to hire somebody. And you folks in Washington have known for how long that these tax rates were going to go up?

Last year, the majority party had 60 votes in the Senate, had a clear majority in the House. You could have passed something. And here we are, 15 days before Christmas, and the Grinch is about ready to steal it for so many Americans who will see their taxes go up, Mr. Chairman, if this bill isn't passed.

Now, there are a lot of things in this bill that I don't like. But the question today, Mr. Chairman, is: Do we let the perfect be the enemy of the good?

I could sit up here and pick apart pieces of this legislation. But when three-fourths of this is the current Tax Code, three-fourths of this allows for the current rates to continue so taxes don't go up on millions and millions of Americans, Mr. Chairman, it really comes down to this simple logic:

We cannot tax our way to prosperity. We cannot tax our way to fiscal responsibility. We must pass this bill and give 2 years for this Congress, this President, this Senate to come up with a better way, a more simple way to tax Americans; allow them to keep more of their money; provide for a way for capital to work in America's favor and allow America to be more competitive again, with a Tax Code that makes sense.

But the question today is: Do we allow taxes to go up, or do we allow Americans to have some certainty for the next 2 years?

Mr. LEVIN. I yield 1 minute to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I thank the chair of the committee for allowing me to speak.

I support maintaining the estate tax at the exemption of $3.5 million. That's not what is in this legislation. And I believe in the value of hard work and rewarding those who are able to succeed, but I know some perceive the estate tax as undermining these values.

However, we know that Americans with multimillion-dollar estates are not the only hard workers in our Nation. We have millions of Social Security recipients who have worked their entire lives but have seen their benefits decline due to no cost of living adjustment for 2 straight years now.

What message do we send our Social Security recipients that we are giving 6,600 families a tax break on the average of $1.5 million each, but we can't find it appropriate to give our seniors on a fixed income a little bit more breathing room by sending them a $250 check to allow them to pay their bills and afford their medicine?

The government's calculation tells us that the cost of living has not increased over the last 2 years, but seniors in my district and most of our own districts have done their own calculations. The cost of electricity, gas, and health care have risen dramatically.

I hope to support a bill that will benefit most of my constituents, but this bill does not. Hopefully, we will see amendments that will make it better.

□ 2230

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

Mr. LEVIN. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Chairman, there are a lot of people that believe the Democrats stand for a lot of mainstream American values: keeping our air and water clean so we can breathe and drink freely, improving our public schools, our live-and-let-live policies. But somewhere in the back of a lot of Americans' minds, they are worried that the Democrats are going to raise taxes.

Well, I am proud to say tonight that thanks to the leadership of President Barack Obama, we are going to deliver one of the largest tax cuts in history.

Here is a $20 bill, Mr. Chairman. For every $20 that an American family earns, that earns $40,000 a year, $60,000 a year, they are going to get an extra dollar, an extra dollar for every 20 they earn this year. And, yes, there is money that is going to go to people earning $1 million. They might get 60 or 70 cents for every $20 they earn, and, yes, we would have rather used that money to reduce the deficit.

But let me tell you, Mr. Chairman, mainstream America, that extra dollar will help keep people in their homes. In addition to that extra dollar, Mr. Chairman, every American that gets a paycheck will get a 2 percent raise this year, thanks to the leadership of President Barack Obama. Two percent right off the payroll tax, every paycheck. I know a lot of companies have frozen their employees' salaries. Federal employees had their salaries frozen.

Well, thanks to the leadership of President Barack Obama, the citizens of our country can rest assured they will not get a tax increase.

Mr. CAMP. I continue to reserve the balance of my time.

Mr. LEVIN. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. SCOTT), a member of the Financial Services Committee.

Mr. SCOTT of Georgia. Ladies and gentlemen of the Congress, the time is now for us to ask the one fundamental question before us: What is in the best interests of the American people at this time? By ''American people,'' I mean every American, from the top of the economic ladder to the bottom, but especially those at the bottom.

This is basically a 24-month stimulus bill, by getting money to those who need it most, who will put it in the marketplace the quickest, which will help us create jobs. Seventy percent of this entire $853 billion package will go to the low income and the middle income. There is no other way to put it.

And when you talk about rates, we dare not go home here today having raised taxes on the American people. We have got to cut the taxes, keep them down.

Ladies and gentlemen, you have to realize that at the lowest economic ladder, the lowest tax rate is 10 percent. If we don't move, those people at the bottom that we care about, especially us on the Democratic side, their taxes will go up 50 percent.

We've got to move this bill in the best interests of the American people.

Mr. CAMP. I continue to reserve the balance of my time.

Mr. LEVIN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Wisconsin (Mr. KAGEN).

Mr. KAGEN. Mr. Chairman, tonight, well-meaning Members of Congress have been debating who will pay to clean up the mess left behind by President Bush's failed economic policies, policies that included two tax cuts to the richest Americans at the very same we were prosecuting two wars.

But we all know this: there is no free lunch. And yet the Senate is asking the House of Representatives to designate this bill as an emergency for purposes of pay-as-you-go, thereby failing to live within our means and driving our children deeper into debt.

The Senate also seeks to fix this emergency by immediately turning over $129 billion of money we don't have to the very wealthiest Americans, wrongly thinking that the Republican-inspired idea of trickle-down economics will work today when it failed miserably in the recent past.

Well, responsibility must begin somewhere. Let it begin here with me. The reality is there is no emergency that justifies handing out tax cuts to millionaires and billionaires at this time. Instead, we should bring our children home from wars overseas, and, after paying for these wars, then determine if we have any money left over for tax cuts to millionaires and billionaires.

America cannot afford tax cuts for the rich. We don't have the money. They do.

Mr. CAMP. I continue to reserve the balance of my time.

Mr. LEVIN. I now yield 2 minutes to the very distinguished gentleman from New York (Mr. WEINER).

Mr. WEINER. I thank the gentleman.

You know, it doesn't take a great deal of courage to come to the floor of the House and say I'm in favor of low taxes. Yes, I think we all want no taxes. We would all like to have no communal needs that we have. We would like to have no national defense.

We would like to have no concerns about clean water.

What we hear of the fight about in elections and, frankly, every single day on the floor is, Who do we stand for? Who are we defending?

On this side of the Chamber we believe that those people in the middle class and those struggling to make it, who each and every year for the past two decades have been getting pushed further and further down, need help.

On the other side of this Chamber are people who quite literally stood up all day today to say, I want to give tax cuts to people who make $1 million and $1 billion a year; and, wait for it, ladies and gentleman, we want to borrow the money from the Chinese to give it to them.

I want the wealthy to be as wealthy as they can be. I have no grudge against that. I want all of us to be that wealthy. But we should be a country that fights for those who really need the help. We should not be a country that says: You know what? If you're a billionaire, we want to give you a little bit more.

Who's going to pay the bill? Who is ultimately going to pay for this tax cut? It is going to be our children and our grandchildren. And to come to the floor and say, well, I want to help hard-working Americans, I have to tell you, when the top 1 percent in this country are making as much as the next 25 percent, I think I know who we want to help.

On this side, we want to help those middle class people and those struggling to make it, and my Republican friends all over this evening have been standing up for millionaires and billionaires. That is the fundamental choice that we have to make here.

I believe that this tax bill has fundamental flaws. If you believe that you should be borrowing from Social Security to pay for a payroll tax, you like this bill. But I know a lot of Americans don't believe that.

So I think what we should do, what we should do is make sure that we fix the estate portion of this, and then we should take a step back and say, you know what we should do? Let's stand up for the middle class. That is what the Democrats stand for.

Mr. CAMP. I yield 1½ minutes to the distinguished gentleman from New York (Mr. REED).

Mr. REED. Mr. Chairman, let me first note that this whole situation is an example of what is wrong with Washington. As a new Member, I think we have to stop continuously putting off difficult decisions until we are forced to make a decision in crisis mode as the clock clicks to zero hour. This vote has profound ramifications for every American, and now we are backed into a corner where the current tax rates expire on all taxpayers if we do nothing.

It didn't need to be this way. Shame on the politicians whose inaction over the decade forced us onto this precarious ledge. Shame on the leadership of the past 2 years who put us into this boxed corner.

Good policy cannot be handcuffed by this sort of last minute political guerilla warfare. The process which brought us to this point is inexcusable, so much so that the average middle class family in my district will pay more than $1,500 in increased taxes if we fail to act.

Our economic recovery in upstate New York continues to lag. Preventing the pending income and estate tax hikes that will hit every family and business in my district is paramount at this time. But once this bill is passed, we must begin in the next Congress to eradicate out-of-control spending. We cannot be put into this position again.

Mr. LEVIN. Mr. Chairman, it is now my privilege to yield 1 minute to the Speaker of the House, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding, and I thank him for his leadership on fairness for growing the economy, for reducing the deficit and for creating jobs, because that is some of what is done in this bill.

I think I want to use my time to make some distinctions here. President Obama and the Democrats have supported initiatives to protect the middle class. We are fighting for the middle class. We are wanting to grow the economy and to create jobs and reduce the deficit, so we must subject whatever legislation that comes before us as to how it meets those tests.

This legislation on the Democratic side of the ledger does create jobs and the demand that creating jobs injects into the economy helps reduce the deficit. For example, unemployment insurance provisions that are in the legislation economists across the board tell us return more money to the economy than almost any initiative you can name. People spend that money quickly. These are people who are looking for work, people who have lost their jobs through no fault of their own. Their unemployment insurance is spent immediately, again injecting demand into the economy, creating jobs.

Low income tax credit, refundable.

□ 2240

Child tax credit; refundable. All of this placed in the hands of the working families in America, again, spent immediately, injecting demand, creating jobs. The college tuition tax credit, very important for America's working families and their children.

So here we are with a bill on one side of the ledger that benefits 155 million Americans. We have tax cuts for the middle class across the board. Everybody gets that tax cut. But in order for the middle class to get that tax cut, the Republicans insist that those who make the top 2 percent in our country get an extra tax cut, adding billions of dollars to the deficit and not creating any jobs. To add insult to injury, they have now added this estate tax provision—and, mind you, the Democratic side of the ledger benefits 155 million Americans. In order for the President to get those terms accepted, the Republicans insisted that $23 billion in benefits go to the 6,600 wealthiest families in America. 6,600 families holding up tax cuts for 155 million Americans. Is that fair? Does that meet any test of fairness that we have? Again, this $23 billion not creating jobs, this $23 billion increasing the deficit by 8 percent in the fiscal year.

Think of what we could do with that $23 billion. We could triple our research in cancer and diabetes. I think that means something to all Americans, including those 6,600 wealthiest families. We could give a $7,000 raise to every public school teacher in America. We could create, investing in new technology, 780,000 jobs—780,000 jobs. Instead, we're giving a bonanza to 6,600 of the wealthiest people in America who really don't need the help.

It's just amazing to hear our colleagues on the other side of the aisle talk about deficit reduction when everything on their side of the ledger increases the deficit and does not create jobs. Tax cuts to the wealthiest 2 percent; the most egregious of all, the estate tax provision that they have that benefits not 1 percent, not one-half of 1 percent, but one-quarter of 1 percent of the American people. We have to borrow that money from China and send the bill to our children and our grandchildren. And that is not good policy. It does not have a favorable impact on the deficit. It does not create jobs. It does not grow our economy. It does not stimulate growth in our country.

And so I hope that our colleagues will vote favorably for the Pomeroy amendment to bring some fairness and clarity to the estate tax issue. On that, 99.7 percent of all Americans are exempted. 99.7 percent of all Americans are exempted from paying estate tax under Pomeroy. But we had to get that upper 3 percent in this legislation in order to benefit 155 million Americans. These figures have to be engraved in our being—155 million. You can't have that unless 6,600. I've said it over and over.

And then, on top of all of that, on the Democratic side of the ledger we have the green initiative, 1603, that the Senate put in the bill. This is just a very positive provision for renewable energy—wind, solar, et cetera. But the Republicans said, That's the limit. We won't accept any more. And so all of the initiatives for innovation that have been passed the past few years that should have been extended, we said ''no'' to innovation, we said ''no'' to the future, we said ''no'' to keeping America number one for encouraging our competitiveness.

So if we're talking about growth, we have to talk about investments in the future. If we're talking about being number one, we have to have an innovation agenda to do it. The Republicans said ''no'' to that. They only

said ''yes'' to tax cuts to the wealthiest.

As Mr. WEINER said, we recognize success. We admire success. We all want to be part of it. God bless them for having the wealth that they have, whether it is inherited or earned. We recognize success and what wealth does to create jobs, et cetera. But we also want to reward work. We want to reward work. So in order to reward work in this legislation, we had to have a big payoff to the top one-quarter percent of America's wealthiest families.

So for my colleagues, as they review this, this is very difficult. Nobody wants taxes to go up for the great middle class. In fact, everybody gets a tax cut in this. We just don't see why we have to give an extra tax cut to the wealthiest and then an extra, extra estate tax benefit to the top one-quarter percent.

As Members have to make up their mind about this, I hope that they will vote for the Pomeroy amendment to this legislation. They'll have to make their own decisions as to whether it is necessary to be held hostage, to pay a king's ransom, in order to help the middle class. We absolutely cannot allow taxes to go up come January 1.

The previous speaker said we have to look to how we were forced to this precarious ledge. Yes, let us look to how we were forced to this precarious ledge. This situation, the recession that we were in—the deep recession that we were in—President Obama was a job creator from day one with the Recovery Act and pulled us back from that recession. The financial crisis that they created, President Obama pulled us back from that. And, oh, by the way, remember the financial crisis? Remember the banks that all that money went to and they didn't extend credit? Now those same people are giving out over $100 billion in Christmas bonuses. And these Republicans in this House of Representatives are saying, We don't want you to be taxed to the proper extent on that $100 billion. More money given in bonuses on Wall Street. Think of it. Over $100 billion dollars. And we want to give them a free ride in terms of paying their fair share.

So if it comes to creating jobs, growing the economy, reducing the deficit, investing in growth and competitiveness and innovation to keep America number one, I applaud President Obama for his side of the ledger. I'm sorry that the price that has to be paid for it is so high. At a time when everybody is preaching the gospel of deficit reduction, the Republicans come in with an increase in the deficit to the tune of over $100 billion dollars for people in our country who need it the least and, again, where it does not create jobs.

So Members will have to make up their minds as to how we go forward on the bill. But I hope that all of them in their consideration of it will vote for the Pomeroy amendment, which addresses the most egregious—with stiff competition, mind you, in this bill—the most egregious provision when it comes to fairness, reducing the deficit, and not creating jobs.

I, again, commend the chairman of the Ways and Means Committee and all of our colleagues who have had to explain through all of the misrepresentations that have been made about what this legislation is about. And, again, I salute President Obama for getting in the bill what is in there. I'm sorry at the price that has to be paid by our children and grandchildren to the Chinese government to pay for the increase in the deficit that the Republicans insisted upon.

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

The majority party has had large bipartisan majorities in the Senate and the House and controlled the White House for the last 2 years. And as we know, in the House, the majority can pretty much do what they want, as was demonstrated with the trillion-dollar stimulus bill, as was demonstrated with ObamaCare.

□ 2250

There is some explaining to do.

Why wasn't this issue dealt with before the election? Why didn't the majority bring a bill to the floor before the election?

Now, as Americans face these tax increases, here we are just a few short days before the end of the year, and now, because there is a bipartisan compromise, which incidentally passed the Senate 81–19, I think there is a recognition that this is just no time to be playing games with our economy. The failure to block these tax increases would be a direct hit to families and small businesses and employers, and it would further delay our economic recovery.

For those reasons, I support this bill.

I reserve the balance of my time.

Mr. LEVIN. It is now my privilege to yield 1 minute to the distinguished gentleman from Iowa (Mr. BRALEY).

Mr. BRALEY of Iowa. Mr. Chairman, today, the House will vote on a bill that will explode the deficit by $858 billion. While this package includes several programs I have proudly supported, I cannot support the underlying bill.

As recently as last week, I voted to give every American a tax cut by making the middle class tax cuts permanent for the millions of American families, consumers, and small business owners who drive our economy. I have consistently voted to extend unemployment insurance to assist the families struggling in this difficult time.

Those were some of the good things included in this deal. Unfortunately, the merits of these good things do not outweigh the bad things in this deal. I cannot justify mortgaging our children's futures to provide a Christmas bonanza to the privileged few. I refuse to support increasing the deficit by at least $81 billion to provide a tax break to the wealthiest people in this country. I refuse to support a bill that would balloon the deficit by $23 billion to provide an average tax break of more than $1.5 million to only 6,600 families a year.

That is why I am voting ''no,'' and I urge you to do the same.

Americans spoke clearly on November 2. Congress must get serious about reducing the deficit and become better stewards of their tax dollars. After endless talk throughout this session about fiscal responsibility, the looming threat of a growing deficit and forcing America's next generation into crushing debt to China—a so-called tax deal has been produced. Today, this House will vote on a bill that will explode the deficit by $858 billion dollars.

While this package includes several programs I have proudly supported, I cannot support the underlying bill. As recently as last week, I voted to give every American a tax cut by making the middle-class tax cuts permanent for the millions of American families, consumers and small business owners who drive our economy. I have consistently voted to extend unemployment insurance to assist the families struggling in this difficult recession. I have voted to extend the Earned Income Tax Credit and Child Tax Credit to assist our Nation's low-income families who have a difficult enough time making ends meet as it is. I have consistently voted for ethanol and biodiesel tax credits that sustain the growth of our Nation's renewable energy industry and support the jobs of thousands of my constituents in Iowa.

Those were some of the good things included in this deal. Unfortunately, the merits of these good things do not outweigh the bad things in this deal. I cannot justify mortgaging our children's futures to provide a Christmas bonanza to the privileged few. I refuse to support increasing the deficit by at least $81 billion to provide a tax break to the wealthiest persons in this country. I refuse to support a bill that would balloon the deficit by $23 billion to provide an average tax break of more than $1.5 million to only 6,600 families a year. And I unequivocally refuse to threaten the long-term viability of social security with a shell game to pay for diminished social security contributions.

I'm voting ''no'' on this bad deal because we cannot keep kicking the can down the road when it comes to difficult decisions about the deficit, especially with a package that threatens the financial stability of our Nation. I urge my colleagues to join me in voting ''no.''

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

Mr. LEVIN. Mr. Chairman, I now yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. The Speaker was talking about how the Republicans held hostage 150 million Americans in favor of 6,600 families who will get this inflated break on their estate taxes. Who are those families?

The Koch Family: the primary funders of the tea party movement and other conservative causes, having a vast fortune estimated to be as much as $35 billion. Under the Republican, versus the Pomeroy amendment, that family would realize over $2 billion extra.

The Walton Family: Wal-Mart; seven descendants; a combined worth of $87 billion—more than some whole countries. His family will pay $7 billion less in taxes under the Republican proposal versus the Pomeroy.

The Gallo Family.

The Dorrance Family: the Campbell Soup giant with a combined wealth of $6.5 billion and a savings of $522 million.

The Mars Candy Company Family: $30 billion in wealth. Their estate taxes will go down $2.5 billion.

Are these the people this Congress is supposed to represent? Let's vote for Pomeroy.

Mr. CAMP. I continue to reserve the balance of my time.

Mr. LEVIN. It is now a real pleasure to yield 1 minute to the very distinguished gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, two pieces of legislation tell us a lot about the values of our Republican colleagues.

This bill will take $114 billion in revenues out of Social Security, helping them make the case ultimately, in a kind of self-fulfilling prophecy, that we can't pay everything we want.

Earlier this session, they voted overwhelmingly and killed a proposal to give each Social Security recipient $250—not $250,000 or $250 million, numbers with which they are more familiar—but $250. These are people who are going to be facing an increase in Medicare because we learned only in October that there would not be a cost-of-living increase.

We couldn't afford the $14 billion to give $250 to older people who are having trouble paying their heating bills, but they can afford $114 billion that will go to everybody, including to people who make $100,000 a year, who will get eight times $250. The values of the Republican Party are revealed by this.

By the way, we are in this situation because of dishonesty. When George Bush and the Republicans passed the tax cuts in 2001, they didn't want to admit the full account of how much it cost.

The Acting CHAIR. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman 1 additional minute.

Mr. FRANK of Massachusetts. Not simply are they showing their values, but they said, Oh, you're going to give $250 to Warren Buffett on Social Security.

They want to give $250,000 to Warren Buffett, which, to his credit, he doesn't want.

In fact, the reason we are in this bind is, in 2001 and 2003, George Bush and the Republican majorities wanted to pass very large tax cuts despite their professed concern about the deficit—and we now see from this bill that their slogan is ''deficit-schmeficit''—but they didn't want to admit how much it would cost, so the CBO couldn't give us the full value of the cost. They made very bad tax policy.

They did it. I voted against it.

They made major changes in the Tax Code to end after 10 years, and they did that Humpty Dumpty roller coaster with the estate tax. That wackiness was their effort to hide the true amount of the hole they were burning in the deficit, so they have only themselves to blame.

But let me return.

They couldn't afford $14 billion to give $250 payments to Social Security recipients—and overwhelmingly, they killed it when we tried to pass it—but they can take $114 billion out of Social Security.

Mr. CAMP. I continue to reserve the balance of my time.

Mr. LEVIN. It is now my real pleasure to yield 2½ minutes to a Member who has been very active on this issue, the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. Mr. Chairman, with all the back and forth, what we really have before us are two problems facing America.

One is too few jobs: 9.8 percent of Americans who want work are out of work—15 million people. Millions more are so discouraged that they are the underemployed. We have got to find a way to put them back to work.

The second problem we have is too much debt. Without going into the history of how we went from a record surplus to a record deficit, we went from the Clinton tax rates to the Bush tax rates. We went from a surplus of 20 million jobs created to 8 million jobs lost. We have a debt now that is approaching $14 trillion, and with the passage of this bill, we will be approaching $15 trillion.

The question for us to the American people is:

If we are going to borrow a dollar for any reason, will there be a job bang for that dollar borrowed?

That dollar borrowed is coming from China. What this legislation will do is literally ask the American middle class to borrow $200 billion to pay for tax cuts for the wealthiest families. This is not an objection to people being wealthy, as has been said. They can be generous, and they can create jobs. It is about whether that dollar borrowed will produce a job for an out-of-work American—and it won't.

There are other alternatives to what is before us. We should not be borrowing money that won't be productive. What we should do is a very simple alternative that hasn't even been considered:

We can extend the middle class tax cuts, as President Obama wants to, but we can stop it at $250,000. We can invest the savings in deficit reduction and half in infrastructure development. We can, as Mr. FRANK said, provide a $250 one-time payment to the folks on Social Security, who haven't had a COLA increase in 2 years. We can have a piece of legislation that will borrow less, reduce the deficit, and create more jobs.

Our responsibility, fundamentally, is to the American middle class. One of the reasons they so fear this debt is because they know, at the end of the day, they will have to repay it—their sons, their daughters. The bondholders will be okay, but the middle class will pay.

□ 2300

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

We've heard a lot of debate on floor this evening, but let's look at what the employers and economists are saying about this legislation and this agreement.

The National Federation of Independent Business, the largest organization in the country representing small businesses: Senate passage of the tax compromise is a good step, the first step, to encourage the certainty that the small business community needs and has repeatedly asked for. Knowing their tax liability will remain low and including a workable estate tax compromise that will not threaten the family business are key components to a small business' ability to move forward, grow their business, and create jobs. Changes to this compromise would jeopardize the needed relief and certainty small businesses need. We encourage the House to take up this measure quickly and pass this bipartisan bill in its current form.

The Business Round Table says: Restoration of these provisions lifts an uncertainty for businesses that will improve their ability to employ more workers and grow the economy.

The U.S. Chamber of Commerce: Enacting this bipartisan framework forged by the President and Congress is one of the best steps Washington can take to eliminate the uncertainty that is preventing our employers from hiring, investing, and growing their businesses.

And what does economist Mark Zandi say, frequently cited by the Speaker as an important voice in economic matters: The fiscal policy compromise reached this week by the Obama administration and congressional Republicans would be good for the economy next year.

It is too risky to play games with the economy. We need to stop this massive tax increase in its tracks. Support this legislation in its current form. Oppose the Pomeroy amendment.

I yield back the balance of my time.

Mr. LEVIN. It is now my pleasure to yield the balance of my time to our distinguished majority leader, Mr. HOYER of Maryland.

Mr. HOYER. I thank the gentleman for yielding.

We have just come through a wrenching election. Wrenching, in large part, because of the pain being experienced by our constituents, some more than others. A pain that they're experiencing in part because they are unemployed or underemployed or working two or three jobs to support themselves and their families. We all heard that pain. We all heard that concern. At the same time as we heard the concern

about the pain of economic uncertainty, we heard the concern and the fear about deficits and debt.

And so, my colleagues, we are confronted with two twin challenges: growing our economy and creating jobs, and confronting this gargantuan deficit that puts at risk our economy and the future of our children. The American public would hope that we would come together and pass that on which we can agree, that on which we can compromise.

This House, in fact, passed two pieces of legislation weeks ago and months ago. Months ago, we passed legislation which would give certainty, and my Republican colleagues talk about certainty and I agree with them. We need to give certainty to families, certainty to businesses, and, yes, certainty to those who are worried about estates. They ought to expect that of us, and we passed 12 months ago a continuation of then-existing law, $3.5 million per spouse or $7 million per couple exemption and a 45 percent rate.

But that languished in the United States Senate. It languished because, frankly, there was not a majority or at least not 40 votes to extend certainty. That was unfortunate, in my view, because I think that was an appropriate rate, and I will vote for it on this floor, embodied in the Pomeroy amendment.

And then we passed just a few days ago legislation which would say to all Americans, you will not receive any tax increase on the first $250,000 of your income if you're a married couple or $200,000 if you're an individual. All individuals, no matter how rich, no matter how poor, all individuals would have their tax capped, and very frankly, there were only a few Members on this floor on either side of the aisle who disagreed with that proposition.

But as too often happens because we don't get everything we want, we won't take something we want. That's not good for the American people, and it's not good for our country. And very frankly, only three or four Members on the Republican side of the aisle chose to vote for that legislation, notwithstanding the fact it carried out part of what they thought was appropriate, and we agreed. But it was not enough.

The President of the United States has a responsibility to all Americans, and like every President he can't get everything he wants. To that extent, he's like us. We don't get everything we want, and this bill does not represent everything I want. Those of you who have heard me debate time after time know how concerned I am about this debt and deficit, and you have seen me vote on this floor sometimes in the small minority against steps that I thought would exacerbate the budget deficit without a proper return.

This bill, the President of the United States believes, and I believe, will have a positive effect on the economy, and I think we need that. And unlike some of my colleagues, whose views I share but I have reached a different conclusion, I will vote for this bill because I don't want to see middle-income working people in America get a tax increase because I think that will be a depressant on an economy that needs to be lifted up.

But I am also concerned about the deficit, and I know we're going to borrow every nickel in this bill. I'm for PAYGO. My children, if you ask them, would say they're for PAYGO because they don't want to pay our bills. They're going to have their own bills. Unfortunately, the President and we were confronted with alternatives: Do we extend unemployment insurance when unemployment is at a 9.6 to 9.8 percent rate, or do we let them languish with no certainty? Not certainty about planning whether or not their $7 million estate can be excluded from taxes, but worrying about whether they can put food on the table tomorrow. But unemployment insurance has languished because we haven't had a deal on upper-income taxes or estate taxes being increased from $7 million to $10 million for a couple.

My friends on both sides of the aisle, we need to come together. We need to come together in dealing with this debt. We need to come together in dealing with tax reform. We need to come together in growing jobs. That ought to be the agenda of this next Congress and every Congress thereafter until we accomplish those objectives and the American people have the certainty and confidence that we want them to have.

□ 2310

Now, ladies and gentlemen on the Republican side, very frankly, I have not seen your economic philosophy work. Jack Kemp and I served on the Appropriations Committee, but I don't think supply side is working. Supply side, in my opinion, has the proposition that, if you do less, you get more. Nothing that I have done in life instructs me that, if I do less, I get more. And because of that, because of the concept, if you simply cut taxes on those who are the wealthiest in our society, somehow, magically, the deficit will be eliminated.

Not one year did that happen.

It happened, frankly, when we said the upper 1 percent was going to pay just a little more in 1993, and all of you opposed it—all of you, to a person. And you said it would destroy the economy. Your leader at that point in time—I'm not sure it was the majority leader at that time—Dick Armey said that this would tank the economy.

He was 180 degrees wrong.

In fact, we experienced the best economy we have seen in this country in my lifetime, with 22 million new jobs in 8 years—216,000 jobs per month in the private sector. But unfortunately, under the economic program that we adopted in 2001, we saw the worst economy, the worst job production since Herbert Hoover.

Now, I'm going to vote for this bill because I think it does help the economy, but we are paying too great a price for it because, very frankly, I don't need a tax cut. That's not to say I don't want a tax cut. But it will not affect my life, and it will not affect the economy. It will exacerbate the debt. That's not good for my children or for our country.

So I would urge all of us, as we vote on this piece of legislation—whatever decision we make—to understand the message that we all received about growing the economy. That is why the President has made this deal that a lot of us don't like, because we think that it was unnecessary to adversely affect the deficit with $700 billion.

And because we have limited it to 2 years—it's less than that in terms of just the upper income—we did not have to pay that price. But we needed to pay the price. We needed to borrow the money to get this economy moving, to get the middle income people having dollars in their pockets so they can grow the economy. And that's worth the price because we will not solve the deficit problem if we don't get our economy growing. We cannot depress at the same time we try to grow, but we grow in the short term, and we solve the deficit in a little longer term.

So I'm going to vote for the Pomeroy amendment. And then in the final analysis, I will vote for this bill. I believe that folks need certainty, as has been said.

I urge my colleagues, as we vote on this legislation, to commit ourselves on both sides of this aisle to do what America wants us to do—to come together as we did. In 1993, we didn't. Some people lost their jobs because they voted with courage and conviction and correctness.

Ladies and gentlemen, there probably is nobody on this floor who likes this bill; and therefore, the judgment is: Is it better than doing nothing? Some of the business groups believe that it will help. I hope they are right. Not only do I hope they are right, I hope if we pass this bill that they respond and create the jobs that we know they have the resources to do.

This is a jobs bill, in my view, which is why I will vote for it. It could be a better jobs bill if we invested the money that we are giving to the wealthiest in America in job growth. It is a bill that will help those who have been unemployed week after week after week and whose angst has grown and grown and grown.

Ladies and gentlemen, each of us will do our duty as we see it, but let us when we do so pledge that we will do better in the months and years to come.

Ms. HIRONO. Mr. Chair, I rise in reluctant opposition to H.R. 4853, the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act.

Two weeks ago, I voted for a better bill, the Middle Class Tax Relief Act, which passed the House but was not taken up by the Senate. That bill would have extended tax cuts for middle class taxpayers, including about

323,000 lower- and middle-income families in my congressional district who make less than $200,000 (under $250,000 for joint filers).

The bill that is on the floor today extends tax cuts on all income levels, including the wealthiest Americans, costing $407.6 billion. Under this bill, the millionaires and billionaires can sleep soundly, secure in the knowledge that their tax cuts will continue for at least another two years, while the unemployed get relief for only 13 months. Economists predict that many millions will continue to be unemployed beyond the 13 months.

This deal is weighted so heavily toward the richest few that the unemployed only receive 7 percent of the total package. We must fight for a better deal.

But my biggest concern has to do with a threat to the solvency of Social Security contained in the legislation. The so-called ''payroll tax holiday'' in H.R. 4853 raids the Social Security Trust Fund. Anyone who cares about Social Security should be scared by this. This provision reduces the Social Security payroll tax and self-employment tax by two percentage points in 2011. Payroll taxes provide dedicated funding for the Social Security Trust Fund, which is completely separate from the General Fund. Under this bill, these Social Security funds will be repaid by $112 billion from the General Fund. But this ''one-time'' infusion from the General Fund puts us on a slippery slope. While this payroll tax holiday expires in one year, there is a serious question as to whether expiration will occur. We can expect a bill to extend this payroll tax holiday because any other outcome would be characterized as a tax increase. A permanent decrease in the Social Security payroll tax will put the Social Security Trust Fund in jeopardy. Republicans will be one step closer to their stated goal of privatizing and dismantling Social Security's safety net. If we want to put more money in the hands of families, we could look at cutting a check for families from the General Fund, but weakening the funding source for Social Security is too risky.

In Hawaii, Social Security benefits serve as a lifeline for 220,000 seniors, disabled people, and dependents. Thousands of my constituents have urged me to preserve Social Security, and I have consistently acted to do so. Earlier this year, I spoke on the House floor in support of preserving this bedrock promise to our nation's seniors and fighting Republicans' plans to privatize or reduce benefits. I also signed a letter to the Fiscal Commission urging that any plans to reduce the deficit make no cuts to Social Security or change the retirement age.

This bill truly is a raw deal for American seniors. One of my constituents in Hilo calls the proposal a ''bomb of a cut to Social Security taxes.'' A majority of Americans oppose cutting Social Security payroll funding and are willing to pay more so that they can be assured that they will get benefits when they retire or become disabled. I don't make pledges lightly, but I pledge that I will vote to return dedicated Social Security payroll tax funding should it be brought up for a vote next year.

Further, this legislation gives an estate tax giveaway to only 6,600 families in our entire country, giving them each an average additional tax cut of more than $1.5 million. According to the Tax Policy Center, the new tax would affect the smallest number of estates in any year since 1934. This tax giveaway to the richest families in the country will cost us more than $68 billion, adding to our deficit without creating jobs or strengthening our economy.

The Levin/Pomeroy Amendment makes the bill a bit fairer by taxing estates at the 2009 rate of 45 percent and covering estates over $3.5 million, not the $5 million in the Senate bill. This amendment would save $23 billion. Extending estate tax relief for two years at the 2009 rate provides Americans with some certainty for estate planning in a way that is much more reasonable and fair than that proposed by the Senate bill.

The key components of this bill that I strongly support include the extension of tax cuts for the middle class and the extension of unemployment insurance for Americans who lost their jobs because of this difficult economy. In addition to my recent vote on extending tax cuts for the middle class, I voted to extend unemployment benefits seven times this year alone.

We've had numerous opportunities to extend the tax cuts for the middle class and extend unemployment benefits. The majority of Republicans voted against these proposals time and again.

On balance, I cannot in good conscience vote for this bill in its present form. The $858 billion price tag and true cost of the bill—tax cuts for the wealthiest Americans and the impact of the ''payroll tax holiday'' on Social Security—far outweigh the benefits. This bill is blackmail, holding the unemployed and middle class hostage to give a special deal to the millionaires and billionaires. We must fight for a better deal.

I urge my colleagues to oppose this legislation unless we are able to vote on a bill that genuinely helps the working families that we are here to represent.

Ms. CORRINE BROWN of Florida. Mr. Chair, I rise today in opposition to the irresponsible and immoral tax cuts for the wealthiest Americans included in this bill.

On this very night, senior citizens, disabled people, and poor families in public housing in Sanford, Florida are going without heat during one of the coldest spells in Florida's history. Yet, Congress is about to give billions to billionaires. There is a disconnect between tax cuts for the wealthy and the pain of everyday Americans that is shocking beyond belief.

If we cannot take care of our poorest citizens, why are we giving handouts to the richest? The elections told us that Americans are tired of giveaways to Wall Street and CEOs. But here we go again.

Why are we holding the middle class hostage to extending tax cuts for the top 2% of incomes? We can give away $700 Billion in income tax cuts, but we can't fix the heat in Sanford public housing.

On Christmas Eve, why are we giving a 25 Billion Dollar gift to forty thousand families, but giving nothing to millions of people who have been unemployed for more than 99 weeks?

The Bible teaches in Proverbs 21:13, ''if a man shuts his ears to the cry of the poor, he too will cry out and not be answered.''

I have never shut my ears to the cries of Americans who need help, but I will not vote for a bill that ties the fate of many to the wealth of a few.

Mr. VAN HOLLEN. Mr. Chair, after much deliberation, I rise in opposition to today's legislation.

To me, this has never been about the wisdom or necessity of compromise. Like most of my colleagues, I understand the need for compromise, and I fully appreciate the predicament the President found himself in.

While Democrats have been fighting to ensure tax rates do not go up on 98% of Americans, Senate Republicans have made it abundantly clear they are willing to raise taxes on every American this January unless they get a bonus tax break for the wealthiest in our society—and provide a tax-cut bonanza to a handful of super-rich estates.

In order to break the stalemate, the President concluded he needed a deal—a deal that had to balance two of our Nation's very real but competing imperatives: the need to accelerate economic growth, and the need to reduce our national debt.

Some elements of today's legislation strike the right balance. In particular, the middle class tax cuts, unemployment benefits and Recovery Act credits for working families are both economically justifiable and likely to achieve their intended effect.

Unfortunately, other provisions significantly miss the mark. According to the Congressional Budget Office, the $89 billion spent extending tax breaks for upper income earners is unlikely to create jobs. Moreover, I have significant concerns about the structure and long term consequences of the payroll tax holiday.

But the tipping point in this package is the estate tax. In an era of $1 trillion deficits, with our national debt approaching $14 trillion, barely two weeks after the publication of the bipartisan Fiscal Commission's ''Moment of Truth'' report, does anybody really think we should be borrowing $23 billion from China to give the wealthiest 6600 estates an average tax break of $1.7 million a year?

Think about it. $23 Billion. For the wealthiest 6600 estates a year. In a nation of over 300 million people. Without any benefit whatsoever for job creation or economic growth.

I would say to my colleagues on both sides of the aisle that if we can't look this moment squarely in the eye and conclude that now is not the time to be giving the top three tenths of one percent of Americans a multi-million tax break, we are clearly not serious about tackling the monumental fiscal challenges we face.

And I would remind my colleagues that these fiscal challenges are not theoretical. Earlier this week, Moody's warned that today's legislation increased the likelihood of a downgrade to the United States' Triple-A rating over the next two years. Bond prices have fallen sharply and yields now sit at six month highs. If we're not careful, the bond market could easily take away what today's legislation aims to provide.

Many of my Republican colleagues supporting today's legislation profess a commitment to fiscal discipline and balanced budgets, but turn a blind eye to deficit spending so long as it arises from tax cuts. This is not coincidence. The rationale for the inconsistency has been succinctly explained by conservative activist Grover Norquist, who once proclaimed: ''I don't want to abolish government. I simply want to reduce it to the size where I can drag it into the bathroom and drown it in the bathtub.''

After starving government, these same Republicans will undoubtedly be back in the 112th Congress demanding debilitating and draconian cuts in priority investments like education, clean energy and biomedical research. This playbook is as predictable as it is misguided.

Mr. Chair, we simply cannot afford to borrow billions of dollars to perpetuate wasteful and unwarranted tax breaks for our wealthiest citizens at a time of unprecedented and unsustainable national debt—tax breaks that do little for job creation and even less for the economy. I accept the need for a deal. But for our children and our grandchildren, I firmly believe there is a better deal to be had.

Ms. KILPATRICK of Michigan. Mr. Chair, I have been involved in politics for more than three decades. I am proud of my record of public service to the people of the great State of Michigan and to our Nation. Some of the proudest votes I have ever cast in my career have been in support of the economic stimulus package, health care reform, saving our manufacturing base by saving the auto industry, and preventing our banking system from dragging our economy into a full-blown depression. It is my point that we have not done enough to advertise the good things we have done for Americans.

The economic stimulus package provided 95 percent of all Americans with a tax cut, saved or created close to three million jobs, and allowed States and cities to use bonds to fill their budget deficits. Thanks to the revolution in health care by our health care law, the largest deficit reduction law in the history of the United States, all Americans will have access to health care for the first time in history. While this law becomes fully phased in by 2014, some of its mandates are working for Americans now, such as the fact that citizens cannot be denied health care coverage due to pre-existing conditions, filling in the Medicare Part D ''doughnut hole,'' and that insurance companies cannot deny your health insurance once you are ill. The bold Democratic program to save the auto industry, like the Troubled Asset Relief Program (TARP) not only cost taxpayers less than anticipated, taxpayers can potentially reap a profit from these programs. We have been efficient and effective with the peoples' purse.

We are now voting on a tax ''deal'' that President Barack Obama agreed to with Republicans to extend the 2001 and 2003 tax cuts started by former President George W. Bush. These tax cuts, which were not offset by responsible spending cuts and gave the majority of the tax cuts to the richest one percent of all Americans, were fiscally irresponsible when they were first proposed. They were so controversial and so fiscally unstable, the Republicans refused to make them permanent. It took then Vice President Dick Cheney to come to the Senate to break the 50–50 tie that stopped the bill from final passage.

I would like to take this opportunity to remind all Americans that we have had not one, not two, but if this bill passes, four major tax cuts at a time in which we are involved in not one, but two, wars. This is the first time in American history that we have had a war and we did not have a tax increase to help pay for that war.

I cannot, and will not, support this fiscally irresponsible bill. This bill is a horrible deal for Americans. Not only does it extend the Bush tax cuts, and the Republicans are willing to hold the extension of unemployment benefits to three million American families to get it done, as the late night infomercials like to say, ''wait, there's more.''

This bill hammers Social Security. Through this legislation's cut in the payroll tax, the tax that funds Social Security, the long-term stability and safety net for our senior citizens is in jeopardy. For every person who puts money into the Social Security program, two people take money out of it. If you think that this one-third cut to the payroll tax is going to come back in two years, don't count on it. The more that this fund is delayed, the more the Social Security program—a governmental program that has worked for more than seven decades, and which is the sole difference between life in a home or life on the street for over half of our senior citizens—is gutted.

This bill insufficiently helps the unemployed. Michigan has one of the Nation's highest rates of unemployment, and Michiganders desperately need unemployment insurance. But guess what? While this bill extends unemployment for those three million people who currently get it, it does nothing, not one thing at all, for the millions of unemployed workers who have exhausted their benefits under tier four. If you have been out of work more than 99 weeks—and plenty of Americans have been out of work that long through no fault of their own—this bill does not provide what I have been pushing for the last year. That is a new tier five level of unemployment benefits so that workers who have exhausted their federal and state benefits are able to feed their families and keep a roof over their head. If we are going to extend unemployment, let's extend it for all Americans.

This bill is a tax increase for most Americans. While this bill is a sure-shot tax cut for those people making or inheriting millions of dollars, for nearly 50 million hard working Americans, this bill is actually a tax increase. Workers who make less than $20,000 per year will see a tax increase. And by the way, if you are a federal worker, a worker who will see a pay freeze over the next two years, if your job has not been totally eliminated, you will see a tax increase. Finally, if you work for your state or city government, you will see your taxes increase because of this bill.

This bill is a woefully inefficient way to create jobs. The Congressional Budget Office and other non-partisan, objective organizations have widely stated that tax cuts is, by far, the most inefficient way to create jobs. At a total cost of over $900 billion, this bill is expected to lower unemployment by less than one percent. The most efficient way to create jobs in an economy in which businesses cannot create them? A federal direct-hire program. I offered such a program as an amendment to the Emergency Supplemental Appropriations bill, a program modeled after the successful Comprehensive Employment and Training Act (CETA) that would have immediately put more than one million people back to work. It was rejected earlier this year.

I proudly voted for the extension of tax breaks for Americans who make $250,000 or less. I also proudly voted to extend unemployment benefits for three million American families, and continued to fight for the addition of a tier five level of unemployment benefits. These two fiscally sound policies would help reduce our deficit and stabilize American families during the holiday season and beyond. Unfortunately, this was apparently not good enough for the Republicans, who overwhelmingly did not support the preservation of almost three million jobs in the economic stimulus package, the saving of American manufacturing through the auto loan program, or the more than $100 billion reduction in our deficit that will be the health care law once it is fully in effect.

I cannot, and will not, support this fiscally irresponsible bill. It is my hope and desire that the wisdom of the Congress prevails and we reject this legislation and start over with a bill that caps the top level of earnings at $250,000 and adds a tier five level for all of those individuals who are unemployed and have exhausted their state and federal benefits. Our children and grandchildren, who have to pay for these programs, are watching what we do.

Mr. WOLF. Mr. Chair, I support extending the 2001 and 2003 income tax cuts for all taxpayers, reducing or even eliminating the estate tax, and limiting the impact of the alternative minimum tax. If those were the only issues before us today, I would vote for that package to reduce the tax burden on Americans.

But this package is a bridge too far and I will vote no. With this package we are saying ''charge it.'' We aren't even making an attempt to pay for it. We are voting to add over $857 billion to our Nation's already massive, nearly $14 trillion debt. This is less than two weeks after the president's debt commission issued its a report called ''A Moment of Truth,'' which outlined the looming financial crisis that threatens the future of our country.

We're accumulating a trillion dollar deficit every year. This year, we are paying $202 billion a year in interest on our debt. That's nearly $4 billion a week.

By 2021, we will pay nearly $1 trillion a year solely to service the debt. One trillion.

That's nearly $19 billion a week or $2.7 billion a day. Two point seven billion dollars a day just to pay the interest. That is utterly unsustainable.

And money that goes to paying off the interest, let alone the principle, on the debt is money that will not be invested in road construction, or cancer research, or homeland security, or math and science education.

Over four years ago I came to the House floor to propose an independent bipartisan commission to address unsustainable federal spending. It would put everything on the table—entitlements, all other spending and tax policy. The SAFE Commission—short for Securing America's Future Economy—would operate in an authentic and transparent way, holding a series of public meetings across the country to hear from the American people. The commission would send its recommendations for a way forward to a sustainable economy to Congress, which would be required to vote up or down.

Senator GEORGE VOINOVICH, who is retiring this year and who has been a champion of fiscal integrity throughout his career in public service, was my partner in the Senate as sponsor of the SAFE bill. Congressman JIM COOPER and I also teamed in the 110th and this Congress to push the SAFE bill, garnering 118 cosponsors. Joining the effort in the Senate with Senator VOINOVICH were Senators LIEBERMAN, CONRAD and GREGG.

Senators CONRAD and GREGG introduced a similar bill calling for a deficit commission that became the blueprint for the President's National Commission on Fiscal Responsibility and Reform and on which both senators served. On December 3, a bipartisan majority of 11 of the 18 commission members voted to recommend a bold plan to Congress that

would address our Nation's fiscal imbalance by cutting $4 trillion from the federal budget over the next decade. I commend Senators COBURN, CONRAD, CRAPO, DURBIN, GREGG, and Representative SPRATT for voting to advance the proposal. They recognize the seriousness of our fiscal situation and that the Congress needs to develop a plan for action.

The leaders of the bipartisan fiscal commission, Erskine Bowles and former Senator Alan Simpson, wrote to the president and leaders of Congress:

''Our growing national debt poses a dire threat to this Nation's future. Ever since the economic downturn, Americans have had to make tough choices about how to make ends meet. Now it's time for leaders in Washington to do the same.''

Yet today, we see that once again, Washington is punting. Less than 80 hours after the commission's 11 to 7 bipartisan vote, ''this compromise'' was unveiled at a cost of nearly $1 trillion in borrowed money. The commission's chairmen told us that ''the era of debt denial is over.'' Yet the legislation before us today clearly demonstrates that that is simply not the case.

To quote Senator COBURN's floor statement of December 8:

''What we need to do, Democrats and Republicans and our Independent colleagues, is recognize the depth and magnitude of our problem right now. There needs to be a great big time out. Who cares who is in charge if there is no country to run that can be salvaged? It doesn't matter.

''Economists worldwide and some of the brightest people at Harvard and MIT, the University of Texas, Pennsylvania, they don't sleep at night right now. They know we are on the razor-thin edge of falling over a cliff.

''The fact is, both parties have laid a trap for future generations by our inaction, our laziness, our arrogance, and a crass desire for power. We are waterboarding the next generation with debt. We are drowning them in obligations because we don't have the courage to come together and address or even debate a real solution. . . . The problem is so big and so urgent and so necessary that we ought to have [a] debate. We ought to make sure the American people know the significance of the problems facing us.''

I couldn't agree more.

On Monday, Moody's Investment Service warned that this legislation jeopardizes America's coveted AAA credit rating, and could lead to a negative outlook in as little as two years. For the record, I am inserting its report.

If our credit rating is downgraded, the cost to borrow money will rise.

Everything, from a home loan to a car loan to tuition for college to a credit card bill to interest payments on the debt, will increase. We will be paying more to sustain, not to improve, our existing quality of life.

We need look no farther than Europe to see the destructive impact that results after a nation's financial crisis. There have been riots in Belgium, Spain, France, Ireland, England, Italy, and Latvia. Just Monday, Moody's threatened to further downgrade Spain's credit ratings. Will there be rioting in the streets here like we are now seeing abroad?

This House, and the Senate before us, is continuing on its profligate ways of adding billions of dollars to the nation's credit card, which has been issued by the banks of China and Saudi Arabia, among others.

More than 46 percent of the U.S. debt held by the public is in foreign hands. Saudi Arabia was home to the 9/11 terrorists. Saudi Arabia's Wahhabi brand of Islam is taught in some of the most radical mosques and madrassas around the world, including along the Pakistan/Afghanistan border. Saudi Arabia represses women and persecutes Christians and Jews.

Their textbooks are filled with hateful messages about minority faiths. Just last month a BBC expose' reveled that Saudi textbooks used for weekend education programs to teach about 5,000 Muslim children in Britain, contained claims that ''some Jews were transformed into pigs and apes . . .'' Further, the books, which again are Saudi national curriculum, contain ''text and pictures showing the correct way to chop off the hands and feet of thieves.'' Is this a country we want to be beholden to?

Or what about communist China, our largest banker, which routinely violates the basic human rights and religious freedom of its own people where Catholic bishops, Protestant ministers and Tibetan monks are jailed for practicing their faith? I've seen how they plundered Tibet with my own eyes. China was once again in the spotlight recently when famed dissident Liu Xiaobo was awarded the Nobel Peace prize. China's response? Place Liu's wife under house arrest, stop other dissidents from attending the award ceremony in Oslo and place them under tight surveillance, and indefinitely postpone trade talks with Norway.

The U.S. intelligence community notes that China's attempts to penetrate U.S. agencies are the most aggressive of all foreign intelligence organizations. According to the FBI, Chinese intelligence services ''pose a significant threat both to the national security and to the compromise of U.S. critical national assets.'' Weapons that entities of the People's Republic of China supplied to Iran were ''found to have been transferred to terrorist organizations in Iraq and Afghanistan.'' China is a significant arms supplier and source of economic strength to the genocidal regime in Sudan. Do we really want China to be our banker?

In a February 2010 piece, Wall Street Journal columnist Gerald Seib wrote, ''the Federal budget deficit has long since graduated from nuisance to headache to pressing national concern. Now, however, it has become so large and persistent that it is time to start thinking of it as something else entirely: A national security threat.''

These foreign countries, with vastly different aims than our own, could end up negatively influencing U.S. foreign policy by threatening to dump our currency in the world market. Such actions would not be a historical anomaly.

Recall 1956 in the Suez Canal crisis, which some believed signaled the end of Britain and France as world powers. Egypt announced that it was going to nationalize the canal, which outraged the British and French, who then devised a plan to use military force to keep control. The U.S. wanted to avert conflict at any cost. And President Eisenhower threatened to sell the U.S. reserves of the British pound, which would essentially result in the collapse of the British currency. The British changed course, demonstrating the power, the impact, that economic manipulation can have on foreign policy.

Is it conceivable to imagine the Saudis threatening to dump our currency if we don't withdraw from the region? Is it conceivable to imagine China threatening to dump our currency if we don't stop pressing nuclear-armed North Korea?

Simply put, we are presently borrowing hundreds of billions of dollars from countries which pursue aims that are at odds with our national interest and values, both directly and indirectly.

The chairman of the Joint Chiefs of Staff has pointed to our nation's debt as a national security risk. It is expected that, as early as 2014, our nation will spend more on interest payments than was spent on the 2010 defense budget. In case you missed that, we will pay more to borrow money than we will pay to defend our freedom.

This is a package full of numerous perks to sweeten the deal. As the Wall Street Journal editorial, ''The Hawkeye Handouts,'' noted on December 13, Republicans ''should worry that the tax bill is turning into a special interest spectacle. The bill revives a $1 a gallon biodiesel tax credit at a cost of nearly $2 billion, and there's $202 million for 'incentives for alternative fuel,' $331 million for a 50% tax credit for maintaining railroad tracks, and so on. These credits are a form of special interest spending via the tax code, which is precisely the business as usual behavior that Republicans told tea party voters they wouldn't engage in.''

Dan Eggen of the Washington Post reported yesterday that ''. . . the ethanol provision . . . has cost taxpayers more than $21 billion since 2006. The Government Accountability Office recently concluded that the credit has had little impact in encouraging ethanol use or production, especially since the government already mandates rising levels of ethanol in gasoline and protects the corn ethanol industry through tariffs.''

From farmers producing ethanol to Puerto Ricans making rum to film producers in Hollywood, there's something for everyone. Even worse, the payroll tax holiday raids, for the first time in our history, the Social Security trust fund, which is already going broke. No one comes away empty handed.

This is, as Charles Krauthammer wrote in the Washington Post on December 10, nothing more than a stimulus by another name—an unfunded stimulus that costs considerably more than the President's stimulus of 2009 that so many on my side of the aisle opposed.

Maya MacGuineas, president of the Committee for a Responsible Federal Budget, hit the nail on the head in an October 2009 National Journal article when she said, ''It's like fiscal jenga, where people are piling on more and more debt, and finally, something's going to be the cause of it collapsing, but no one believes their thing is going to be the tipping point.''

This package could be the ''thing'' that takes us closer to the tipping point.

Candidly, I have never been more concerned about our country's future. We see a nation whose young people are lagging behind their peers globally. We see a Senate debating a $1.1 trillion omnibus spending measure containing over 6,000 earmarks representing over $8 billion worth of spending. We see a Congress and a president embracing a tax package that risks our nation's highly valued AAA bond rating. All the while we see young

men and women in uniform, in distant places like Afghanistan and Iraq, modeling the sort of sacrifice that few Americans even expect from their elected leaders any more.

Only through shared sacrifice can we hope to walk back from the precipice. But instead of asking for sacrifice, the measure before us today provides something for everyone. Maybe not as much as everyone wanted, but what was truly sacrificed? The word compromise implies that both sides in the negotiation give up something. No one gave up anything. Legislation of this magnitude must be balanced by reforms.

But instead of reforms we see recklessness. This legislation walks us further down the path to greater and greater deficits and debt that can only lead to a place none of us wants to go—a bankrupt America. I cannot in good conscience leave that type of country to my children and grandchildren.

At his 1796 farewell address, George Washington admonished his fellow countrymen: "We should avoid ungenerously throwing upon posterity the burden of which we ourselves ought to bear."

Enough is enough. I vote "no."

[From Moody's Weekly Credit Outlook, Dec. 13, 2010]

US TAX PACKAGE IS NEGATIVE FOR US CREDIT, BUT POSITIVE FOR ECONOMIC GROWTH

If the tax and unemployment-benefit package agreed to on 6 December by President Obama and congressional Republican leaders becomes law, it will boost economic growth in the next two years, but adversely affect the federal government budget deficit and debt level. From a credit perspective, the negative effects on government finance are likely to outweigh the positive effects of higher economic growth. Unless there are offsetting measures, the package will be credit negative for the US and increase the likelihood of a negative outlook on the US government's Aaa rating during the next two years

One motivation for the two-year extension of the current personal income tax rates (put in place in 2001 and 2003 and referred to as the ''Bush tax cuts'') is to prevent a setback to economic and employment growth that would result from higher taxes beginning on 1 January, the expiration date of the earlier tax cuts. Keeping the existing tax rates would not provide an impetus to growth, but raising them would have a negative effect. However, the package also includes, among other things, an extension of unemployment benefits for the long-term unemployed through 2011 and a two-percentage-point cut in the Social Security payroll tax. The latter two measures will give a boost to economic and employment growth in the coming two years, with some forecasters significantly raising their GDP growth numbers in 2011 and 2012.

Higher economic growth should have a positive effect on government revenues and reduce payments related to unemployment. However, the magnitude of this positive effect will be considerably less than the foregone revenue and increased benefit expenditure, resulting in substantially higher budget deficits than would have otherwise been the case. The Congressional Budget Office's most recent estimate of the deficit for fiscal year 2011 was $1.1 trillion, or 7% of GDP, assuming no expiration of the tax cuts, and $665 billion (4.2%) in fiscal year 2012. These deficits would raise the ratio of government debt to GDP to 68.5% by the end of fiscal year 2012, compared with 61.6% two years earlier.

The net cost of the proposed package of tax-cut extensions, payroll-tax reductions, unemployment benefits, and some other measures may be $700–$900 billion, raising the debt ratio to 72%–73%, depending on the effects on nominal economic growth. The government's ratio of debt to revenue, instead of declining rather steeply over the two years from about 420% at the end of fiscal year 2010, would decline considerably less to somewhere just under 400%. This is a very high ratio compared with both history and other highly rated sovereigns.

Thus, while higher growth and lower unemployment are clearly good for the economy, the package is negative for US government debt metrics. In addition, there is a risk that the two-year extension may be renewed at the end of 2012, given that that period coincides with a presidential election. A permanent extension of the tax cuts alone (without other measures) could result in a considerable increase in deficits and debt levels unless other measures to reduce deficits are adopted. The exhibit below illustrates that the fiscal balance in the coming decade would be considerably higher under such a scenario, all other things being equal, and this would result in a worsening of the government's debt position. A package of options put forth by the fiscal commission at the beginning of this month provides a menu of such measures that would reverse these trends, but their adoption remains uncertain.

Mr. PAUL. Mr. Chair, I recently voted again in favor of H.R. 4853, the Middle Class Tax Relief Act, legislation which ensures the continuation of the Bush-era tax cuts, fixes the AMT patch, and significantly reduces the burden of the estate tax in 2011. If no action had been taken by this Congress, all Americans would have had to pay higher income, dividend, estate, and capital gains taxes beginning on January 1, 2011. I will always vote to lower taxes at all levels, and I will never vote for tax increases.

Many opponents of this bill labor under the mistaken impression that it contains huge amounts of pork, earmarks, and other spending. What they are referring to is hundreds of billions of dollars worth of tax credits. Tax credits are not spending, they are not earmarks, they are not pork: they merely allow people to keep more of their own money. While the Administration's desire in extending these particular credits may be to placate certain constituencies or to spur consumption or investment into certain sectors of the economy, the morally correct position is to allow people to keep their hard-earned money. That money belongs to the people and businesses who earned it, not to the government. If one wants to make it more equitable, then the amount of tax credits should be increased to include everyone.

Characterizing the tax cuts as fiscally irresponsible, as other opponents of the bill have done, is equally misguided. Those who wish to see this deal defeated because it "adds nearly $900 billion to the National Debt" are punishing taxpayers for the profligacy of the government. The National Debt is nearly $14 trillion because of excessive spending, not because of tax cuts. Every dollar added to the National Debt is due to the government's inability to rein in spending, not because American taxpayers are paying too little of their salaries to the Federal Government. This is why I vote against all appropriations bills. Allowing taxes to rise and provide more money to the federal government would only serve to further feed the beast that is devouring this country.

This bill also reduces the burden of the estate tax, which according to law is set to return in 2011. This unconscionable tax is an insidious form of double taxation and comes into effect in 2011 with a 55 percent tax rate. Americans should not be penalized for accumulating savings during their lifetimes. The estate tax especially harms small and family-owned businesses, which often must be sold to pay the tax bill. H.R. 4853 reduces this death tax rate from 55 percent to 35 percent, and raises the exemption from $1 million to $5 million. While I would prefer to see this tax eliminated completely, this significant tax cut will help thousands of families.

Many people have urged that this tax bill be rejected and that Republicans come back in January to vote on a clean bill. Waiting until the next Congress would also mean that taxpayers would have much more of their salary withheld until any tax cuts could be made. While it is certainly possible to wait until January, we still have a Democratic Senate, and a Democratic president who would likely veto a clean tax bill. I too would prefer to see a completely clean bill, but that is not what we have been given. A vote against the bill before us today would be a vote to raise taxes on all Americans.

Much of the debate about this bill only serves to distract people from discussing substantive change and lead to argument about picayune minutiae. I believe we should abolish the income tax and eliminate the IRS altogether. Congress funded the government using excise taxes for more than 120 years without an income tax, and the Federal Government not surprisingly adhered much more closely to the constitutionally-defined limits of its powers during that time. Real tax reform can only happen when we insist on reducing the size of the Federal Government and reducing the pork in its bloated budget.

Mr. FRELINGHUYSEN. Mr. Chair, I rise in support of the Tax Relief Act of 2010 and urge its passage.

My Colleagues, the goal of this legislation is to prevent the imposition of the largest tax increase in the history of the world and to continue many valuable tax provisions that promote economic growth.

These goals are my goals. There Is never a good time to raise taxes, but I cannot think of a worse time to increase the tax burden on America's hard-working families and job-creating small businesses than in the middle of a weak recovery.

Like all Members, I have strongly supported extending the Bush tax rates, enacted in 2001 and 2003.

Like some of my Colleagues, I have supported extending these lower tax rates for everyone and making that extension permanent. That's why I introduced H.R. 4270 which would lock in these lower tax rates indefinitely.

The important legislation before us today includes many beneficial provisions. For example, the agreement:

Prevents tax increases on every American who pays income taxes.

Eliminates job-killing tax increases on small businesses.

Provides relief from the estate tax for family owned businesses.

Preserves the $1,000 per child tax credit and marriage penalty relief.

Blocks higher taxes on capital gains and dividends.

Protects at least 21 million households, including 1.6 million in New Jersey, from being hit by the Alternative Minimum Tax (AMT) in 2010.

Provides a one-year payroll tax cut that is worth $1,400 for the average New Jersey household.

I must acknowledge that I am not pleased that this bill prevents a tax hike on higher income Americans and small businessmen and women, which would have taken effect on New Year's Day 2011, for only two years.

Our economy does not run on temporary, stop-gap half-measures. In order to invest and grow their companies for the future—creating private sector jobs and opportunities in the process—businesses of all sizes need predictability in the tax code. They need certainty in order to plan their operations and workforce expansion. In order to spur job creation, all the tax rates should be extended as far as the eye can see!

The non-partisan Congressional Budget Office estimates that fully extending the 2001 and 2003 tax rates would add between 600,000 and 1.4 million private sector jobs in 2011 and between 900,000 and 2.7 million jobs in 2012. In addition, lower tax rates on capital gains and dividends will boost capital investment and spur economic growth.

I also have strong reservations about some of the spending included in this bill and some of the so-called tax extensions.

For example, the package extends the federal Unemployment insurance (UI) Program for another 13 months and maintains the current cap of 99 weeks of total benefits.

I understand that people need a helping hand and strongly support aiding unemployed Americans. However, the President has insisted that the cost of extending benefits be added to the country's $14 trillion debt. We can do better than this. The fact is that we CAN help the long-term unemployed AND pay for it.

Likewise, we should object to certain so-called ''tax extenders'' such as the renewed subsidies for the production and use of corn ethanol. For yet another year, $6 billion will be extracted from U.S. taxpayers to prop up the struggling ethanol industry while diverting valuable corn supplies from other worthwhile uses.

Despite these and other reasons, I will support this bipartisan agreement. I recognize that a ''no'' vote on this bill represents a ''no'' vote on the U.S. economy.

It would be nothing short of a disaster to allow the largest tax increase in U.S. history to crush American families and small business in two short weeks.

Mr. Chair, the larger debate surrounding extension of the lower Bush tax rates underscores the need for Congress to act decisively in the New Year to support private sector job creation, reduce government spending, lower our dangerous public debt and enact permanent tax reform.

Mr. YARMUTH. Mr. Chair, when most people borrow money—and go into debt—it's either for survival or for an investment that will pay off in the future.

Borrowing $114 billion from China to give massive tax breaks to the wealthiest Americans meets neither of those goals.

Over the last ten years, while economic growth has stalled and middle class wages have stagnated, the wealthy have been doing just fine. In fact, two-thirds of all the income gains made in this country over the last ten years have gone to the wealthiest one percent. And the top one percent now owns more financial wealth than the bottom 90 percent.

They clearly don't need any more help to get ahead.

This $114 billion tax giveaway to the rich is not an investment in our economy.

Just look at what happened in the decade that followed the passage of these cuts in 2001.

Even if you exclude the beginning of the recession, we saw the slowest economic growth since World War 2: fewer jobs created, fewer businesses started, fewer dollars injected into our economy.

So where did all that money go? Into the bank accounts of the wealthiest few. When their taxes were cut, they banked three times as much money than before. More money was stashed away rather than—as some would have you believe—put into business expansion or job creation.

That's why the Congressional Budget Office ranked an extension of these tax breaks LAST among the options we have to help grow the economy and create jobs.

There are things in this proposal that are about survival, like an extension of unemployment insurance to help the families hit hardest by this recession. There are investments, like the tax credits that will help small businesses expand.

But unfortunately—and ultimately—the long-term costs of this bill are far more damaging to our nation than these short-term gains.

Borrowing money to give tax cuts to the rich—tax cuts that are more than most families make in a year—is unconscionable.

Economics shows this is a dead-end. History proves it would be disastrous. And basic morality dictates that our priorities should focus on making our economy work for EVERYONE—not just the wealthy few.

I urge my colleagues to join me in standing against this proposal and its unacceptable price and yield back the remainder of my time.

Mr. BISHOP of Georgia. Mr. Chair, our economy is still very weak: over 75 percent of American workers are living paycheck-to-paycheck. The unemployment rate stands at 9.8 percent, and over eight million Americans are subsisting on unemployment insurance benefits while they search for work. In Georgia alone, the unemployment rate is over 10 percent. 67,000 additional Georgians filed for unemployment insurance last month. Despite these sobering numbers, our nation is on a dangerous path toward the largest tax increase in over a decade if we do not approve this vital legislation before us today.

We must not let this happen. We must change course. Our nation's workers, retirees, businesses, and job-seekers simply cannot afford the crushing burden of new taxes in today's economy. Raising taxes in this economic environment would stifle investment, slow down job creation, and put severe financial strain on businesses and individuals.

This bipartisan legislation confronts this reality. It temporarily continues the Bush Tax Cuts for the benefit of all Americans. It provides a desperately needed extension of unemployment insurance benefits. It reduces the crushing burden of the estate tax on our nation's family farms and businesses. And it puts money back into the paychecks of America's workers.

I urge my colleagues to take action and vote to send this legislation to the President's desk. Now is the time to act. We owe it to our constituents and to our nation not to let their taxes go up on New Year's Day.

Mr. WAXMAN. Mr. Chair, I will vote for this tax package that is before us tonight.

While there is absolutely no reason to justify or defend the extension of the Bush tax cuts for wealthy Americans, and the unconscionable tax treatment of wealthy estates—both of which were insisted upon by the Republicans—those egregious giveaways to those who need or deserve it least are, in fact, more than balanced by generous support for tens of millions of households across the country.

I will vote for the Pomeroy amendment to restore the estate tax to sensible levels. There is no justification for massive estate tax relief for the Nation's 6,600 wealthiest families, at a cost of $25 billion to America's taxpayers.

Despite continuing the Bush tax cuts for those earning over $250,000 per year, and despite the estate tax provisions, this initiative, forged by President Obama, does a lot of good.

We are extending unemployment insurance for 13 more months. It is desperately needed by those who simply cannot find jobs after being out of work for months.

We are providing continued income tax rate relief for two years for the middle class.

The payroll tax holiday is an enormously progressive reform at a time when it is most needed to boost take home pay.

The extension of the child tax credit and the tuition tax credit in particular will greatly assist income security for American families. The green energy tax provisions will help create jobs and promote clean energy technology.

The bottom line is: This economy needs more jobs. We need to get unemployment down and growth up. Working Americans need more cash in their pockets. The economy needs a major jolt to go forward.

This package delivers on these urgent needs.

While I take no pride in any vote to give unearned financial rewards to the very wealthiest among us, I cannot in good conscience be party to legislative deadlock that means only one thing: millions of people cut off from unemployment insurance before Christmas, and a big tax hit on the middle class and working Americans as the new year begins. If we do not act, they will suffer grievously. That must not be permitted to happen.

I must point out that the fact that the tax cuts last only two years and will not be permanently extended is a major plus for me. When our economy recovers, our high priority to reduce the deficit will require us to both cut spending and raise revenues. I am pleased the President has pledged that he will not further extend or make permanent the upper income tax cuts.

I support the President's proposals, and urge my colleagues to join in supporting this legislation.

Mr. VISCLOSKY. Mr. Chair, I rise in strong opposition to H.R 4853, legislation based on the agreement between the White House and Congressional Republican leaders that calls for borrowing nearly $1 trillion over the next two years.

Further, I am appalled that the unemployed are being held hostage in order to ram the flawed measure through Congress. And I have

yet to find the equity in extending tax cuts for 24 months, but the solvency of the unemployment fund for 13 months.

I oppose borrowing nearly 1 trillion over the next two years when we have a debt today of $13.8 trillion.

I oppose borrowing nearly $1 trillion over the next two years when our projected deficit for Fiscal Year 2011 is $1.1 trillion.

I oppose borrowing nearly $1 trillion over the next two years when we will pay $438 billion in interest on the national debt this year alone. I can't imagine what this figure will look like when interest rates inevitably head higher.

I oppose borrowing nearly $1 trillion over the next two years for an agreement that fundamentally weakens Social Security through a payroll tax "holiday." The holiday means we will be paying less money than anticipated into Social Security, thus reducing its solvency. In fairness, we're told that the government will "find" the money to make up the loss. Where?

But what's the big deal if this is only temporary? If the debate around the expiration of the Bush tax cuts has taught us anything, it is that, fair or not, a so-called "temporary" tax cut can be quickly re-characterized as an impending tax hike.

If Members of Congress and the President do not have the intestinal fortitude to make thoughtful, tough, permanent decisions today, do you think they will with Presidential and Congressional elections looming next December? I believe the decisions made this week will become permanent, fundamentally weakening our country.

I oppose borrowing nearly $1 trillion over the next two years because we have a desperate need for investment in our nation's roads, bridges, ports, railroads, and water services. Just three months ago, the infrastructure in the state of Indiana received a grade of D+ from the Indiana section of the American Society of Civil Engineers in a report that identified a need for billions of dollars in safety and service upgrades. Next year, because of this agreement, we'll be told we just don't have any money left to invest.

Not all the provisions in this agreement are bad. There are many good ones, including making a decision about estate taxes. But they are not all of equal merit. better approach would have been to examine each tax provision and approve those that encouraged savings and investment the most, then pay for them, and make them permanent.

But no, let's hold the unemployed hostage. Let's borrow nearly $1 trillion over the next 2 years. Let's reduce the solvency of Social Security. Let's further disinvest in our nation's intellectual and economic infrastructure.

Robin Hood stole from the rich for others. We're stealing from our children for ourselves. My first grade teacher, Sister Marlene, would be ashamed.

I urge my colleagues to oppose this measure.

Mr. CONYERS. Mr. Chair, I regret that I must rise in opposition to the Middle Class Tax Relief Act of 2010. Today's legislation is fiscally irresponsible and recklessly extends Bush era tax cuts for the rich, the millionaires and billionaires, and establishes an extremely low estate tax rate. However, I am supportive of efforts to extend unemployment benefits.

To add insult to injury, this bill includes not one, but two bailouts for the ultra wealthy. In addition to extending income tax cuts for the rich, this bill reduces the estate tax from 55 percent to 35 percent next year. This second bailout will give a gigantic tax giveaway to a few thousand of the richest families in the country and add hundreds of billions to the national debt.

I was also dismayed an increase to the debt ceiling was not included in today's proposal. Congress will have to vote to increase the debt ceiling next year. Many in this body would like to hold the debt ceiling vote hostage and demand massive spending cuts and or make the Bush tax cuts permanent in exchange for their votes. We need to show the American people that tax cuts for the wealthy are not free and that they add huge amounts to the national debt.

Just a few weeks ago, this chamber voted separately to extend both middle class tax cuts and unemployment benefits to those who lost their jobs through no fault of their own. While I agree that we need to protect the most vulnerable, the unemployed and working families who need every cent during this time of economic malaise, it is irresponsible to continue Bush era tax rates for wealthy Americans, which are neither justified nor needed, for the next two years. Furthermore, there is no empirical evidence that tax cuts for rich have helped the economy in any tangible way. The Act will steal hundreds of billions of dollars of needed revenue for America's fiscal future.

This compromise bill also includes a two percent employee-side payroll tax cut that I fear will weaken the Social Security trust fund. Today's proposal would deny over $120 billion each year to the Social Security fund and make it easier for conservatives to weaken Social Security's revenue streams in the future. I support giving working Americans extra cash in their pay check, but it should not be taken away from the Social Security trust fund.

Last week, I stated that this tax compromise was a fight for the heart and soul of the Democratic Party. Democrats have always stood for the workers, the disenfranchised, and those who are denied the opportunity to compete for the blessings of the American Dream because of their race, creed, religion, or class. I fear that passage of this bill tonight will tarnish this proud legacy of our party and cause the 98 percent of Americans without estates or astronomical personal wealth to question which party will fight for them. If this bill passes, each and every member of this body should look themselves in the mirror and consider what we have lost in the name of compromise. I encourage my colleagues to reject this flawed bill."

Mr. DINGELL. Mr. Chair, H.R. 4853 was negotiated in the dead of night, and I am outraged by the take-it-or-leave tactics employed to ram this legislation through the House, no less in a lame-duck session. This is not how good legislation is produced, and I am convinced we will feel the repercussions of this for years.

In considering H.R. 4853, the Middle Class Tax Relief Act of 2010, members of the House of Representatives confront the tragic choice of extending unemployment benefits and current middle-class tax rates at the price of enormous tax give-aways to millionaires and fat cats on Wall Street. At a time when American corporations are making record earnings and giving million-dollar holiday bonuses, we are extending tax cuts for the wealthiest two percent of Americans for two years but extending unemployment insurance for only 13 months. This greatly frustrates me, and I believe we must do more to help working families. Equally distressing is the fact that this lop-sided agreement hides another, more insidious provision that could promise to do future violence to the federal program upon which millions of senior citizens in this country rely for their very existence, namely Social Security.

I am somewhat comforted, however, that H.R. 4853 clearly mandates the shortfall in revenue to the Social Security Trust Fund caused by the bill's one-year payroll tax holiday be made whole with a transfer from the Treasury's General Fund. This measure is designed ostensibly to provide Americans with more take-home pay to spend or save as they see fit, but it earns only my hesitant backing for fear that Republicans will attempt to make this provision permanent when it expires next year. Such a move can only be seen as the first step leading to what my colleagues on the other side of the aisle want most: privatizing Social Security.

While I maintain my strong reservations about portions of this tax package that benefit only the wealthiest two percent of all Americans, my colleagues and I cannot in good conscience return to our districts without having secured an extension of unemployment benefits and existing tax rates for middle-class families so aggrieved by the current recession. The good people of the 15th District need the stability of assured unemployment benefits to help get them through this holiday season, giving them time until they find stable employment.

Now is one of the times when it is ultimately better for our government leaders to come together on common ground where it can be found, instead of letting the perfect be the enemy of the good enough. In this case, the government is taking real action to stimulate the economy and help those desperately in need. Democrats are making the choice to protect millions of Americans struggling to keep food on the table and keep the heat on while searching hard for a job. According to the Center for American Progress, the tax deal would save or create 2.2 million jobs through 2012. In Michigan, the importance of the unemployment extension cannot be overstated. In November 2011, almost 300,000 Michiganders will lose their unemployment benefits without federal action. These are real numbers, and this is real money that will have a positive impact on our economy at a time when it is desperately needed.

Absent a better choice, I will vote in favor of H.R. 4853. I do so as Dean of this House and the proud son of a man who helped pass the Social Security Act but demand my colleagues' sacred vow that this bill's payroll tax holiday never again be extended. To do so would be an indefensible assault on the economic and social progress achieved by generations of working-class Americans. I assure you, Madam Speaker and my colleagues on the other side of the aisle, I will do everything in power to make sure Social Security is protected from rascality and available for not only current recipients, but also their children and grandchildren.

Mr. BRALEY of Iowa. Mr. Chair, Americans spoke clearly on November second. Congress must get serious about reducing the deficit

and become better stewards of their tax dollars. After endless talk throughout this session about fiscal responsibility, the looming threat of a growing deficit and forcing America's next generation into crushing debt to China—a so-called tax deal has been produced. Today this House will vote on a bill that will explode the deficit by $858 billion dollars.

While this package includes several programs I have proudly supported, I cannot support the underlying bill. As recently as last week I voted to give every American a tax cut by making the middle class tax cuts permanent for the millions of American families, consumers and small business owners who drive our economy. I have consistently voted to extend unemployment insurance to assist the families struggling in this difficult recession. I have voted to extend the Earned Income Tax Credit and Child Tax Credit to assist our nation's low-income families who have a difficult enough time making ends meet as it is. I have consistently voted in for ethanol and biodiesel tax credits that sustain the growth of our nation's renewable energy industry and support the jobs of thousands of my constituents in Iowa.

Those were some of the good things included in this deal. Unfortunately, the merits of these good things do not outweigh the bad things in this deal. I cannot justify mortgaging our children's futures to provide a Christmas bonanza to the privileged few. I refuse to support increasing the deficit by at least $81 billion to provide a tax break to the wealthiest persons in this country. I refuse to support a bill that would balloon the deficit by $23 billion to provide an average tax break of more than $1.5 million to only 6,600 families a year. And I unequivocally refuse to threaten the long-term viability of social security with a shell game to pay for diminished social security contributions.

I'm voting ''no'' on this bad deal because we cannot keep kicking the can down the road when it comes to difficult decisions about the deficit, especially with a package that threatens the financial stability of our nation. I urge my colleagues to join me in voting ''no.''

Ms. ZOE LOFGREN of California. Mr. Chair, I rise today to express my concerns regarding the Tax Relief, Unemployment Insurance Reauthorization and Job Creation Act of 2010.

The American economy is slowly recovering from the worst recession we've seen since the Great Depression. While there has been some improvement, the economy is still fragile, and we need to ensure that our tax policy for the near future supports job growth if we are to continue on this path of recovery.

Unfortunately, the tax package that the Senate has sent us today does not support the creation of new jobs.

The United States is quickly being surpassed by other countries in infrastructure and clean energy investments. Rather than supporting tax policies to reverse this trend, the Senate's tax package focuses on tax cuts for the wealthiest in our population and old energy sources that do not present great possibilities for our future.

While the American Recovery and Reinvestment Act (ARRA) made important strides in closing that gap, this legislation is a step backwards. The Senate's tax package includes a one year extension of the Treasury Grant Program enacted in section 1603 of ARRA that allows renewable energy companies to receive a cash grant in lieu of either the production or investment tax credit. The Program was designed to allow renewable energy projects to continue while investor demands for tax credits lagged in a sluggish economy. Unfortunately, a one year extension is insufficient to ensure a steady stream of investment in renewable energy projects and may stall the momentum we've built in creating a strong, green economy.

Further, the tax package fails to include the Advanced Energy Manufacturing Tax Credit from ARRA, a program that was immensely useful. The tax credit was created to expand domestic clean energy manufacturing. America needs to rebuild its manufacturing base to compete in the global marketplace. The Manufacturing Tax Credit is crucial to laying a foundation for the United States to be a leader in the clean energy manufacturing industry.

The failure to extend these critical programs will have negative economic impact across the country and in my district in San Jose. As a Member from Silicon Valley, I represent many renewable energy and energy efficiency companies that are currently utilizing these credits to create jobs and stimulate the economy. By not including robust renewable energy programs as part of our tax policy, we are failing to invest in our economic future, and for that reason, I am unable to vote for the Tax Relief, Unemployment Insurance Reauthorization and Job Creation Act of 2010.

Mr. JORDAN of Ohio. Mr. Chair, despite the clear message sent by the American people in November, the Obama Administration and the Pelosi Congress continue to borrow and spend like there is no tomorrow.

In another attempt to bring some fiscal responsibility back to this Congress, I submitted an amendment yesterday in the House Rules Committee that would seek $149 billion in cuts to offset the $95 billion in new spending in H.R. 4853, the so-called Middle Class Tax Relief Act of 2010.

While I am glad to see this bill temporarily stop the Democrats from raising the income tax rates of every American, I am disappointed that it includes a massive increase in the estate tax that will hurt the families, farmers and small business owners in my district and across America.

I am further disappointed that the new spending in this bill will add to the deficit, further burdening our children and grandchildren with debt that must be repaid. We cannot continue to grow our debt and by loading well-intentioned bills with billions of extra dollars in borrowing and spending.

My amendment would do what the American people are demanding we do: stop the out-of-control federal spending! By returning non-defense appropriations spending to FY 2008 levels, we will realize an immediate savings of $80 billion. By repealing the remaining stimulus funds, we save another $69 billion.

Tacking more spending on to bills is a hallmark of Washington politics. It has landed us in record-high debt. We must break away from this trap with a commitment to passing clean bills and eliminating excess waste.

Add at the end of the bill the following:

TITLE ____—APPROPRIATIONS AT LOWER PREVIOUS FISCAL YEAR LEVELS

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2011, and for other purposes, namely:

SEC. ____. (a) The amounts provided in the appropriations Acts for fiscal year 2008 referred to in section 101 of division A of Public Law 110–329 and under the authority and conditions provided in such Acts for projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise provided for, that were conducted in fiscal years 2008 and 2010, and for which appropriations, funds, or other authority were made available in such Acts.

(b) If the amount provided for a project or activity by subsection (a) would be higher than the amount provided in appropriation Acts for fiscal year 2010, such project or activity shall be funded at the lower such amount.

SEC. ____. There is hereby enacted into law the provisions of the following:

(1) The Department of Defense Appropriations Act, 2011, as reported in the 111th Congress by the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

(2) The Department of Homeland Security Appropriations Act, 2011, as reported in the 111th Congress by the Subcommittee on Homeland Security of the Committee on Appropriations of the House of Representatives.

(3) The Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2011, as passed in the 111th Congress by the House of Representatives.

SEC. ____. Appropriations made by section ____ shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. ____. Unless otherwise provided for in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available through September 30, 2011.

SEC. ____. For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2010, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2010, to be continued through the date specified in section 104.

SEC. ____. Funds appropriated by this joint resolution may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. ____. None of the funds made available in this joint resolution may be used to carry out any program under, promulgate any regulation pursuant to, or defend against any lawsuit challenging any provision of, Public Law 111–148 or Public Law 111–152 or any amendment made by either such Public Law.

SEC. ____. None of the funds made available in this joint resolution may be used for a congressional earmark as defined in clause 9(e) of rule XXI of the Rules of the House of Representatives.

Further, add at the end of the bill the following:

TITLE ____—ARRA RESCISSION AND REPEALS

SEC. ____. ARRA RESCISSION AND REPEALS.

(a) RESCISSION.—Of the discretionary appropriations made available in division A of

the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), all unobligated balances are rescinded.

(b) REPEALS.—Subtitles B and C of title II and titles III through VII of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) are repealed.

Mr. STARK. Mr. Chair, I rise today to oppose H.R. 4853, the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010.

Santa Claus is arriving early for a handful of wealthy individuals and industries this year. Wall Street should be throwing a parade today. They can certainly afford one after the President failed to uphold one of his signature campaign promises of letting tax breaks for the rich expire as planned.

We hear a lot of hand wringing about the deficit, but this ''compromise'' extends all of the Bush tax cuts for the next 2 years, adding hundreds of billions to the deficit so that millionaires won't have to pay their fair share of taxes. It also includes billions of deficit financed tax favors to special interests. No one who votes for this package has any credibility left when talking about the deficit.

This bill is skewed toward the very wealthy. According to the Tax Policy Center, the biggest share of the tax cuts will go to the richest families, many with incomes of several million dollars. Households in the top 1 percent of income will see an average tax break that is higher than the annual income of nearly 80 percent of American families. The distribution of the tax savings is disproportionate and just unfair. The wealthiest 20 percent of taxpayers are going to get 60 percent of the tax savings from this extension.

The handouts to the ultra-rich will follow them to the grave. Thousands of millionaires will now be able to die with the confidence that their assets will not be impacted by the estate tax. Without Congressional action, the 44,000 wealthiest families would have paid the estate tax in 2011. Now that the administration has agreed to the most generous estate tax plan in recent history—a $5 million exemption and 35 percent rate—only the wealthiest 3,600 estates are expected to pay the estate tax in 2011. The theme here is clear: the rich will continue to hold more and more wealth and power in this country while the middle class is warned that it will have to accept cuts to Social Security and Medicare in order to balance the budget.

Every business interest imaginable will get their piece of the pie. The corn ethanol industry, which is already guaranteed a robust market by the federal government, will continue to be showered with subsidies to the tune of $6 billion a year. You would be mistaken if you think this handout helps farmers. It is actually paid to the oil companies that blend the ethanol—BP claimed over $500 million from the credit in 2008 alone. And the list goes on. Owners of NASCAR speedways will be able to accelerate their tax write-offs faster than other businesses, rum makers will get an extension of tariff rebates and Hollywood studios will get tax breaks when they produce movies and television shows.

There are good things for working families in this agreement, but they pale in comparison to the gifts to the upper class. Extended Unemployment Insurance benefits will be continued for 13 months and spare millions of Americans from losing their income, allowing them to keep food on their tables and a roof over their heads. Extending improvements made to the Earned Income Tax Credit and the Child Tax Credit made by the Recovery Act also makes sense and will help many families.

A payroll tax holiday will put money into the pockets of people who need it most, but I worry what this will mean for the future of Social Security. The provision also unfairly leaves out thousands of federal workers and teachers in my state of California. It is sad that we have to hand out several hundred billion dollars worth of benefits for millionaires just to find the votes to help working families make ends meet.

Two weeks ago I voted for the Middle Class Tax Relief Act of 2010 that would have extended tax cuts for middle class Americans. I also voted to extend Unemployment Benefits for working people. Those are the bills we should be sending to the President. But the legislation before us today is a colossus, burying those benefits for Americans struggling to keep a roof over their heads underneath billions in blatant handouts to the wealthiest taxpayers. I urge my colleagues to defeat this legislation.

Mr. PRICE of North Carolina. Mr. Chair, I rise in qualified support of this tax cut agreement. I do so only after carefully weighing its positive elements against its severe flaws and with a realistic sense of the dire consequences should the measure fail.

This conclusion says as much about the gamesmanship of our colleagues on the other side of the aisle—and, I'm afraid, about what we can expect in the next Congress—as it does about the contents of the legislation. No program or priority has been too sacred for House and Senate Republicans to hold hostage in their fervor to extend President Bush's tax cuts for the wealthiest Americans, regardless of how many hard-working families have had to suffer in the process. Programs that have always enjoyed strong bipartisan support—such as unemployment insurance and small business tax credits—have suddenly become ''Democratic'' priorities, fair game to be stonewalled by Republicans until they could squeeze every last concession out of this deal.

The disconnect between what they say and what they do should be painfully obvious to the American people. How does their support for tax cuts for millionaires and billionaires square with their stated priorities of balancing the budget and growing the economy? Spending $130 billion over the next 2 years alone on tax cuts for the richest 2 percent of Americans—without paying for a cent of it—is certainly a strange way to demonstrate their fiscal discipline. And it's also the least effective step we can take to spur the economy. If economic recovery were really the goal, they would have extended unemployment insurance the first chance they had, because nothing plows money back into the economy more effectively.

If this is where the Republican Party's true priorities lie, then I have never been prouder to be a Democrat. I have never been prouder to stand up for hard-working Americans who have lost their jobs and cannot find a new one by assuring them that their unemployment insurance will not expire. I have never been prouder to stand up for middle-class families who have seen their savings depleted and cannot afford to have their taxes raised during an economic downturn. To stand up for small businesses by giving them the certainty and support they need to grow and prosper. And to stand up for future generations by allowing expensive tax cuts that benefit only the wealthiest while doing nothing to stimulate the economy to expire on schedule, so that we can finally get back on track toward a balanced budget.

Two weeks ago, this House approved, with my strong support, a bill that would have done all of these things. This earlier version of the legislation before us today would have given all American families a permanent tax cut on the first $250,000 of their income, including capital gains and dividends; it would have extended AMT relief, the enhanced EITC, and the enhanced child tax credit; and it would have maintained critical expensing provisions to encourage small businesses to invest. Simply put, this bill would have provided tax relief to those who need it most, and with the maximum economic impact. Yet our Republican colleagues dismissed it as a ''symbolic'' vote.

Since then, the measure has been amended substantially to reflect the negotiations that have occurred between the White House and Congressional leaders. The result is a much more expansive package that has many positive elements but also major negative ones. It is also an expensive package, adding over $850 billion to the deficit over the next decade. This cost is only justifiable to the extent that the legislation is both effective as an economic stimulus and equitable in its benefits, and each of its provisions should be subjected to these criteria.

On the positive side, the measure will extend unemployment insurance through the end of next year. This is both a moral obligation and a sound economic decision: there is perhaps no greater return on our investment in the short run than to ensure that Americans who have lost their jobs and cannot find another one can continue to make ends meet. At the same time, they put almost all of this money back into the economy, maintaining aggregate demand for goods and services—in stark contrast to tax cuts for the wealthy.

The agreement maintains the historically low tax rates that lower- and middle-income Americans have enjoyed for the past decade for 2 more years. While doing so will not be cheap, we cannot afford to raise taxes on working families during the current downturn, and the stimulative impact of these extensions will be significant. It also extends several tax credits targeted directly at lower- and middle-income Americans, including the refundable child tax credit, the enhanced Earned Income Tax Credit, and important credits or deductions for child care, education, and other essential services. The fact that the child tax credit is refundable for low-income people whose income tax liability is limited will provide a particularly important boost to them and to our economic recovery.

In addition, the package offers critical relief to small businesses, including an extension of the bonus depreciation provision included in the Recovery Act, a 2-year extension of the Research and Development tax credit so critical to the Research Triangle, and several important renewable energy incentives. These and other provisions will provide business owners with the stability and support they need to expand their operations, hire new workers, and continue the economic recovery.

Finally, the legislation includes a payroll tax holiday that will result in a lower tax burden for

all American workers next year. Some respected advocates, in North Carolina and elsewhere, have argued that this provision could in fact hurt lower-income workers, compared to the Making Work Pay tax credit that expires this year. Some have also claimed that this provision would threaten Social Security by temporarily reducing payments to the Social Security trust fund.

To be clear, if I had my choice I would prefer to be voting for an extension of Making Work Pay instead of a payroll tax holiday—but that is not the choice we face today. The choice is between a payroll tax holiday and nothing, and the simple fact is that if we do nothing, then lower-income workers will be much worse off than they are now: their income taxes will be higher; they will lose the many other benefits this bill provides, such as enhanced EITC; and they won't receive any form of payroll tax relief. Moreover, because the benefits of a payroll tax holiday will be more broadly shared, the stimulative impact of a payroll tax holiday will be more broadly felt. And as for its impact on Social Security, both the President and the AARP have assured us that the diversion of funds will be both temporary and repaid in full. There are reasons to be concerned about threats to Social Security's future, but this should not be one of them.

Now, these positive elements must be weighed carefully against the major concessions that were made to Republicans during the negotiations that produced this bill. I am referring, of course, to the extension of the Bush tax cuts on income over $250,000, which will add over $100 billion to the deficit over the next 2 years while doing almost nothing to stimulate the economy. This is not simply my personal opinion or the view of the Democratic Party: it is a fact confirmed by the Congressional Budget Office and any number of respected economists, and well understood by the American people. As I have already stated, the fact that the Republican leadership held this entire package hostage so that millionaires could get an average tax break of $100,000 per year tells us exactly where their true priorities lie: Tax cuts for the wealthy are clearly the ''holy grail'' of their economic policy, to which all other policy outcomes are subjugated.

I am equally disappointed by the inclusion of an estate tax proposal that is little more than a gratuitous giveaway to some 6,600 wealthy families. We hear a lot of dire warnings about the impact of the estate tax on small farmers and business owners, but even to the extent that they would be affected, the compromise estate tax proposal passed by the House last December was more than sufficient to protect them. Now, we are considering a proposal that costs $23 billion more than the 2009 proposal and will have no economic impact at all aside from letting a few thousand millionaires and billionaires keep even more of their inherited wealth—an average windfall of $3.5 million per family.

As the details of these provisions have become known, I have actively engaged in discussions here and at home, doing everything within my power to oppose the inclusion of giveaways to the wealthiest Americans in the package. I have joined my colleagues in sending two separate letters to the House leadership opposing the inclusion of upper-income tax cuts and a third letter arguing against the gratuitous estate tax provision, and last week I voted for the House's middle class tax cut package which omitted these giveaways. I have also signed several letters arguing for a more sensible package of energy incentives in the legislation, including a reduction of the ethanol credit that was added by the Senate at the last minute. I was a strong supporter of the 2009 estate tax compromise offered by Representative EARL POMEROY, which unfortunately failed to pass the Senate, and I will be voting for it again tonight.

While I am deeply disappointed that these efforts have not been more successful, we are now called upon to evaluate this package as it is, not as we would like it to be. The bottom line is that the positive impact of this package for working- and middle-class Americans and our economic recovery outweighs its negative impact on the deficit and its unjust giveaways to the wealthy.

We must also consider the consequences of failing to enact this legislation today. Deferring action on these expiring tax provisions until next year would not only create chaos for American taxpayers; it would also likely result in a package that is nowhere near as generous or as equitable, given the extreme views of the incoming Republican majority on many of its provisions. Republicans leaders openly state that their chief concern in the 112th Congress is not economic recovery, not putting Americans back to work, but ensuring President Obama is a one-term President. While their stated goals may be grossly misguided and narrow, mine will not be. Scuttling this package would mean foregoing what will likely be our last opportunity to provide any stimulus to the economy, given that the Republicans have made clear their opposition to additional aid to states, infrastructure investments, and other countercyclical programs. The need to maintain demand and stimulate growth has not fully abated—this economy is not yet out of the woods. The question is not whether the package before us is the most effective one conceivable—it is not—but whether we will do anything to keep the recovery going before the next Congress shuts the door entirely.

Under these circumstances, I support this legislation despite its flaws. I cannot in good conscience cast a ''no'' vote that, were it to prevail, would expose working Americans to tax increases and end the EITC and child credit provisions that have benefitted so many people. I cannot in good conscience cast a vote that would rip away the safety net for those not yet able to find work, and in the process hobble an economic recovery. We risk all of these if this bill fails. Our good conscience also causes us to question this bill's violations of tax fairness and fiscal prudence; I have worked and will continue to work to change these things. But tonight we must vote while we have the chance to do so, and on the only vehicle available to us, to protect the vast majority of our constituents and to bring this economy back to health.

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

Pursuant to the rule, the Senate amendment shall be considered for amendment under the 5-minute rule.

The Clerk will designate the Senate amendment.

The text of the amendment is as follows:

Senate amendment:

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 title.

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.

The Acting CHAIR. No amendment is in order except the amendment printed in the report accompanying House Resolution 1766, which may be offered only by Representative LEVIN of Michigan or his designee and shall not be debatable.

AMENDMENT OFFERED BY MR. LEVIN

Mr. LEVIN. I have an amendment at the desk.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment printed in House Report 111–682 offered by Mr. LEVIN:

Strike title III and insert the following:

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) $3,500,000 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 $3,500,000.

''(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 45 PERCENT.—Subsection (c) of section 2001 is amended—

(A) by striking ''Over $1,500,000'' and all that follows in the table contained in paragraph (1) and inserting the following:

''Over $1,500,000 ..... $555,800 plus 45 percent of the excess of such amount over $1,500,000.'',

(B) by striking ''(1) IN GENERAL.—'', and

(C) by striking paragraph (2).

(b) MODIFICATIONS OF GIFT TAX RATE.—

(1) IN GENERAL.—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.

(2) APPLICABLE EXCLUSION AMOUNT FOR GIFT TAX.—

(A) INFLATION ADJUSTMENT.—Section 2505 is amended by adding at the end the following new subsection:

''(d) INFLATION ADJUSTMENT.—In the case of any calendar year after 2011, the dollar amount in subsection (a)(1) shall be increased by an amount equal to—

''(1) such dollar amount, multiplied by

''(2) 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.''.

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall apply to calendar years beginning after 2011.

(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 section, 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. 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 title.

The Acting CHAIR. The amendment is not debatable.

The question is on the amendment offered by the gentleman from Michigan.

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LEVIN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 194, noes 233, answered ''present'' 1, not voting 11, as follows:

[Roll No. 646]

AYES—194

Ackerman
Andrews
Arcuri
Baca
Baird
Baldwin
Berman
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carson (IN)
Castor (FL)
Childers
Christensen
Chu
Clarke
Cleaver
Clyburn
Cohen
Conyers
Cooper
Courtney
Crowley
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Ellison
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matsui
McCollum
McDermott
McGovern
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Perlmutter
Perriello
Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rangel
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Rush
Sablan
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Woolsey
Wu
Yarmuth

NOES—233

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cardoza
Carney
Carter
Cassidy
Castle
Chaffetz
Chandler
Clay
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Costa
Costello
Crenshaw
Critz
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Halvorson
Hare
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hinojosa
Hoekstra
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Mollohan
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Ortiz
Owens
Pastor (AZ)
Paul
Paulsen
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rahall
Reed
Rehberg
Reichert
Reyes
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (WI)
Salazar
Scalise
Schmidt
Schock
Schrader
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Space
Stearns
Stutzman
Sullivan
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Walz
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Young (AK)

ANSWERED ''PRESENT''—1

Lipinski

NOT VOTING—11

Berry
Brown (SC)
Gerlach
Granger
Johnson, E. B.
Marchant
McCarthy (NY)
Pierluisi
Ryan (OH)
Wamp
Young (FL)

□ 2341

Messrs. BRIGHT and HARE changed their vote from ''aye'' to ''no.''

Ms. BORDALLO, Mrs. NAPOLITANO and Mr. SMITH of Washington changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ORTIZ. Mr. Chair, on rollcall Nos. 644, 645, and 646, I was inadvertently detained. Had I been present, I would have voted "yes."

The Acting CHAIR. There being no further amendment in order, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALTMIRE) having assumed the chair, Mr. SCHIFF, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes, and, pursuant to House Resolution 1766, reported the Senate amendment back to the House.

The SPEAKER pro tempore. Pursuant to section 4 of House Resolution 1766, pending is a motion that the House concur in the Senate amendment to the House amendment to the Senate amendment.

The question is on the motion.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to concur in the Senate amendment will be followed by a 5-minute vote on the motion to suspend the rules on House Resolution 20, if ordered.

The vote was taken by electronic device, and there were—ayes 277, noes 148, not voting 8, as follows:

[Roll No. 647]

AYES—277

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Barrett (SC)
Barrow
Bartlett
Bean
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell

Boucher
Boustany
Brady (PA)
Brady (TX)
Bright
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clay
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Costa
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Delahunt
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Etheridge
Fallin
Fattah
Foster
Frelinghuysen
Gallegly
Gerlach
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Graves (MO)
Green, Al
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hodes
Holden
Hoyer
Hunter
Inglis
Israel
Issa
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Kennedy
Kildee
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Maffei
Maloney
Manzullo
Markey (CO)
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Oberstar
Olson
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Perriello
Peters
Peterson
Petri
Pitts
Platts
Polis (CO)
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Reed
Reichert
Richardson
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schock
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Sestak
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Space
Spratt
Stearns
Stutzman
Sutton
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tsongas
Turner
Upton
Walden
Walz
Wasserman Schultz
Watt
Waxman
Westmoreland
Whitfield
Wilson (OH)
Wittman
Young (AK)

NOES—148

Ackerman
Bachmann
Baird
Baldwin
Barton (TX)
Becerra
Bilirakis
Blumenauer
Boyd
Braley (IA)
Broun (GA)
Brown, Corrine
Burgess
Butterfield
Campbell
Capuano
Chaffetz
Chu
Clarke
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Cummings
Dahlkemper
DeFazio
DeGette
DeLauro
Doggett
Edwards (MD)
Ellison
Engel
Eshoo
Farr
Filner
Flake
Fleming
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Fudge
Garamendi
Garrett (NJ)
Gingrey (GA)
Gohmert
Graves (GA)
Grayson
Green, Gene
Grijalva
Hastings (FL)
Heinrich
Hinchey
Hirono
Hoekstra
Holt
Honda
Inslee
Jackson (IL)
Jackson Lee (TX)
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kilpatrick (MI)
Kilroy
Kind
King (IA)
Kingston
Lamborn
Larson (CT)
Lee (CA)
Lewis (GA)
Linder
Lofgren, Zoe
Luján
Lynch
Mack
Markey (MA)
Matsui
McCollum
McCotter
McDermott
McGovern
Melancon
Michaud
Miller (NC)
Miller, George
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Nadler (NY)
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Payne
Pence
Perlmutter
Pingree (ME)
Poe (TX)
Pomeroy
Rangel
Rehberg
Reyes
Rodriguez
Rogers (AL)
Roybal-Allard
Rush
Sánchez, Linda T.
Sanchez, Loretta
Schmidt
Schrader
Scott (VA)
Serrano
Shadegg
Shea-Porter
Simpson
Slaughter
Smith (WA)
Speier
Stark
Stupak
Sullivan
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Van Hollen
Velázquez
Visclosky
Waters
Watson
Weiner
Welch
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—8

Berry
Brown (SC)
Granger
Johnson, E. B.
Marchant
McCarthy (NY)
Wamp
Young (FL)

□ 0000

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CALLING ON STATE DEPARTMENT TO LIST VIETNAM AS A RELIGIOUS FREEDOM VIOLATOR

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 20) calling on the State Department to list the Socialist Republic of Vietnam as a ''Country of Particular Concern'' with respect to religious freedom, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. POLIS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and insert any extraneous material into the RECORD on H.R. 4853.

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

There was no objection.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. POLIS, from the Committee on Rules, submitted a privileged report (Rept. No. 111–685) on the resolution (H. Res. 1771) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules and providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PLATTS (at the request of Mr. BOEHNER) for until 3 p.m. today on account of attending the funeral for Dallastown Mayor Beverly Scott.

SENATE ENROLLED BILLS SIGNED

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

S. 1405. An act to redesignate the Longfellow National Historic Site, Massachusetts, as the ''Longfellow House-Washington's Headquarters National Historic Site''.

S. 1774. An act for the relief of Hotaru Nakama Ferschke.

S. 4010. An act for the relief of Shigeru Yamada.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 12 o'clock and 5 minutes a.m.), the House adjourned until today, Friday, December 17, 2010, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

10956. A letter from the Director, National Institute of Food and Agriculture, Department of Agriculture, transmitting the Department's final rule — Establishment of New Agency; Revision of Delegations of Authority (RIN#: A-0521-AA63) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10957. A letter from the Chairman, Council of Economic Advisers, transmitting fifth report regarding the American Recovery and Reinvestment Act through the third quarter of 2010; to the Committee on Appropriations.

10958. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Restriction on Ball and Roller Bearings (DFARS

Case 2006-D029) (RIN: 0750-AG57) received December 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10959. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Restrictions on the Use of Mandatory Arbitration Agreements (DFARS Case 2010-D004) (RIN: 0750-AG70) received December 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10960. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Angola pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

10961. A letter from the Chief, Public Safety & Homeland Security Bureau, Federal Communications Commission, transmitting the Commission's final rule — Improving Public Safety Communications in the 800 MHz Band, New 800 MHz Band Plan for Puerto Rico and the U.S. Virgin Islands [WT Docket: 02-55] received December 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10962. A letter from the Policy Advisor/Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Amateur Service Rules Governing Vanity and Club Station Call Signs, Petition for Rule Making: Amateur Radio Service (Part 97), Petition to Change Part 97.19(c)(2) of the Amateur Radio Service Rules [WT Docket No.: 09-209] received December 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10963. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Unlicensed Operation in the TV Broadcast Bands, Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band [ET Docket No.: 04-186] [ET Docket No.: 02-380] received December 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10964. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's sixth annual report on Ethanol Market Concentration, pursuant to Section 1501(a)(2) of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

10965. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Model Application for Plant-Specific Adoption of TSTF-431, Revision 3, ''Change In Technical Specifications End States (BAW-2441)'', For Babcock & Wilcox Reactor Plants Using The Consolidated Line Item Improvement Process received December 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10966. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Miscellaneous Administrative Changes [NRC-2009-0085] (RIN: 3150-AH49) received December 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10967. A letter from the Secretary, Department of Commerce, transmitting Periodic Report on the National Emergency Caused by the Lapse of the Export Administration Act of 1979 for February 26, 2010 — August 25, 2010; to the Committee on Foreign Affairs.

10968. A letter from the Assistant Attorney General, Department of Justice, transmitting the Semiannual Management Report to Congress for April 1, 2010 through September 30, 2010 and the Inspector General's Semiannual Report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

10969. A letter from the Chairman, Federal Communications Commission, transmitting Commission's Fiscal Year 2010 Agency Financial Report; to the Committee on Oversight and Government Reform.

10970. A letter from the Director, Congressional Affairs, Federal Election Commission, transmitting the Commission's semiannual report from the office of the Inspector General for the period April 1, 2010 through September 30, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

10971. A letter from the Chairman, National Capital Planning Commission, transmitting the Commission's Performance and Accountability Report for FY 2010; to the Committee on Oversight and Government Reform.

10972. A letter from the Inspector General, Nuclear Regulatory Commission, transmitting the Commission's Fiscal Year 2010 Commercial and Inherently Governmental Activities Inventories; to the Committee on Oversight and Government Reform.

10973. A letter from the Director, Office of Management and Budget, transmitting proposed legislation to enact a freeze on civilian basic pay for federal employees; to the Committee on Oversight and Government Reform.

10974. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's Performance and Accountability Report for Fiscal Year 2010, including the Office of Inspector General's Auditor's Report; to the Committee on Oversight and Government Reform.

10975. A letter from the Chairman, Securities and Exchange Commission, transmitting the Semiannual Report of the Inspector General and a separate management report for the period April 1, 2010 through September 30, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

10976. A letter from the Human Resources Specialist, United States Tax Court, transmitting annual category rating report for the years 2008 and 2009; to the Committee on Oversight and Government Reform.

10977. A letter from the Clerk, United States Court of Appeals for the Fifth Circuit, transmitting an opinion of the United States Court of Appeals for the Fifth Circuit No. 08-51299 United States v. Ravis Neal Key (March 5, 2010); to the Committee on the Judiciary.

10978. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the cost of response and recovery efforts for FEMA-3315-EM in the Commonwealth of Massachusetts, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

10979. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Bulk Solid Hazardous Materials: Harmonization with the International Martime Solid Bulk Cargoes (IMSBC) Code [Docket No.: USCG-2009-0091] (RIN: 1628-AB47) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10980. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Atlantic Intracoastal Waterway, Beaufort, SC [Docket No.: USCG-2009-1075] (RIN: 1625-AA09) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10981. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; IJSBA World Finals, Lower Colorado River, Lake Havasu, AZ [Docket No.: USCG-2010-0509] (RIN: 1625-AA00) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10982. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Interstate 5 Bridge Repairs, Columbia River, Portland, OR [Docket No.: USCG-2010-0895] (RIN: 1625-AA00) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10983. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; New York Air Show at Jones Beach State Park, Atlantic Ocean off of Jones Beach, Wantagh, NY [Docket No.: USCG-2010-0138] (RIN: 1625-AA00) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10984. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Notification of Arrival in U.S. Ports; Certain Dangerous Cargoes [Docket No.: USCG-2004-19963] (RIN: 1625-AA93) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10985. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Monongahela River, Pittsburgh, PA [Docket No.: USCG-2010-0534] (RIN: 1625-AA08) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10986. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Captain of the Port Buffalo Zone; Technical amendment [Docket No.: USCG-2010-0821] (RIN: 1625-AA87) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10987. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Reserved Channel, Boston Harbor, Boston, MA [Docket No.: USCG-2010-0886] (RIN: 1625-AA00) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10988. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Patuxent River, Solomons, MD [Docket No.: USCG-2010-0383] (RIN: 1625-AA08) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10989. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks for USS GRAVELY Commissioning Ceremony, Cape Fear River, Wilmington, NC [Docket No.: USCG-2010-0917] (RIN: 1625-AA00) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10990. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Passenger Vessels, Sector Southeastern New England Captain of the Port Zone [USCG-2010-0864] (RIN: 1625-AA87) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10991. A letter from the Administrator, Research and Innovative Technology Administration, Department of Transportation, transmitting the Transportation Statistics Annual Report 2009, pursuant to 49 U.S.C. 111(f); to the Committee on Transportation and Infrastructure.

10992. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the Fiscal Year 2007 Low Income Home Energy Assistance Program in accordance with section 2610 of the Omnibus Budget Reconciliation Act (OBRA) of 1981, as amended; jointly to the Committees on Energy and Commerce and Education and Labor.

10993. A letter from the Secretary, Department of Health and Human Services, transmitting letter concerning the report mandated by Section 131(d) of the Medicare Improvements for Patients and Providers Act (MIPPA); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 4678. A bill to require foreign manufacturers of products imported into the United States to establish registered agents in the United States who are authorized to accept service of process against such manufacturers, and for other purposes; with an amendment (Rept. 111–683, Pt. 1). Ordered to be printed.

Mr. CONYERS: Committee on the Judiciary. H.R. 1064. A bill to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives; with an amendment (Rept. 111–688, Pt. 1). Ordered to be printed.

[Filed on December 17 (legislative day of December 16), 2010]

Mr. MCGOVERN: Committee on Rules. House Resolution 1771. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, and providing for consideration of motions to suspend the rules (Rept. 111–684). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. FRANK: Committee on Financial Services. H.R. 3817. A bill to provide the Securities and Exchange Commission with additional authorities to protect investors from violations of the securities laws, and for other purposes; with an amendment, (Rept. 111–687, Pt. 1); referred to the Committee on Judiciary for a period ending not later than December 17, 2010, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k) of rule X.

Mr. FRANK: Committee on Financial Services. H.R. 3818. A bill to amend the Investment Advisers Act of 1940 to require advisers of certain unregistered investment companies to register with and provide information to the Securities and Exchange Commission, and for other purposes, with an amendment; (Rept. 111–686, Pt. 1); referred to the Committee on Agriculture for a period ending not later than December 17, 2010, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(a) of rule X.

Mr. FRANK: Committee on Financial Services. H.R. 3890. A bill to amend the Securities Exchange Act of 1934 to enhance oversight of nationally recognized statistical rating organizations, and for other purposes; with an amendment; (Rept. 111–685, Pt. 1); referred to the Committee on Judiciary for a period ending not later than December 17, 2010, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k) of rule X.

TIME LIMITATION OF REFERRED BILLS

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1064. Referral to the Committees on Education and Labor, Energy and Commerce, and Financial Services for a period ending not later than December 17, 2010.

H.R. 4678. Referral to the Committees on Ways and Means and Agriculture extended for a period ending not later than December 17, 2010.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. DICKS:

H.R. 6527. A bill to provide the Quileute Indian Tribe Tsunami and Flood Protection, and for other purposes; to the Committee on Natural Resources.

By Mr. WALZ (for himself and Mrs. MYRICK):

H.R. 6528. A bill to provide for improvement of field emergency medical services, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOORE of Kansas:

H.R. 6529. A bill to amend title 31, United States Code, to provide for a Federal license for reinsurers, and for other purposes; to the Committee on Financial Services.

By Mr. INSLEE (for himself, Mrs. BONO MACK, Ms. ESHOO, Mr. COLE, Mr. KILDEE, Mr. DEFAZIO, and Mr. GRIJALVA):

H.R. 6530. A bill to amend the Communications Act of 1934 to establish a position for a representative of Indian Tribes on the Joint Board overseeing the implementation of universal service, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GARRETT of New Jersey (for himself, Mr. KING of New York, and Ms. ROS-LEHTINEN):

H.R. 6531. A bill to amend the Securities Investor Protection Act of 1970 to determine a customer's net equity based on the customer's last statement, to prohibit certain recoveries, to change how trustees are appointed, and for other purposes; to the Committee on Financial Services.

By Mr. ELLISON:

H.R. 6532. A bill to amend the International Emergency Economic Powers Act to establish certain procedures with respect to blocking property of charities; to the Committee on Foreign Affairs.

By Mr. DOYLE (for himself and Mr. TERRY):

H.R. 6533. A bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DOYLE (for himself, Mr. BARTON of Texas, Mr. ACKERMAN, Mr. ADLER of New Jersey, Mr. ALTMIRE, Mr. ARCURI, Mr. BACA, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BOCCIERI, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Mr. CARNAHAN, Mr. CHANDLER, Ms. CLARKE, Mr. CLAY, Mr. COHEN, Mr. CONNOLLY of Virginia, Mr. CONYERS, Mr. COOPER, Mr. COSTELLO, Mr. COURTNEY, Mr. CRITZ, Mr. CROWLEY, Mr. CUMMINGS, Mrs. DAHLKEMPER, Mr. DELAHUNT, Mr. DONNELLY of Indiana, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. FARR, Mr. FATTAH, Ms. FUDGE, Mr. GORDON of Tennessee, Mr. GENE GREEN of Texas, Mr. GUTIERREZ, Mr. HALL of New York, Mrs. HALVORSON, Mr. HARE, Mr. HASTINGS of Florida, Mr. HEINRICH, Ms. HERSETH SANDLIN, Mr. BARTLETT, Mrs. BIGGERT, Mr. BILBRAY, Mrs. BLACKBURN, Mr. BLUNT, Mr. BOEHNER, Mr. BROWN of South Carolina, Mr. BUYER, Mrs. CAPITO, Mr. CAO, Mr. CARTER, Mr. CASTLE, Mr. COBLE, Mr. COFFMAN of Colorado, Mr. COLE, Mr. CONAWAY, Mr. DENT, Mrs. EMERSON, Mr. FLEMING, Mr. FORTENBERRY, Ms. FOXX, Mr. FRANKS of Arizona, Mr. FRELINGHUYSEN, Mr. GARRETT of New Jersey, Mr. GERLACH, Mr. GOHMERT, Mr. GOODLATTE, Mr. GRAVES of Georgia, Mr. GUTHRIE, Mr. HALL of Texas, Mr. HERGER, Mr. KING of New York, Mr. KING of Iowa, Mr. KINGSTON, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. LATOURETTE, Mr. LEE of New York, Mr. LOBIONDO, Mr. MANZULLO, Mr. MCCAUL, Mr. HILL, Mr. HODES, Mr. HOLDEN, Mr. HOLT, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Mr. KANJORSKI, Ms. KAPTUR, Mr. KILDEE, Ms. KILROY, Mr. KIND, Mr. KRATOVIL, Mr. KUCINICH, Mr. LIPINSKI, Mrs. LOWEY, Mr. LUJÁN, Mr. MAFFEI, Mrs. MALONEY, Ms. MARKEY of Colorado, Ms. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MCINTYRE, Mr. MCMAHON, Mr. MEEKS of New York, Mr. MILLER of North Carolina, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. MURPHY of Connecticut, Mr. PATRICK J. MURPHY of Pennsylvania, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. NYE, Mr. OBERSTAR, Mr. ORTIZ, Mr. OWENS, Mr. PASTOR of Arizona, Mr. PERRIELLO, Mr. PIERLUISI, Mr. POLIS, Mr. POMEROY, Mr. QUIGLEY, Mr. REYES, Ms. RICHARDSON, Mr. ROSS, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN of Ohio, Mr. SALAZAR, Mr. SARBANES, Mr. MCCOTTER, Mr. MCKEON, Mr. MICA,

Mrs. MILLER of Michigan, Mr. MILLER of Florida, Mr. TIM MURPHY of Pennsylvania, Mr. PAULSEN, Mr. PETRI, Mr. PITTS, Mr. PLATTS, Mr. PRICE of Georgia, Mr. REICHERT, Mr. ROHRABACHER, Mr. ROONEY, Mr. SCALISE, Mr. SCHOCK, Mr. SESSIONS, Mr. SHIMKUS, Mr. SHUSTER, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. STEARNS, Mr. SULLIVAN, Mr. TIAHRT, Mr. TIBERI, Mr. TURNER, Mr. UPTON, Mr. WALDEN, Mr. WAMP, Mr. WITTMAN, Mr. SCHAUER, Mr. SCOTT of Georgia, Ms. SCHWARTZ, Mr. SERRANO, Mr. SHERMAN, Mr. SHULER, Ms. SLAUGHTER, Ms. SPEIER, Mr. STUPAK, Ms. SUTTON, Mr. TAYLOR, Mr. TEAGUE, Mr. THOMPSON of California, Ms. TITUS, Mr. TONKO, Mr. TOWNS, Ms. TSONGAS, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Mr. VISCLOSKY, Mr. WALZ, Mr. WAXMAN, Mr. WEINER, Mr. WELCH, Ms. WOOLSEY, and Mr. YARMUTH):

H.R. 6534. A bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame; to the Committee on Financial Services, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUSH:

H.R. 6535. A bill to advance the mutual interests of the United States and Africa with respect to the promotion of trade and investment and the advancement of socioeconomic development and opportunity, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GENE GREEN of Texas:

H.R. 6536. A bill to authorize the Department of Labor's voluntary protection program and to expand the program to include more small businesses; to the Committee on Education and Labor.

By Mr. LEWIS of Georgia:

H.R. 6537. A bill to amend titles XVIII and XIX of the Social Security Act and other Acts to improve Medicare and other benefits for beneficiaries with kidney disease, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MACK:

H.R. 6538. A bill to prevent pending tax increases and to permanently repeal the estate tax; to the Committee on Ways and Means.

By Mr. WEINER:

H.R. 6539. A bill to amend the Food and Nutrition Act of 2008 to promote nutrition, to increase access to food, and for other purposes; to the Committee on Agriculture.

By Mrs. LOWEY (for herself, Mr. BERMAN, Ms. ROS-LEHTINEN, and Mr. TURNER):

H. Con. Res. 335. Concurrent resolution honoring the exceptional achievements of Ambassador Richard Holbrooke and recognizing the significant contributions he has made to United States national security, humanitarian causes, and peaceful resolutions of international conflict; to the Committee on Foreign Affairs.

By Mr. TURNER:

H. Res. 1770. A resolution honoring the passing of the Honorable Richard Charles Albert Holbrooke, a top ranking United States diplomat, magazine editor, author, professor, Peace Corps official, and investment banker; to the Committee on Foreign Affairs.

By Mr. GARRETT of New Jersey (for himself, Mr. BISHOP of Utah, Mr. CONAWAY, Mr. BROUN of Georgia, Mr. FRANKS of Arizona, Mr. MCHENRY, Ms. FOXX, Mr. TIAHRT, Mr. COFFMAN of Colorado, Mr. BRADY of Texas, Mr. NEUGEBAUER, Mr. OLSON, Mrs. SCHMIDT, Mr. LATTA, Mr. PITTS, Mrs. BACHMANN, Mr. FLEMING, Mr. REED, Mr. ROONEY, Mr. WILSON of South Carolina, Mr. STEARNS, Mr. BURTON of Indiana, Mr. CAMPBELL, Mr. GRAVES of Georgia, Mr. ROE of Tennessee, and Mr. HERGER):

H. Res. 1772. A resolution amending the Rules of the House of Representatives to require House officers and employees to take annual factual training on the Constitution; to the Committee on Rules.

By Mr. MURPHY of Connecticut (for himself, Mr. LARSON of Connecticut, Mr. COURTNEY, Ms. DELAURO, and Mr. HIMES):

H. Res. 1773. A resolution recognizing the need to improve physical access to many United States postal facilities for all people in the United States in particular disabled citizens; to the Committee on Oversight and Government Reform, and in addition to the Committees on Education and Labor, the Judiciary, Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, and Mr. SIRES):

H. Res. 1774. A resolution recognizing Cuban-Americans in the United States; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

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

H.R. 796: Mr. MCCOTTER.

H.R. 1034: Ms. SUTTON and Mr. WILSON of South Carolina.

H.R. 1475: Ms. NORTON.

H.R. 2262: Mr. WAXMAN.

H.R. 3765: Mr. ISSA and Mr. KINGSTON.

H.R. 3907: Ms. GIFFORDS.

H.R. 4946: Mr. GARRETT of New Jersey.

H.R. 5575: Mr. BACHUS and Mr. JONES.

H.R. 5807: Mr. MORAN of Virginia.

H.R. 5833: Mr. FRANK of Massachusetts.

H.R. 6045: Mr. OLVER.

H.R. 6074: Mr. ANDREWS.

H.R. 6147: Ms. ZOE LOFGREN of California and Mr. MCGOVERN.

H.R. 6241: Ms. NORTON and Mr. ISRAEL.

H.R. 6377: Mr. THOMPSON of California.

H.R. 6415: Mr. CONAWAY.

H.R. 6459: Mr. RUPPERSBERGER and Mr. MURPHY of New York.

H.R. 6513: Mrs. MCMORRIS RODGERS.

H.R. 6521: Mrs. SCHMIDT, Mr. SMITH of New Jersey, Mr. WOLF, Mr. PLATTS, Mrs. EMERSON, Mr. LOBIONDO, and Mr. REICHERT.

H.J. Res. 97: Mr. CALVERT.

H.J. Res. 100: Mr. COLE.

H.J. Res. 103: Mr. COFFMAN of Colorado.

H. Con. Res. 331: Mr. GONZALEZ and Mr. PASCRELL.

H. Res. 1122: Mr. HONDA and Ms. DEGETTE.

H. Res. 1377: Mrs. DAVIS of California and Mr. CARDOZA.

H. Res. 1461: Mr. GUTHRIE, Mr. MCINTYRE, Ms. LORETTA SANCHEZ of California, Mr. BAIRD, Mr. KENNEDY, Mr. MCGOVERN, Mr. HONDA, Ms. ZOE LOFGREN of California, Mr. COSTA, Mr. RADANOVICH, Mr. PASCRELL, Mr. MORAN of Virginia, and Ms. LINDA T. SÁNCHEZ of California.

H. Res. 1709: Mr. REYES and Mr. DAVIS of Illinois.

H. Res. 1722: Mr. ROTHMAN of New Jersey.

H. Res. 1762: Mr. PETERS.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, THURSDAY, DECEMBER 16, 2010 No. 167

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.

Sovereign God, You see all that happens in our world as You lead us by Your mercies and grace. Continue to shower our land with Your blessings, protecting us from the forces that hinder freedom. Give our lawmakers the wisdom to obey You, striving always to do what is right. May their words be true and sincere and their actions be characterized by honor and respect. Help them to keep their promises to You and to one another, no matter how great the challenges may be. Lord, enable them to walk securely in the path of Your will. We pray in Your great 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 bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 16, 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, if any, the Senate will proceed to executive session to consider the New START treaty. Rollcall votes are expected to occur throughout the day in relation to amendments to the treaty. The managers of this bill, Senator KERRY and Senator LUGAR, are two of our most experienced Members, and they will do an outstanding job of managing this legislation.

The current continuing resolution expires Saturday at midnight, so we need to take action to consider a funding resolution sometime in the next few days.

Just an update on the schedule: The tax package which we passed yesterday is now in the House. They are going to consider that very likely today. We have the omnibus or the continuing resolution we have to deal with in the near future because, as I have indicated, the funding expires at midnight on Saturday.

The DREAM Act is something we need to work on. It is an extremely important piece of legislation allowing young men and women to join the military. If they serve 2 years in the military, they would be eligible to get their green cards. It also allows them to continue their education. It is an extremely important piece of legislation.

We have the 9/11 health matter; we need to reconsider that. We hope we can move forward on that matter. There are thousands of people who are desperately ill who need to be helped as a result of the terrorist attack that took place on 9/11.

Yesterday the House passed don't ask, don't tell, and we are going to have to deal with that in some way.

We have nominations, including that of Jim Cole, the Deputy Attorney General, we have been trying for several months now to get cleared—that second ranking person in the entire Justice Department. It seems to me we are having trouble getting even a vote on this individual. So that is going to have to be resolved before we leave. It is extremely important we do that.

RESERVATION OF LEADER TIME

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

EXECUTIVE SESSION

TREATY WITH RUSSIA ON MEASURES FOR FURTHER REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following treaty which the clerk will report.

The bill clerk read as follows:

Treaty Calendar No. 7, Treaty with Russia on measures for further reduction and limitation of strategic offensive arms.

RECOGNITION OF THE REPUBLICAN LEADER

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

OMNIBUS APPROPRIATIONS

Mr. MCCONNELL. Mr. President, I want the American people to see something. This is the bill the majority would have us pass, this Omnibus appropriations bill. It is 2,000 pages long. I think the American people should think back to this time a year ago—last December—when the Democrats did the very same thing. At that point, it was a 2,700-page health care bill because, frankly, they didn't want us to see what was in it. Only afterwards did we find out about the ''Cornhusker kickback,'' the ''Louisiana purchase,'' and all the rest.

This is eerily familiar to anyone who remembers the health care debate. We even have snow in the forecast, which is reminiscent of last year. Last year we voted on health care in a blizzard—the 2,700-page health care bill in the middle of a blizzard.

This bill is so enormous it took the Government Printing Office 2 days to print it. It spends more than $½ billion a page. Let's take a look at it again.

Here is the bill. It spends—right at 2,000 pages in this bill—it spends $½ billion a page. It has more than $½ billion in it for the Democratic health care bill we passed last year, the 2,700-page bill that looked pretty much like this. It has $½ billion in it for that health care bill we passed last year.

An ever-growing number of Americans looking at that health care bill would like for us to repeal it, not fund it. This is exactly the kind of thing the American people voted against last November—just this kind of thing. We had a referendum on November 2 on how the American people felt about what we have been doing for the last 2 years, and right at the top of the list was the 2,700-page health care bill.

Frankly, it is just unbelievable. Just a few weeks after the voters told us they don't want us rushing major pieces of complicated, costly, far-reaching legislation through Congress, we get this 2,000-page bill. They want to ram this gigantic, trillion-dollar bill through Congress, and they are using, once again, the Christmas break as an inducement to vote for it.

Look, we all know this is not the way to legislate. Americans expect more from Congress and they demanded more on election day. That is why today I am introducing this clean, one-page continuing resolution that would operate the government through February 18. So we have a choice. We can pass this 2,000-page bill spending $½ billion a page, or we can do this one-page, clean continuing resolution through February 18 of next year. That is the choice we have.

Once the new Congress is sworn in, we will have a chance to pass a less expensive bill, free of this kind of wasteful spending. Until then, we need to take a step back and respect the will of the voters.

I think the message was pretty clear last November. One pundit referred to it as a restraining order. In other words: Quit doing what you have been doing. Here we are 1 month after the election attempting to pass this 2,000-page bill when we could pass a one-pager that would simply continue the government through February 18.

So we are going to have an opportunity to do this. I hope it makes sense on a bipartisan basis, this one-page continuing resolution until February 18, as an alternative to this 2,000-page monstrosity that spends $½ billion a page. I don't think there is any question it is the right thing to do, and I hope my colleagues decide in the end that is the direction we ought to take. I am going to introduce this, and I just wanted to highlight it for my colleagues.

TRIBUTES TO RETIRING SENATORS

JIM BUNNING

Mr. MCCONNELL. Madam President, I know there are others on the Senate floor seeking to speak, but I wish to bid farewell to one of our colleagues. Few people can say they have had the same range of experience and successes in life as Senator JIM BUNNING. In fact, there isn't even another Major Leaguer who can say he struck out Ted Williams three times in one game. JIM accomplished that notable feat in just his second year in the majors.

Thirty-nine years after that, he had become the only member of the Baseball Hall of Fame to serve in Congress. For the past 12 years, I have been honored to work alongside this remarkable American in the Senate. We followed different paths in life, but we sure have deep love for Kentucky and its people. It has been my honor over the years to work closely with JIM to advance our common goals.

So today I wish to say a few words about my good friend as we honor his remarkable life and his remarkable service.

JIM was born and raised in Southgate, KY, and it wouldn't surprise anybody to learn he excelled in school and in sports growing up. He played baseball as a teenager at St. Xavier High School in Cincinnati, but it was for his skills as a basketball player that would earn him an athletic scholarship to Xavier University.

Baseball interrupted his college education, but at his father's insistence,

JIM would return to Xavier and earn a degree in economics that would serve him well in Congress over the years. He entered the majors in 1955, and over the course of a storied 17-year career he would play for the Detroit Tigers, the Philadelphia Phillies, the Pittsburgh Pirates, and the Los Angeles Dodgers. JIM is a pretty imposing force at committee hearings—just ask Chairman Bernanke—but he was a dominating presence on the mound long before that.

At 6 feet 4 inches, he was a hard-throwing sidearmer who would tumble off the mound with every pitch he threw. By the end of his career, JIM could boast he was the first Major League pitcher to win 100 games, rack up 1,000 strikeouts, and throw no-hitters in both leagues. He finished with an impressive 224 wins, 184 losses, 2,855 strikeouts, and a 3.27 ERA—the career stats that would earn him a spot in the Baseball Hall of Fame.

JIM's two greatest pitching achievements were his no-hitter in 1958 and the perfect game he threw on Father's Day, 1964, a feat that has only been accomplished 20 times in baseball history. Another little known feat was JIMMY's so-called ''immaculate inning'' in 1959 when he struck out three Red Sox on nine pitches, a feat that has only been achieved 43 other times in baseball history.

Around here we joke that JIM likes to throw the high hard ones, but he developed the skill early. Over a 4-year period with the Phillies, JIM hit more opposing batters with pitches than any other pitcher in the league. In fact, over a 17-year career, he plunked 160 batters or nearly 10 batters a year, making him the 13th most dangerous pitcher of all time, ahead of such other well-known head hunters as Roger Clemens, Nolan Ryan, and Don Drysdale.

JIM has never been afraid of a little chin music, and he brought that same competitive mentality to his life in public service. After baseball, public service seemed like a logical choice. It was JIMMY's turn to give back, and give back is exactly what he did.

When JIM walks out of this Chamber for the last time at the end of this session, he will be able to say with justifiable pride that he has given 33 years of his life to public service and to Kentucky.

Over those three decades, JIM has served in all levels of government—from the Fort Thomas City Council to the Kentucky State Senate, to both Chambers in this building—12 years in the House and 12 in the Senate. He has dedicated his life to serving the people of Kentucky, and Kentuckians are grateful for his service.

In the House, he made a name for himself, among other things, by working tirelessly to strengthen and protect Social Security as chairman of the House Ways and Means Subcommittee on Social Security.

And then, in 1998, he decided to make a run at the U.S. Senate seat which at the time was held by Wendell Ford. It turned out to be a pretty close election, but once he arrived in the Senate, JIM set out to become one of the hardest-working and most influential Members of this Chamber.

He has been a staunch social and fiscal conservative, and a budget hawk who for years has sounded the alarm on the kind of concerns about spending and debt that drove so many Americans to the polls this month. JIM spoke for many Americans when he said in a recent statement that, being a grandfather to many he worries that future generations will be saddled by the poor decisions that are being made today. ''For the first time in my life,'' he said, ''I question if my grandchildren will have the same opportunities that I had . . .''

One particular issue that has been close to JIM's heart is the issue of adoption. In 2001, JIM introduced legislation to make adopting more affordable to American families. And in 2007, he introduced legislation to make those tax incentives permanent.

And, of course, if there was ever a controversial issue regarding the national pastime on Capitol Hill, JIM was right at the forefront, including the 2005 hearings related to steroid use in baseball. In one memorable exchange from that hearing, JIM offered the following testimony, from his own experience as a player: ''Mr. Chairman,'' he said, ''maybe I'm old-fashioned,'' [but] I remember players didn't get better as they got older. We all got worse. When I played with Hank Aaron and Willie Mays and Ted Williams, they didn't put on 40 pounds to bulk up in their careers and they didn't hit more homers in their late 30's than they did in their late 20's.'' It was just this kind of straightforward, commonsense approach to the issues that has won JIM a legion of admirers not only on the baseball diamond, but off of it. And on this issue in particular, JIM's passion and personal perspective helped shed light not only on the dangers of steroid use at the professional level, but on the growing steroid epidemic among young athletes at all levels.

Despite his high profile, JIM never forgot about the issues that mattered most to his constituents back home. He's been a staunch supporter of clean coal technologies as an effective, efficient way to use coal, improve our environment, and bring jobs to Kentucky. Another issue that was extremely important to all Kentuckians was the failed clean up of radioactive contamination that was found in the drinking water wells of residences near the Department of Energy's uranium enrichment plant in Paducah, KY, in 1988. In 2004, JIM harshly criticized the DOE's cleanup efforts, as well as called several hearings on Capitol Hill to draw attention to DOE's failure to compensate many workers that had been stricken with radiation-related diseases.

In every issue he has taken on, whether national, statewide or local, JIM has been a man of principle from start to finish. He has stayed true to himself. And in a truly remarkable life, he has got a lot to be proud of. But if you were to ask JIM to list his greatest achievement, I don't think he would say it was his election to the U.S. Senate or his induction to the Hall of Fame. They would both come in a distant second and third to the day he married his high school sweetheart, Mary. JIM and Mary still live in the northern Kentucky town where he grew up. They have been married for nearly 60 years. Together, they have raised nine children. And they enjoy nothing more than spending time with the next generation of Bunnings—which last time I checked included 35 grandchildren and 5 great-grandchildren. JIM will tell you there's no secret to his success. He is happy to give all the credit to Mary. As he put it in his Hall of Fame induction speech, she is his ''rock.''

Today, we honor and pay tribute to our friend and colleague for more than three decades of public service. JIM will be remembered for his two Hall of Fame-worthy careers, for his example of principled leadership, and for his devotion to God, country, and family. On behalf of myself and the entire Senate family, JIM, we thank you for your service, and we wish you the best in the next chapter of your life.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. KYL. Madam President, I join Senator MCCONNELL in a tribute to my friend and colleague, JIM BUNNING. JIM and I came into the House of Representatives at the same time as parts of the 100th class. I have enjoyed being with him as well in the Senate. JIM and Mary are counted as among the best friends my wife Carol and I have. I agree with Senator MCCONNELL that while people may disagree with JIM BUNNING, no one has ever doubted his courage, his sincerity, his love for this country, his desire to do what is right, and his commitment to all those efforts. So I will greatly miss JIM when he is no longer part of the Senate. I think it is probably time for JIM and Mary to have a little bit of time to spend with all those children, grandchildren, and great-grandchildren. Obviously, we all wish them both well.

OMNIBUS APPROPRIATIONS

Madam President, I will speak for a few moments about the matter Senator MCCONNELL brought to our attention; namely, this almost 2,000-page Omnibus appropriations bill. I know the majority leader has turned to the START treaty, and I think it is fairly obvious why. The American people are focused like a laser beam on this spending bill. I can't turn on the TV without hearing comments by both the commentators as well as people in public life about what this spending bill will do for this country's future.

I think it is time we devote some attention to this spending bill, rather than put it under the table and talk about the START treaty instead, which, after all, we could accomplish at any time.

As the majority leader said, spending for the U.S. Government runs out at midnight Saturday night. I can hear the cries at that time: We have an emergency on our hands. You don't want to shut down the Federal Government, do you? We have to do something.

Well, the something is apparently this 2,000-page, over $1 trillion bill, which will not have had adequate time for debate or exposure to the American people. Apparently, under the schedule, as it now is, it would not even entitle us to try to amend it. Think about that for a moment. That which is most important to the American people and the subject of the message conveyed in this last election—to stop the wasteful Washington spending—we are not even going to be able to amend the $1 trillion-plus bill that has been laid before us.

I know—and I think most people in this body know—how important international relations and treaties are, including the START treaty. But I also agree with the colorful comment by James Carville, a former adviser to President Clinton, who has a way with words. He said the American people don't give a pig's patooty about the START treaty.

Obviously, those of us in the Senate do. We understand its importance. But at this moment, the most important thing on the minds of the American people is how we are going to fund the Federal Government without continuing to waste billions of dollars of their money. That is what we ought to be focusing on in the last few hours we have.

Let me address a little bit about what we have found so far is in this bill and why so many of us are so concerned about it. The first point I will make is, I don't think ever in the history of the modern Congress that Congress has failed or the Senate has failed to pass a single appropriations bill. The American people should understand that, ordinarily, Congress passes a budget and we each—both bodies—pass about 12, sometimes 13 bills, to fund the different agencies and departments and functions of the U.S. Government. We didn't do that this year. We didn't pass a single one. We didn't pass a budget. So now the emergency that occurs, because we will run out of funding on Saturday, obviously, is laid at the feet of the majority, which didn't do its work earlier in the year, and that forces us into the position of having to act in this emergency way.

As the Republican leader said, ironically, this is at the same time we were considering the health care legislation last year, the week before Christmas, in a situation in which Members have very little time and ability to change the legislation that is before us, a bill that will cost more than $1 trillion. Very few Members will have time to analyze it, let alone read it.

Funding of the government, of course, is one of the most important responsibilities that we as Senators have. But as I said, this bill is going to get short shrift on the floor because it appears we will not even have an opportunity to amend it, if the majority leader's schedule holds.

Let's talk about some of the specifics in it. As I said, it costs more than $1 trillion. There is nearly $18 billion more spending in this legislation than in the temporary continuing resolution that was enacted last September. In other words, at that time, we understood we needed to begin the process of funding the government, even though not a single appropriations bill had been passed. So we passed legislation that, over a 12-month period, was $18 billion less than the bill that comes before us now. I don't think this is responsible, and I think most Americans who have had to trim their budgets would agree it is not responsible.

The bill contains more than 6,700 earmarks. Think about that for a moment. There are only 535 Members of Congress. Most of us don't have earmarks in this bill. So at 6,700 earmarks, you are talking about some legislators in the House and Senate having numerous earmarks. The total is $8 billion worth of earmarks. There is a debate about whether earmarks are good or bad, and some who believe they are OK say it is not that much money. But $8 billion is a lot of money no matter who is doing the counting—even in the Federal Government. It includes things—and I don't like to make fun of these things because they all have some purpose—like $247,000 for virus-free wine grapes in Washington. I am sure it is important to have virus-free wine grapes, but the last time I checked, the people who grow grapes are doing fairly well financially and could probably afford, if all the wine growers pool their resources, to come up with $200,000 to try to make sure their grapes are free of virus.

There is a $100,000 appropriation for the Edgar Allan Poe Visitor Center in New York. Edgar Allan Poe is certainly an iconic American literary figure, but for the Federal Government—I mean the taxpayers in Arizona probably don't appreciate the need to pony up money for the Edgar Allan Poe Visitor Center in New York.

The omnibus bill contains upward of a $1 billion increase in spending for the vastly unpopular health care bill Americans said they didn't want and continue to strongly oppose. Here are a couple of the details on that. There is an allocation of $750 million for the Prevention and Public Health Fund slush fund for a variety of programs—not named; a $175.9 million adjustment in the Centers for Medicare and Medicaid Services program management account to implement the massive Medicaid expansion, as well as cuts to Medicare Advantage—something my constituents strongly objected to; an $80.7 million adjustment for HHS program management, on and on.

There are millions included for implementation of the very controversial Dodd-Frank financial reform bill, including a Securities and Exchange Commission funding increase of $189 million. That is 17 percent more than last year; a Commodity Futures Trading Commission funding increase of $117.2 million or a 69-percent increase over last year's funding; Treasury gets increase of $32.35 million or a 10-percent increase. It goes on and on.

The omnibus also contains $790 million for an increase in education stimulus programs. A thorough examination of those programs reveals that, at least in some cases, they advance the cause of the teachers unions—at least in my view—more than the cause of educating American children.

Some claim that at least you can say this bill's top line—its gross amount of spending is consistent with the budget proposal advocated by Senators SESSIONS, MCCASKILL, and many of the rest of us, including myself. But that is not true, as it turns out. It excludes numerous parts, such as multiyear spending caps, enforcement mechanisms, and limitations on emergency spending designations—something I will talk about in a second. In addition, the majority is using a budgetary sleight of hand to ostensibly meet the spending caps for 2011. This is what I was going to mention. They do this by a trick of retroactively declaring spending in last year's supplemental appropriations bill for Agent Orange claims as an emergency. So that money is spent. It was last year's funding. Now we are going to call that money emergency funding. What is the effect? It doesn't count and reduces the baseline and, like magic, by treating it as an emergency—to the tune of almost $3.5 billion—they have been able to secure a lower CBO score on the bill and, therefore, not exceed the spending caps. Without the gimmick, they obviously would have exceeded the spending caps proposed in the Sessions-McCaskill legislation.

I will mention process briefly. This bill is being considered under a deeply flawed process, as the Republican leader said. Voters made a very clear statement, I think, last month. They do not like wasteful Washington spending. They want it to stop. They didn't like the health care bill. They do not want us—here, a week before Christmas—to rush very complex, very large bills through the Congress without time for their representatives to read them, to study them and have an opportunity, potentially, to amend them. But under the schedule laid out, as I said, an open amendment process for this bill would be impossible.

At the very least, one would think Republicans should be entitled to 1 or 2 amendments to each of the 12 appropriations bills that are included within

this giant Omnibus appropriations package. Under regular order, each of these bills would take at least several days of floor time and we would consider numerous amendments. That is not going to happen with this bill. Instead, we will do the equivalent of more than a month's work of floor time in a couple of days, with no amendments. And some wonder why Congress' approval rating has fallen to 13 percent. Someone said: Who is the 13 percent? And the answer was: Well, it is our staff and our families. Maybe.

Let me conclude here with a little bit about jobs and energy prices. This bill will raise energy prices in the United States and destroy energy jobs through and including some of the following provisions:

There is a ban on shallow water drilling. I thought the whole idea—especially after the gulf, where we had deepwater drilling problems—was to encourage drilling in shallow waters to make up for that other loss of production. The bill changes the law to triple the time for the Department of the Interior to approve exploration plans for offshore operators from 30 to 90 days. This provision could lead to huge financial penalties to the government, breach of contracts, and add further impediments to creating jobs and energy here at home.

The bill reduces the State's share of Federal onshore oil and gas production revenues to 48 percent, down from the 50–50 split required under current law, and it raises fees for onshore and offshore oil and gas production on Federal lands. These fees amount to a tax that will make domestic energy production more expensive to produce, especially for the small businesses that do so.

There is much more—much more the American people should know—but we are supposed to be talking about an arms control treaty with Russia instead. I want to remind everyone that we are in a lameduck Congress, and my view is that trying to enact such a huge and complex bill within the narrow postelection timeframe shows disrespect for the democratic process. For that reason and the others I have discussed, I urge my colleagues to oppose cloture on this bill and to pass a sensible continuing resolution of the kind the Republican leader has introduced.

I want to leave no doubt about this final point. Those who are watching this process carefully and who understand how the process works understand that the important vote here is on cloture. It is the first vote. It is, in effect, the vote to consider this omnibus bill. Our constituents will not be fooled by Senators who vote ''yes'' on cloture to go to this bill—ensuring it will be considered under this rushed process without amendment—but then who vote ''no'' on final passage, after it is too late to stop the flawed process and say, well, I voted ''no'' on the bill. Well, of course, they voted ''no'' on the bill, but then it was too late.

The key vote is on the cloture vote, whenever that might occur, and I am told it might occur at actually 12:01 on Sunday morning—in other words, one minute after midnight. Well, that would be very reminiscent of last year's consideration of the health care bill, where through all the procedural gimmickry this body did not distinguish itself in adopting legislation under a process the American people saw through, objected to, and continue to criticize the legislation adopted as a result of the process as well as its substance.

If we want to do the same thing with this legislation, then it will demonstrate in the very first act relating to spending after the election that this Senate did not get the message sent by the American people.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Madam President, are we in morning business at this point?

The ACTING PRESIDENT pro tempore. We are on the treaty.

Mr. DURBIN. Madam President, I ask unanimous consent to speak as in morning business for no more than 10 minutes.

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

OMNIBUS APPROPRIATIONS

Mr. DURBIN. Madam President, I want to respond to what has been said by my friend Senator KYL from Arizona, as well as Senator MCCONNELL of Kentucky, about the appropriations bill, which we are going to consider in a very short period of time.

I am a member of this Appropriations Committee. I remember what happened, and I want to put it on the record right now so that some of the things that have been said can be compared to what I think is the reality. This is the reality: The Appropriations subcommittees—each and every subcommittee of that full committee—met with Democrats and Republicans and prepared a bill. I have the Subcommittee on Financial Services and General Government. Senator SUSAN COLLINS of Maine worked long and hard in preparation of that bill. Other subcommittee chairs did the same thing. There was full bipartisan cooperation in the preparation of each of these subcommittee bills—every single one of them. And the appropriations bill that we will vote on is the combination of all of that effort.

Let me also talk about the amount of money we are going to appropriate to continue to fund the operations of our Federal Government.

It is true, it is over $1 trillion. In fact, it is $1.1 trillion in this bill. But what hasn't been said by Senator MCCONNELL and Senator KYL is that is exactly the amount they asked for. Senator MCCONNELL came to the Senate Appropriations Committee and said Republicans will not support this bill unless you bring the spending down to $1.108 trillion. That is exactly what we bring to the floor to be considered.

So to stand back in horror and look at $1.1 trillion and say, where did this figure come from, well, it came from Senator MITCH MCCONNELL in a motion he made before the Senate Appropriations Committee. It reflects the amount that he said was the maximum we should spend in this current calendar year on our appropriations bills. He prevailed. It is the same number as the so-called Sessions-McCaskill figure that has been debated back and forth on this floor, voted repeatedly by the Republicans to be the appropriate total number. So we have a bipartisan agreement on the total number. Yet now the Republican leader comes to the floor, stands in horror at the idea of $1.1 trillion—the very same number he asked for in this bill. You can't have it both ways.

Secondly, they say, well, this is a 2,000-page bill. Well, allow me to explain why.

When you take the work of 12 subcommittees, instead of separate bills and put them in one bill, the total number of pages is going to increase. Maybe the best thing we can give as a Christmas gift to the Senate Republican Caucus is a speed reading course so they can sit down and read these bills. It turns out their fingers get smudgy and their lips get tired if you have more than 100 pages in a bill. Over and over we are told, don't worry about the substance, just count the pages, and if it gets up to a thousand pages, it is clearly a bad bill. Wrong. This 2,000-page bill reflects the work of 12 subcommittees and 12 Republican Senators who helped to assemble and to devise the contents of that bill. It is no surprise that it would reach that number when we put all of the spending bills—the Appropriations subcommittee bills—into one document.

Another point that is raised—what a surprise—we have this thing thrown at us. We have not seen this before. We don't have time to look at this.

This bill was posted 2 days ago, and will be available not only for every Senator and every staff member but for every citizen of this country to look at in detail. The reason Members have been coming to the floor talking about its contents is they have access to it, and have had for almost 48 hours, and will for an even longer period of time before it is finally considered.

I also want to say that the schedule we are facing here now, which is putting us up against some deadlines—deadlines for the funding of government, a lot of personal family deadlines, which trouble all of us, but we accepted this job and its responsibility—many of these deadlines have come to be because of an exercise of the Senate rules. Time and time and time again the Republican minority has forced us to go into a cloture vote, into a filibuster—record-breaking numbers of filibusters over the last several years.

If Members of the Senate were to go back home and ask the cable TV viewers who watch C–SPAN what their impression of the Senate is, their impression is an empty Chamber—an empty

Chamber because day after weary day we have had to put up with cloture votes and filibusters from the Republican side, delaying us time and time and time again while we burned off the hours on the clock instead of rolling up our sleeves and actually getting down to business.

Now they come and tell us, well, we are going to threaten to start reading bills. They have a right to do that under the rules. It is really not needed, since all these bills have been posted and any Senator who wanted to read them has now had 48 hours to read this appropriations bill, if they wanted to. But they may burn off hours on the clock again and then complain we are ruining Christmas for Members of the Senate and their families. Well, unfortunately, their hands are not clean.

When it comes to the things included in this bill, incidentally, I have heard many Republican Senators come down here and talk about specific elements in this Appropriations bill they disagree with, and that is their right. But many of the same Senators who are criticizing congressionally directed spending, or earmarks, have earmarks in the bill. That is the height of hypocrisy—to stand up and request an earmark, have it included in the bill, and then fold your arms and piously announce, I am against earmarks. You ought to be consistent enough to know if you are asking for an earmark one day and criticizing it the next, your credibility is going to be challenged. That is a fact.

As far as some of the things that have been talked about, one of them brought up by Senator KYL relates to drilling, and how quickly drilling permits will be issued by the Federal Government.

Our Department of Interior has asked for 90 days to review applications for drilling permits included in the bill. Why would we want to be careful when it comes to drilling permits? America knows why. We saw what happened in the Gulf of Mexico. We saw the damage done. And we know for many businesses and many families and many people, and for a very fragile environment, things will never be the same. Let us avoid that from happening in the future. Waiting 90 days instead of 30 days is hardly an onerous burden to make sure that what is done is done properly and done in a way that won't come back to haunt us.

Finally, to argue this is disrespectful of the democratic process is to ignore the obvious. Time and time and time again, when we have tried to move the democratic process, we have run into a roadblock with filibusters from the other side of the aisle—obstructionism.

I am glad we passed the tax bill yesterday. It was an amazing day. I think the final vote was 81 to 18, which was an incredibly strong bipartisan showing. Let's end this session on a bipartisan note. Let's get away from lobbing bombs back and forth across the aisle. Let us roll up our sleeves and get down to what we need to do.

Senator KYL should come to the floor and offer his amendment on the START treaty. He has talked about needing time to offer amendments. Let's do it, and let's do it this morning. Let's start the amendment process, let's have votes, let's not filibuster anything. Let's get to the vote, vote on the substance, and let's bring it to an end. Then let us bring up the Omnibus appropriations bill and the CR, let the Senate work its will, and let's vote on it.

We have two or three other items we can complete, and if people don't exercise delay tactics, we can get this done in a few days. I urge my colleagues, in the spirit of what we did with the President's tax package, let's return to a more bipartisan approach to completing our business and going home to our families.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

Mr. LUGAR. What is the business before the Senate?

The ACTING PRESIDENT pro tempore. The START treaty.

Mr. LUGAR. I thank the Chair. I wish to work with my colleague, the chairman of our committee, to make time available to Senators. I see the distinguished Senator on the floor.

Are you prepared, sir, to make a statement?

Mr. BARRASSO. Madam President, yes, I am.

Mr. LUGAR. I yield to the Senator from Wyoming.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. Madam President, I rise today to express my views on the new Strategic Arms Reduction Treaty, also known as New START. This treaty is an extremely important and serious matter. New START significantly impacts America's national security and nuclear deterrent. As a result, I believe this treaty deserves adequate time in the Senate—time to examine the issues, time to debate the many flawed provisions, and time to vote on all of the amendments offered for consideration.

The majority leader should not be piecemealing together segments of time for debate on an issue as important as nuclear arms control. The treaty should not be shortchanged and rushed through the Senate. The treaty should not be jammed together with consideration of a 1,924-page omnibus Federal spending bill. The treaty should not be considered during a lameduck session.

Consideration of the treaty will require a substantial amount of time in order to sufficiently address its many flaws. Like many of my colleagues, I plan on offering amendments, amendments designed to protect our national security. This debate concerns the national security of the United States. It is critical that the United States maintains a strong nuclear deterrent in order to defend our Nation and provide assurances to our allies. I have major concerns about the impact the New START will have on Wyoming and on national security.

While I have many issues with the New START, I want to address only a few of my major concerns this morning. First, START straitjackets the U.S. missile defense capabilities. Second, START offers no method to make sure a historically noncompliant Russia state will keep its promises. Third, the approach embodied by START is representative of an outdated and simplistic view of the U.S. position on the world stage.

To begin, I wish to specifically discuss the limitations placed on the U.S. missile defense by the New START. The treaty signed by President Obama and Russian President Medvedev on April 8, 2010, places explicit limitations on U.S. missile defense. The preamble of the treaty—the preamble declares an interrelationship between strategic nuclear offensive weapons and strategic nuclear defensive weapons. It implies the right of Russia to withdraw from the treaty based on U.S. missile defenses that are beyond ''current strategic'' capabilities. The treaty preamble, the very preamble of the treaty, gives Russia an opportunity to turn their backs on the treaty at the slightest sign of a shift in American defensive strategy. This language is unacceptable and needs to be removed.

I offered an amendment in the Senate Committee on Foreign Relations to strike this language. The White House resists any attempt to amend the preamble. The administration argues it is a nonbinding concession to Russia. Russia clearly doesn't see it that same way. They have made it quite clear they consider the preamble legally binding. A Russian Foreign Minister stated the treaty contained ''legally binding linkage between strategic offensive and strategic defensive weapons.'' The Russians have wanted this language for a long time in order to have grounds to claim that the U.S. missile defense program violates an international agreement. This type of constraining language is not unique to the preamble.

The treaty also places a legally binding limitation on missile defense in article V of the treaty. Article V prohibits the transforming of offensive strategic missile launchers into defensive strategic missile launchers. As this Nation continues to face threats from around the world, we should not take any action that will hinder our missile defense options. We need to be able to defend ourselves.

Just like the preamble, the administration makes excuses as to why they have made concessions to the Russians on our missile defense. The current administration claims that they have no plans to use the missile defense options

prohibited under the new START treaty. I believe that placing any constraints on future U.S. defense capabilities should not even be up for debate, let alone placed in a treaty on strategic offensive nuclear weapons.

The purpose of New START was to reduce strategic nuclear weapons between the United States and Russia, not limit the ability of the United States to defend ourselves. It is outrageous that the administration would make any concessions to Russia on our national security.

The United States must always remain in charge of our own missile defense—not Russia, not any other country. We should not be tying our hands behind our backs and risking the security of our Nation and our allies. Russia is trying to force the United States to choose between missile defense and the treaty. The clear choice should always be to protect the ability of the United States to defend ourselves. I believe the administration's decision was a serious mistake.

I also have major concerns about the central limits of New START. This treaty is a one-sided agreement aimed at only reducing U.S. strategic nuclear weapons. Russia is currently below the limit for strategic nuclear delivery vehicles under the New START treaty. As a result, Russia will not have to make reductions. The United States will be the only party required to slash its forces.

Due to loopholes in the treaty counting rules, Russia could deploy more than 1,550 warheads, go above that ceiling and still be in compliance with the treaty. Russia may even be able to deploy more than 2,100 warheads under the treaty. Each deployed heavy bomber, regardless of the actual number of warheads on it, only counts as one deployed strategic warhead. If anything, the limits just tell Russia how many weapons they are allowed to add to their strategic nuclear force. Why would the administration enter into a bilateral treaty that only requires the United States to make sacrifices? This is not acceptable.

New START offers us nothing in return, not even a robust verification mechanism that enables us to make sure Russia is keeping its promises. President Ronald Reagan regularly repeated the phrase ''trust, but verify.'' He did it repeatedly regarding nuclear weapons. The verification measures play an important role in analyzing the New START. The New START has a weak verification regime.

Former Secretary of State James Baker made the exact point by indicating the New START verification procedure provisions, he said, were weaker than the original New START. Under New START, the U.S. would be limited to 18 inspections per year as opposed to 28 in the past. Under the original START treaty the United States conducted approximately 600 inspections. Under New START the United States is limited to a maximum of 180 inspections. This further plays into Russia's favor due to there being 35 Russian facilities compared to only 17 U.S. facilities to inspect.

The administration also dropped two key provisions from New START. The United States will no longer have continuous monitoring at the Russian nuclear missile assembly plant. We had it in START I. Why are we giving up this important verification component in New START? The United States also will not have full access to Russian nuclear ballistic missile launch telemetry under New START. Under START I we had unrestricted access. Why are we giving that up?

The treaty does not provide us with the verification mechanisms that enable us to make sure Russia is keeping its promises. Instead, there is a lot of trust and precious little verification.

A weaker verification system is even more dangerous due to Russia's long history of noncompliance on arms control treaties. Russia has a record of noncompliance and violations under the original START treaty. Up until the end of the original START treaty in December of 2009, Russia was continuing to engage in compliance violations. The Department of State compliance reports from 2010 spell out the numerous violations made by the Russians.

Finally, the treaty relies on the false premise that Russia is America's only nuclear rival. This view of the world is outdated and simplistic. Even if we could trust Russia there are numerous other threats such as North Korea and Iran which have repeatedly shown hostility to the United States and to our allies. We should never abandon our defenses and sacrifice our deterrent in the face of increasing international belligerence. It is the equivalent of asking America to stare down the barrel of a gun without knowing whether the gun is loaded, and then to trust the person holding it not to pull the trigger.

In arguing for this treaty the administration has tried to have it both ways. The treaty demands the United States reduce our nuclear strike force by specific numbers. Yet the administration has only offered a vague range of estimates regarding where these cuts would take place. The President's force structure plan provides up to 420 intercontinental ballistic missiles, 14 submarines carrying up to 240 submarine-launched ballistic missiles, and up to 60 nuclear-capable levee bombers.

Even if the administration did cut the absolute maximum number of weapons it has proposed to cut, it would still fail to live up to the reductions demanded by New START. Instead of giving the Senate a specific force structure, the President is repeating his health care playbook and telling us to wait until after the United States ratifies the treaty to find out the details.

It is wrong that the Senate is considering approving this treaty without knowing these details, and these details matter.

The force structure of our nuclear triad is critical to maintaining an effective deterrent. The nuclear triad of the United States spans sea, air, and land. By working together, our nuclear triad complicates and deters any attempt at a successful first strike by anyone on our country. I believe the President's force structure proposal will weaken our nuclear triad.

The American people deserve a full debate on the Senate floor on a treaty of this magnitude. It is my hope that the Senate will take its constitutional responsibility very seriously and provide the New START with the scrutiny it deserves.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

Mr. LUGAR. Madam President, I understand the distinguished Senator on the floor wishes to speak. I yield for Senator UDALL.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. UDALL of Colorado. Madam President, let me start by thanking my good friend from Indiana, not only for yielding the floor to me but for his strong leadership on this crucial treaty before us here in the Senate.

I rise in strong support of the New START treaty. I want to start by reminding my colleagues that arms control treaties are an integral part of this country's modern history, premised on a shared belief that a world with fewer nuclear weapons is a safer world. Even as the Cold War raged, it was Ronald Reagan who committed America to the ultimate goal of eliminating these weapons from the face of the Earth.

Those are his very words. This goal has animated numerous arms control agreements since then and it underpins the New START treaty, an agreement I believe we cannot fail to ratify. The dangers of nuclear proliferation have grown. As the Senator from Indiana knows well, because this has been a part of his life's work, the threat of global nuclear war has receded but the risk of nuclear attack has increased, enabled by the spread of nuclear technology and the danger of materials falling into the wrong hands.

I believe we cannot be seen as a credible leader of a nation strongly committed to meeting our nonproliferation obligations unless we pursue further nuclear arms reductions ourselves. The United States and Russia have over 90 percent of the world's nuclear arms between us. Thus, we have an obligation to verifiably decrease our nuclear stockpiles and reduce this primary threat to global and national security. That is why the New START treaty matters. It establishes limits for U.S. and Russian nuclear weapons to levels lower than the 1991 START Treaty and the 2002 Moscow treaty.

These limits have been validated by our defense planners and ensure that we have the flexibility to meet our security needs.

The treaty also includes a strong verification regime, which Secretary Gates called the ''key contribution'' of the agreement.

As we debate this agreement today, we should not only consider the consequences of ratification but also the consequences of failure. Because START expired over a year ago, we currently have no treaty and, therefore no constraints on Russia's stockpile or verification of their weapons.

The choice facing U.S. Presidents through the decades has been whether we are better off signing arms agreement with the Russians or pursuing an arms race. Historically, Presidents from both parties and bipartisan majorities in the U.S. Senate have agreed that we are better served by agreements.

Today is no different. As U.S. Strategic Command's General Chilton testified, without a treaty, Russia is not constrained in its development of force structure, and we have no insight into its nuclear program, making this ''the worst of both possible worlds.''

Failure to ratify this treaty would make the broad ''resetting'' of U.S.-Russian relations harder. The distrust it would engender would also reduce or even eliminate the possibility of further bilateral strategic weapons reductions. As former National Security Adviser Brent Scowcroft—I think we would all agree he is one of the wisest Americans about foreign policy—testified earlier this year, ''the principal result of non-ratification would be to throw the whole nuclear negotiating situation into a state of chaos.''

But we need to remember that this treaty is not just about Washington and Moscow, it is also about the world community and our global relationships. Failure to ratify this treaty would signal to the world that America is not willing to constrain its own weapons arsenal, even as we ask other countries to restrict theirs or avoid joining the ''nuclear club'' altogether.

It would discourage multilateral cooperation on nonproliferation goals and hinder our ability to lead by example. It would make global cooperation on dealing with rogue states like Iran and North Korea more challenging, tying our hands at a time when the threat from those two countries is increasing.

Treaty opponents have tried to make the case that the dangers of ratifying the agreement outweigh the advantages of ratification. They are simply wrong.

They argue that the treaty limits our ability to develop missile defense capabilities. The head of the Missile Defense Agency argued, that the treaty actually reduces constraints on missile defense. And countless military and civilian leaders, including the former Secretaries of State for the last five Republican Presidents, have publicly stated that New START preserves our ability to deploy effective missile defenses.

Treaty opponents argue it inhibits our ability to maintain an effective and reliable nuclear arsenal. It is true that this administration inherited an underfunded and undervalued nuclear weapons complex. But the President understands that the nuclear experts and infrastructure that maintain our arsenal also help secure loose nuclear materials, verify weapons reductions and develop technologies that underpin our nuclear deterrent.

That is why the President's budget request provides $7 billion for these programs this year, a 10-percent increase over last year. New START would in no way limit these investments. And as treaty opponents know well, the President has offered an even more robust investment in modernization and refurbishment of our nuclear infrastructure over the next 10 years, totaling $84 billion.

The importance of ratifying this treaty goes beyond politics. We know that a lack of demonstrated bipartisan support could poison relations with Russia and our allies. And we cannot risk the loss of American leadership in the world that would ensue if we are perceived as too entangled in our own internal politics to ratify a strategic arms treaty that is clearly beneficial to our own security.

I know that some of my colleagues hope to amend this treaty and, in so doing, kill it, since any changes will require the administration to start from scratch and reopen negotiations with the Russians. I urge them to reconsider and to think about what is at stake.

And I urge them and all my colleagues to listen to our military leadership when they tell us that this treaty is essential to our national security. As Senator LUGAR pointed out yesterday in his eloquent statement, ''Rejecting an unequivocal military opinion on a treaty involving nuclear deterrence would be an extraordinary position for the Senate to take.''

Let us not allow this to be the first time in history that the Senate denies ratification to a treaty with overwhelming bipartisan support and the endorsement of the full breadth of our military and civilian leaders. I urge my colleagues to support this treaty and to support a safer world.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. Madam President, I wish to thank the Senator very much for his comments and his support. It is my understanding that Senator ENSIGN was going to speak at this point in time. He is on his way. We are happy to accommodate that.

Let me say to colleagues that we are open for business. We are ready to entertain amendments people may have. We encourage colleagues to come down here. Obviously, some people have raised the question of the press of time, but it does not seem, from both yesterday and today, that anybody is actually in a rush to bring an amendment.

We are prepared to vote on our side of the aisle. I want to make that very clear. There are 58 Democratic Senators and Senator LUGAR who obviously are working to advance this treaty. We do not have any amendments. We are prepared to vote. So if colleagues want to bring an amendment, now is the time to do it, and we encourage them to do so.

Let me just say that I know Senator BARRASSO just spoke with respect to missile defense. I understand the legitimate concerns that have been expressed by a number of colleagues about the question of missile defense. I wish to make it as clear as possible, from all of the record to date, that the treaty's preamble, first of all, requires nothing legally whatsoever. There is no legal, binding effect of the preamble—none whatsoever.

Secondly, Secretary Clinton said this and Secretary Henry Kissinger said this: All it is is a statement of fact about the existence of a relationship. It has no restraint whatsoever on our ability to proceed with missile defense.

Moreover, the resolution of ratification could not be more clear about that. There are pages within the resolution and several different individual references to the fact that the missile defense is not affected.

Let me read from it. This is from ''Understandings,'' and this is the missile defense understanding No. 1:

> It is the understanding of the United States—

This is what we will pass when we pass this, and I am quoting from it—

> that the New START Treaty does not impose any limitations on the deployment of missile defenses other than the requirements of paragraph 3 of Article V of the New START Treaty, which states, ''Each Party shall not convert and shall not use ICBM launchers and SLBM launchers for placement of missile defense interceptors therein. Each Party further shall not convert and shall not use launchers of missile defense interceptors for placement of ICBMs and SLBMs therein.''

It goes on to say that any New START treaty limitations on the deployment of missile defenses beyond those specifically contained—and I will speak to what they are in a moment—would require an amendment to the New START treaty. That would require an entire new process of ratification in order to live up to the requirements of the treaty process itself.

Now, the specific, tiny, little limitation they are talking about in there is one that the Secretary of Defense said: We don't want; that is, the conversion of a current ICBM silo. There are four of them that are grandfathered into existence here, but the military has determined it is more expensive to do that than to simply build a new silo for a ground-based missile, which is what we plan to do in the event we want to—when we deploy.

So there is, in effect, zero limitation. Every single member of the Strategic Command and the current command has said there is no limitation. Secretary Gates has said there is no limitation. And I believe we will be able to have even some further clarification of the absence of any limitation.

The fact is, if you change that preamble now, you are effectively killing the treaty because it requires the President to go back to the Russians, renegotiate the treaty, and then you have to come back and go through months and months of hearings and resubmission and so forth.

The important thing to focus on is the fact that—and let me quote Henry Kissinger about the language Senator BARRASSO has referred to. He said, ''It is a truism, it is not an obligation.''

Secretary Gates also emphasized the fact that it has no impact whatsoever on the United States. Secretary Gates reminded us in May that the Russians have always reacted adversely to our plans for missile defense, so they have tried a number of times to try to interrupt that.

Secretary Gates said in his testimony:

> This treaty does not accomplish any restraint for them at all.

He also said:

> We have a comprehensive missile defense program, and we are going forward with all of it.

In addition to that, General Chilton reported on how he informed the Russians in full about exactly what program we were going forward with, including the recently agreed on deployment at Lisbon for the deployment of missile defense in Europe.

They understand exactly what we are doing, what our plans are, and, notwithstanding that, they signed the treaty. So I think the comfort level of all of our military, of all of those involved with the laboratories, and all of those involved with the Strategic Command ought to speak for itself.

I see Senator ENSIGN is here.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. ENSIGN. Madam President, I rise today to talk about this New START treaty. I have some very serious concerns about it.

I appreciate the work that has been done by my colleagues. This is an incredibly serious issue. I do not question anybody's motives, but I do think there are some serious flaws that lie not only within the four corners of the treaty text but also speak to the manner in which this administration has dealt with Russia. This policy of Russian ''reset'' has meant that the United States is making major concessions, while our Russian counterparts give up virtually nothing.

Further, I have serious reservations about the manner in which the Senate is considering this treaty. This body, the Senate, is supposed to be the most deliberative body in the world. It is supposed to be a chamber that respects the rights of the minority. Senators are supposed to be afforded the right of unlimited debate and the right to have their amendments considered. Rushing a treaty of this magnitude through a lameduck session is not what the Founders had in mind when they gave this body the power of advice and consent in these serious matters.

The American people sent a clear message in November to concentrate on jobs, taxes, and the economy.

While I do not think this lameduck is the time to debate this very important treaty, I do plan on offering multiple amendments to address this treaty's flaws, as well as the resolution of ratification. My colleagues on both sides of the aisle will also offer amendments with topics ranging from how this treaty restrains our missile defense capabilities to ceding the Senate's advice and consent power to the flawed Bilateral Consultative Commission.

For example, there needs to be an amendment which addresses the verification regime in this treaty, or lack thereof. Further, it is astounding to me that tactical nuclear weapons were left out of the treaty, considering that Russia has approximately a 10-to-1 advantage. Additionally, we need to consider how the rail-mobile ICBMs are counted, or not counted, and our Russian policy in a much broader sense.

As the Senate moves forward in examining the intended consequences of this treaty, we also need to pay careful attention to those consequences that are unintended because that is where the danger truly lies. In order to properly examine these, the administration needs to provide the Senate with the full negotiating record which it has yet to do. Only upon examination of this record can we accurately determine how Russia views this accord to ensure that their understanding is the same as ours.

On the topic of missile defense, this is clearly a case of the administration wanting to have its cake and eat it too. There should be zero—zero—mention of missile defense within 100 miles of this treaty. Yet there it is, right in the preamble to New START, which clearly recognizes an interrelationship between offensive nuclear weapons and missile defense. I believe this is unacceptable.

Further, if we examine article 5, paragraph 3, of New START, missile defense is again referenced, plain as day, in a provision prohibiting the United States from converting ICBMs or sea-based launchers for missile defense purposes. Where is the wisdom in removing such an option from our toolkit for the whole life of the treaty? Russia must understand that we will not limit our options for national defense based on current plans, ideas, or technology. Should a breakthrough occur in missile defense technology or launcher development we cannot have already ruled out pursuing new courses of action.

In their attempts to persuade Republicans to support the treaty, proponents have attempted to invoke the name of Ronald Reagan. Let's remember that over two decades ago, President Reagan returned from Iceland and made the following statement:

> While both sides seek reduction in the number of nuclear missiles and warheads threatening the world, the Soviet Union insisted that we sign an agreement that would deny me and future presidents for 10 years the right to develop, test and deploy a defense against nuclear missiles for the people of the free world. This we could not and would not do.

This clearly states, in his own words, where Ronald Reagan would be on this New START treaty. Another especially troublesome facet of the New START is that it would establish a Bilateral Consultative Commission with the authority to agree upon additional measures to increase the effectiveness of the treaty. This seems like a broad and vague purview for a commission, and it is unclear why the Senate would delegate its advice and consent responsibilities to a commission. This leads me to ask the question: Since missile defense has fallen under the purview of this treaty, wouldn't it be logical that this commission could make decisions as to what we can and cannot do with our missile defense assets? We must make it clear this commission, the BCC, cannot have the authority to further handicap our national defense as it could otherwise do under this treaty without further scrutiny of the Senate.

I hope we agree as a body to insist that the workings of the BCC are completely visible and accessible to the Senate and that we explicitly make these changes to the treaty itself, not just the resolution of ratification.

As we move forward in examining this treaty, a colleague of mine will be sorely missed. The senior Senator from Missouri, KIT BOND, as vice chairman of the Senate Select Committee on Intelligence is the foremost expert in the Senate and likely in all of Congress on matters of intelligence. At least that is my opinion. I wish to quote my good friend. The Select Committee on Intelligence has been looking at this issue closely over the past several months.

> As the vice chairman of this committee, I have reviewed the key intelligence on our ability to monitor this treaty and heard from our intelligence professionals. There is no doubt in my mind that the United States cannot reliably verify the treaty's 1,550 limit on deployed warheads. The administration claims that New START is indispensable to reap the ''Reset'' benefits with Russia. If a fatally flawed arms control agreement is the price of admission to the Reset game, our Nation is better off if we sit this one out.

I could not agree more. It is naively optimistic to assume that a world with fewer nuclear weapons is the same thing as a safer world. Our security has long depended on a strong and flexible deterrent. New threats are constantly emerging from every corner of the globe. This has been recently demonstrated by Iran's resistance to denuclearization and North Korea's increasingly violent saber rattling. The United States must be able to rapidly adapt and respond to new threats to our security. Now is the time for more flexible deterrent capability, not less.

New START is riddled with U.S. concessions from which I can see little gain. U.S. leadership in this arena will

be measured by how well we protect our ability to defend ourselves and our friends, not by how quickly we agree to an imperfect treaty.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. Madam President, I ask my colleague from Nevada—he mentioned he had some amendments, and we are ready to do amendments. Is he prepared to go forward with his amendments?

Mr. ENSIGN. Let me check.

Mr. KERRY. Madam President, let me speak to a couple points the Senator from Nevada raised. He talked about the article V ban. I discussed this a few minutes ago with respect to the conversion of ICBM silo launchers. There is a one-paragraph restraint in the treaty with respect to the conversion of those missile defense interceptors. The Foreign Relations Committee, in the course of our hearings, pressed the administration on this question very extensively. There were a lot of questions asked by colleagues on both sides of the aisle. The record unequivocally counters the argument just made by the Senator from Nevada. The ban does not prevent us from deploying the most effective missile defenses possible. I will be specific.

We will soon have some 30 missile defense interceptors in silos in California and Alaska. We are going to have an additional eight extra launchers in Alaska, if we need them. If we need more interceptors, the Missile Defense Agency Director, LTG Patrick O'Reilly, who was originally appointed to that post in the administration of President Bush, told the committee: ''For many different reasons,'' they would ''never'' recommend converting either ICBM silos or SLBM launchers into missile defense interceptor launchers.

What we are hearing is a completely red herring argument, sort of throw it out there and say that somehow this is a restraint on missile defense. Why is it not a restraint? One reason is cost. It is intriguing to me to hear a lot of colleagues raise this particular missile defense issue in the treaty, when they also raise the issue of the deficit and how much we are spending and how we should not be spending on things people don't want and the military doesn't want. Here is something the military doesn't want. They don't want it because the conversion cost of the last ICBM launcher at Vandenberg into a missile defense interceptor launcher was about $55 million.

The average cost for a new hardened missile defense interceptor silo in a new missile field is $36 million. The reason for that is because the Missile Defense Agency has developed a smaller, more effective, special purpose silo to meet its needs.

The annual operating cost for a separate converted silo, which is what our colleagues are complaining about, is actually $2 million higher per silo, and it is $2 million higher than a silo which the military thinks is more effective and less expensive to maintain. As Strategic Command General Chilton noted, we also don't want to force Russia to make a split-second guess as to whether a missile that is flying out of a U.S. silo field is either a missile defense interceptor which may be aimed at a rogue missile or a nuclear-tipped missile aimed at Moscow. That confusion is impossible to distinguish unless we have a completely separate silo field. So converting an old ICBM silo in a particular field where we can't distinguish between an interceptor or an ICBM actually increases the potential of confusion and threat and possibly a dangerous mistake and decision.

With regard to putting a missile defense interceptor in a submarine launch tube, Secretary Gates and Admiral Mullen both said this is not a cost-effective step, and it presents very unique operational challenges. We need to take these red herrings off the table. Secretary Gates and Admiral Mullen both noted it would make much more sense to put missile defense interceptors on aegis-capable surface ships, which is what they are doing, and that is not constrained by any treaty. There is no constraint whatsoever in our ability to go out and do what best meets the needs as defined by the military themselves.

The bottom line is, article V, paragraph 3 does not constrain us one iota.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Madam President, I plan to speak for about an hour for the benefit of scheduling, although I will only scratch the surface of what I will have to say about this treaty.

Let me begin by talking about 14 or 15 specific things I intend to cover at some point when we have time during this debate and note that there will be amendments proposed that deal with many of the items I am going to be mentioning.

First, I think it is important for us to lay out what some of the concerns are.

This morning when I talked about the fact that the Senate is going to have to deal with the funding of the U.S. Government which expires on midnight on Saturday, I noted the fact that the process the majority leader has invoked, to dual-track or consider the START treaty along with the Omnibus appropriations bill, is not a process that allows adequate consideration of either, and the American people sent a signal in the last election that they didn't want us to continue this wasteful Washington spending spree we have been on. Yet the Omnibus appropriations bill, which I am not sure I could lift, will do exactly that.

We ought to be focused on a process by which that can actually be considered with amendments. Under the way the majority leader has outlined our schedule, that does not appear to be possible.

The first concern I have with respect to going to the START treaty at this time is that we are putting the cart before the horse. Our first job needs to be to ensure that the Federal Government doesn't run out of money at midnight on Saturday. Yet the majority leader has turned to the START treaty. Why? I think the obvious—at least one—answer is to divert attention from this big pile of spending that I am pointing to, 6,700 earmarks. If we are talking about the START treaty, we are not talking about the Omnibus appropriations bill. But the American people are talking about government spending. That is what we should be focusing our attention on.

The problem now is that we are on the START treaty, and those of us who want to talk about this and want to amend it and believe we will be denied the opportunity to do so will be accused of not wanting to talk about the START treaty because that is what the majority leader has put on the Senate floor. And he will say: Gee, you have had all this time to talk about it. Why aren't you talking about it? That is part of what is wrong with the process. That is one of the reasons I have been saying you cannot do all these things and do them right.

In addition, the majority leader said this morning we have other things he wants to consider before Christmas as well. There is no earthly way to do all this within the time we have.

Let me mention some of the concerns I will be discussing with respect to the START treaty. I think one thing you have to talk about, first of all, is whether we are going to have sufficient time in order to do what needs to be done to both amend the treaty as well as the resolution of ratification and debate some of the issues, including the issue that my colleague from Massachusetts was just talking about.

Secondly, what were the benefits of the treaty for the United States vis-a-vis Russia? What were the concessions we made to Russia? What do they get out of it? What do we get out of it? My own view is, they got virtually everything out of it, and I do not know what we got out of it, except for the President to say he made another arms control deal with Russia.

Third, where will this treaty leave our nuclear forces, our delivery vehicles, and our warheads in terms of the deterrent capability not only for the United States but the 31 allies who rely on the U.S. nuclear umbrella? We will have cut our forces to the bone. Yet, interestingly, Russia will not be forced to make any reductions at all in these delivery vehicles for the nuclear warheads.

Fourth—and there has been quite a bit of discussion in the media about my work on modernization—where does the administration's modernization plan end up relative to START? The point here is, if you are going to bring your nuclear warheads down to a bare minimum number or below that you

have to make darn sure every single one of them is safe, secure and reliable and they will do what they are supposed to do and everybody needs to know that. But all the experts agree the facilities we have for taking care of our warheads and maintaining them are inadequate for that purpose, and they have to be modernized.

Is the process and the amount of money that has been set aside for that adequate? I will discuss my views on that and the questions that remain about critical funding for the modernization of both our nuclear weapons and the complex necessary to sustain them.

Fifth is the administration's uncertain commitment to the nuclear triad. This I find troubling because while they have committed to a modernization program, they have not yet committed to a program for the modernization of the three legs of the nuclear triad: the delivery systems, the ICBM force, the bomber force, accompanied by cruise missiles and our submarine force. I will be discussing the areas in which I think the commitments in that regard are insufficient and dangerous.

Probably most interesting to a lot of people in this country, and certainly to a lot of our colleagues, is the question of what has occurred with respect to the relinking of strategic offense and defense capabilities. This is the missile defense concern. There is significantly divergent views between the United States and Russia on this question of what the treaty does or does not do with respect to missile defense. Both explicitly and impliedly, there are limitations on U.S. missile defense activities in the treaty.

On the one hand, the Department of Defense has said the United States has plans for developing and deploying missile defense systems that will have adequate capability against ICBMs coming, for example, from Iran. If they have capability against those missiles, they also have capability against Russian missiles.

On the other hand, the U.S. official policy statement that accompanied the treaty and subsequent briefings from the State Department assures the Russians that the United States will not deploy defenses that are capable of undermining the Russian deterrent. That is important because of the way the Russians interpret the preamble and other features of the treaty.

Misunderstanding and conflict between the parties is thus built into the treaty if the United States intends to deploy more capable missiles either to defend Europe or the United States, which it is our stated policy to do. So are we to believe the administration will ever put this treaty at risk over future missile defense plans? That is a subject we will be exploring in-depth.

Seventh, the Senate gave advice to the administration not to limit missile defense or conventional prompt global strike, which is a capability that would permit us to deliver over long ranges, intercontinental ranges, a warhead that is not a nuclear warhead, something which this administration and I think are very important for our future ability to deal with rogue states, for example. Nevertheless, contrary to Congress's instructions, the administration has subjected advanced U.S. conventional military capabilities to limitations in this treaty, and we will discuss that.

Eight is something else. There are people who say there is nothing that stands between us and a nuclear-free world. It is called zero nuclear, the President's stated goal of a world without nuclear weapons. Some say this treaty needs to be adopted, ratified in order to permit us then to take the next step, which is to achieve that great goal. I submit that goal is neither feasible nor desirable, and that to the extent this treaty is deemed as a stepping stone toward that, it is a bad step to take.

Moreover, it is an unwelcome distraction from addressing the true nuclear dangers the President has made very clear are his top priorities; that is, the dangers of proliferation and terrorism.

Ninth is a question about verification, something Senator BOND has talked a great deal about and I am going to be speaking some about because of issues that arose during my trip with Senator FEINSTEIN to Geneva during the time our negotiators were working on this treaty with their Russian counterparts.

It is very clear that with lower force levels, we need better verification. But this New START treaty has substantially weaker verification provisions than its predecessor, START I. Of course, Russia has a history of cheating on every arms control treaty we have ever entered into with them, which amplifies the concern.

There are some comparisons, and I would suggest they are false comparisons, to the SORT treaty, which is the 2002 treaty. It is called the Moscow Treaty; that is, the treaty that deals with our strategic offensive weapons after the fall of the Berlin Wall, the fall of the Soviet Union, and the determination by the United States and Russia both to simply bring down our nuclear forces. We did not need anymore the nuclear forces that existed during the Cold War.

There are some false comparisons there that I think are very important for us to talk about as it relates to this treaty before us.

I think we also need to talk about the New START and Russian reset. I will talk about that a little bit when I begin discussing the reasons for trying to act so quickly here. But I think it also requires some further discussion because, frankly, Russia is threatening a new arms race if the Senate does not ratify this treaty. Is that the reset the President is so fond of talking about, this new wonderful relationship with the Russian Federation?

Twelfth, I think we need to talk about tactical nuclear weapons. The treaty did not deal with tactical nuclear weapons, and respected Members of this body, including the Vice President of the United States, then a Senator, made clear that after the last treaty the next item on the agenda had to be to deal with tactical nuclear weapons. It should have been, but it was not done here.

Thirteenth—and this deals with some of the amendments that are going to be necessary—there is a Commission in here that somewhat like previous treaty commissions—it is called the Bilateral Consultative Commission—and the treaty delegates to this Commission the ability, even in secret, to modify terms of the treaty—a group of Russians and a group of U.S. negotiators. There is some reference in the committee's resolution of ratification, but, in my view, it is inadequate for the Senate to be able to react in time to notification by that Commission of things it is intending to do in time for the Senate to provide its advice and consent, if those are necessary.

Then, as I mentioned, it is also important for us to determine how this treaty is distracting attention from what the President has said, and I agree, is our top priority; that is, dealing with proliferation and terrorism. This treaty does not do anything to advance our goals in that respect, and I think it would be much better if we could have spent part of the last 2 years better focusing on the illegal nuclear weapons programs of Iran and North Korea and why that should be our top agenda item right now.

Those are some of the things I am going to be talking about. I will not have time to deal with all of them during this first hour. But let me at least briefly talk about the question of adequate time. I do not think Senators are quite aware of some of the procedures that exist with respect to treaty ratification. Because of precedent in the Senate, when cloture is filed, it will close off debate both on amendments to the treaty and the preamble, as well as amendments to the resolution of ratification.

I think it is important to note there are amendments that Members, at least on our side, have that go both to the treaty and preamble and also amendments that deal with the resolution of ratification. In fact, I think there are many more that deal with the latter subject. We are going to have to be able to deal with both of those subject matters. So when Members talk about filing cloture, I think it is important to realize that would cut off debate on every additional change, even if we have not been able to complete work on the amendments to the resolution of ratification.

Also, I think it should be clear that there have been numerous letters sent to our leadership in the Senate and to the committee leadership from Republican Members of the Foreign Relations Committee, other Republican Senators, the 10 Republican Senators-

elect, Representatives from the House Armed Services Committee, and others, indicating this is not the appropriate time or way to deal with this treaty.

Incidentally, I happened to be watching Chris Matthews the other night—a television program—and Lawrence Eagleburger, one of the people who support the treaty, was asked by Matthews what the fuss was about getting it done now and, among other things, this is what Lawrence Eagleburger, former Secretary of State, said:

> They want to do it before these lame duckers are out there. That's not the way to move on this issue.

I agree with that. There are a lot of serious things to consider, and the rush to do all the business this lameduck session has is not the best way to get that done.

The chairman of the Foreign Relations Committee yesterday expressed the view that we had plenty of time to do this, comparing the work we have here to the START I treaty. The START I treaty is the predecessor to this New START treaty, though there was the intervening 2002 Moscow Treaty I mentioned before. But just to make two quick points on this: When we dealt with START I, we did not have all the competing considerations, the dual tracking with an Omnibus appropriations bill and the votes we are going to have to take on that, as well as the other items the majority leader has mentioned. Secondly, if we are to talk about an analogous treaty, the START treaty was not considered by the Senate until September of 1992, and the analogy would be that this treaty before us now would be appropriate to bring to the Senate next May, May of 2011. That is how much time elapsed between the two.

I am not suggesting we need that much more time, but I am simply pointing out the fact that it is not analogous. Probably a better analogy would be the INF Treaty. That is a treaty that took the Senate 9 days of floor time. We had no intervening business of any kind. There were 20 votes on amendments and plenty of time to work out consideration of other amendments.

So the idea that, well, some treaties have not taken that long, therefore, why can't we do this one, is a specious argument, and I think when we see the serious issues that need to be considered, our colleagues will appreciate the need to take adequate time on this agreement.

One of the curious arguments is, we have to do this quickly because the verification provisions of the predecessor START I treaty have lapsed and, as a result, we have a situation that is untenable. As a matter of fact, Robert Gibbs, the Press Secretary, believing that the Senate yesterday was reading the treaty, which did not happen, nevertheless put out a statement, obviously prematurely, and one of the things he said was:

> Every minute that the START Treaty is being read on the Senate floor increases the time that we lack verification of Russia's nuclear arsenal.

Well, apart from the fact that he was wrong about the reading of the treaty, he is also wrong about the urgency because of the lack of verification of the Russians. First of all, I am confused by the two main arguments to support the treaty.

No. 1, we have this wonderful relationship with the Russians that has been reset and we are cooperating on all of these things. By the way, we can't trust those guys so we quickly have to put these verification measures in place. There is something that doesn't quite connect there as far as I am concerned.

But I go back to why we don't have verification right now. This story reminds me a little bit about the trial of a fellow who killed both of his parents and then pled for mercy from the court because he was an orphan. This problem of verification was created by the administration. It has nothing to do with action by the Senate, and they have nothing but themselves to blame for whatever verification procedures are not in place.

How did that come about? Well, the START treaty had perfectly good verification provisions in it that could have been continued for another 5 years if the United States had taken the view with Russia that that is what we should do. But the administration said, no, we are going to deliver the START treaty on time so there won't be any hiatus there, so we don't need to continue the verification provisions of START I.

Here is what was said in a joint statement between President Barack Obama and Dmitry Medvedev, President of the Russian Federation, on April 1 of 2009:

> The United States and the Russian Federation intend to conclude this agreement before the treaty expires in December.

Originally, we had nothing to worry about because the new treaty would be done by then. It soon became evident that wasn't going to happen, the negotiations were dragging, and the treaty would expire. Did this administration decide to try to continue the existing treaty—which it could have done? It just takes the United States and Russia agreeing to do it, no Senate action required. No, it didn't do that.

Several of us began to express concerns about this. The Republican ranking member of the Senate Foreign Relations Committee even introduced legislation to provide the necessary legal framework for verification to continue even though the two treaties had lapsed, and I cosponsored that legislation. The administration said, well, what we are going to do is get a bridging agreement with Russia that will bridge the time between the time START lapses and the time the new treaty is ratified.

Michael McFaul, the NSC adviser for Russia, in a press briefing on November 15 of 2009 made that point. He said:

> It does expire on December 5 and in parallel, we have a bridging agreement that we are also working on with the Russians, so there is no interruption. The key thing here is verification. We just want to preserve the verification.

So that was the intention. Those of us who expressed concerns about this were at least, I think, somewhat mollified, except that when I went to Geneva, what we found was there had been no conversations whatsoever, and it appeared to me—I came back to the floor and actually called it malpractice—that our negotiators and the Russian negotiators had not thought about, let alone begun, to negotiate what kind of agreement would be put in place in the event the treaty expired and nothing else was in place to provide for verification. But at least they promised we would have this bridging agreement.

Then the administration said—when the treaty was signed and the two Presidents spoke to the issue—that we would continue in the spirit of the previous treaty so there would be no difference in action between the two countries in whatever time period it took for the ratification of the treaty to occur by the two countries' bodies. This is a quotation from the statement of Presidents Medvedev and Obama:

> We express our commitment as a matter of principle to continue to work together in the spirit of the START Treaty following its expiration, as well as our firm intention to ensure that a New START Treaty and strategic arms enter into force at the earliest possible date.

It is a complete mystery as to what happened. What happened to the bridging agreement? What happened to this spirit of cooperation we were going to continue in the spirit of the previous treaty? We are now told it is an absolute emergency for the Senate to hurry up and ratify this treaty because the Russians might cheat. Nobody has explained what happened here and nobody has explained why it was important before, but it never got done, and now we have the emergency.

There were documents that trickled in over time, but one of the things we have asked for to try to explain what happened and what this spirit is that the Presidents both talked about was the negotiating record. We have absolutely been denied access to that negotiating record. The Russians know what we said and what they said. The State Department knows what we said and what they said, but Senators who are asked to give their advice and consent can't be trusted, I guess, to know what was said between the Russian and U.S. negotiators.

Numerous officials of the administration have said there is an urgency to ratify the treaty because we lack verification measures with Russia. That was the statement Senator Clinton made back in August and others have said the same thing. Of course, we do have some verification, but I don't want to get into in open session the national technical means we have. We can discuss that in executive session.

But apart from the mystery about this bridging agreement and the commitment of the two Presidents, this urgency is irrational if we are to believe that we really reset this relationship with Russia. In fact, administration officials have actually denied that the emergency exists, a point that has been made by others. Gary Samore, who is special assistant to the President, said:

I am not particularly worried near term, but over time as the Russians are modernizing their systems and starting to deploy new systems, the lack of inspections will create much more uncertainty.

Absolutely true. I agree with that. But he is not worried in the near term; that is to say, within the next few months.

The Washington Post I thought put it well. In an editorial they said:

But no calamity will befall the United States if the Senate does not act this year. The Cold War threat of the nuclear exchange between Washington and Moscow is, for now, almost nonexistent.

So I don't think it is a valid argument to rush this treaty through in the week before Christmas, that somehow this is an urgent need and that our national security is threatened if we don't do that. I also reject the argument that the only choice for us is this treaty or no treaty. Obviously, there are other choices. When it comes to verification, both countries have the ability to have agreements with each other that provide for the kind of inspection regimes that would be appropriate.

Let me conclude at this point. Ian Kelly, who is a State Department spokesman, made a comment that I think sums it up. He said:

Both sides pledge not to take any measures that would undermine the strategic stability that the START has provided during this period between the expiration of the START treaty and entering into the force of the new treaty, which will take some months.

He is right. But I think the argument that the Senate has to act now—right now—or else our national security is going to be jeopardized by lack of verification is specious, and it certainly raises questions if we are to examine what the real basis is and what the result of this new reset relationship with Russia is. That is the argument: We have to do this now, because otherwise we won't be able to verify what the Russians are doing. The other argument is that we reset our relationship with Russia and, therefore, if we don't do this, it will make the Russians mad and they will not continue to cooperate with us on important matters they have cooperated with us on. I think it is important to both examine that allegation as well as the question of what the two countries got out of this treaty.

Let me speak for a moment about what the Russians got out of the treaty and what the United States purportedly gets out of the treaty, most of it characterized in this reset language. Russian politician Sergei Kurginyan said:

Russia could not have an easier partner on the topic of nuclear arms than Obama.

He is referring to President Obama.

What exactly did the Russians get out of this? Some said, Well, even though they are no longer a powerful nation they need the superpower status, and entering into a treaty such as this, such as the kinds of treaties that used to be entered into during the Cold War, gives them a feeling of superpower status along with the United States. So it is important for us to do that. First of all, I am not sure you treat a serious reset partner that way, but apart from that, obviously, the Russians felt that if they could negotiate a good treaty with the United States, it would be to their benefit, and I don't question their intentions in doing that.

But what we got out of this in terms of the primary feature of the treaty is to reduce the nuclear warheads and delivery vehicles. The delivery vehicles are the most important thing, in my view. But only the United States reduces its strategic delivery vehicles under this New START treaty. The Russians don't. They currently have about 560 delivery vehicles. These are ICBMs, bomber capability, and submarine capability. The United States has 856. The treaty takes you down to 700 of deployed delivery vehicles. So even under the treaty, Russia can build up to that level by adding 140 launchers they don't currently have, while the United States must cut our forces by 156. One says, Well, why shouldn't it be exactly equal? The United States has obligations beyond those of Russia. Russia has a need to defend its territory. The United States has 31 other countries relying on the U.S. nuclear umbrella. Therefore, the targets we must hold at risk and the concerns we have about adequate delivery vehicles are much different than Russia's. Nonetheless, we have agreed to a parity number here of 700. So they can build up to that number; we have to build down. That is not exactly a great victory, in my view. In fact, it is the first time since the very disastrous Washington naval treaties with Germany and Japan before World War II that the United States has agreed to one-sided reductions in military might.

I mentioned the bridging agreement before. Where that fell through the cracks, I don't know. The administration was apparently pushing for it. It didn't get it. We still don't know what happened because we haven't been given the record.

On mobile missiles, this is a matter that exercised the Russians when the committee dealt with it in a very modest way in its resolution of ratification. You see, the Russians have had rail mobile missile plans and don't know exactly what they are going to do in the future with rail mobile, but when the committee deigned to speak to this, the Russians reacted like a scalded dog: Well, we recommend the Duma not approve the treaty if we are going to be talking about rail mobile missiles. What about the United States in contention? We shouldn't be talking about U.S. missile defense. No, that is OK, but we don't want to talk about rail mobile missiles. So the Russians successfully prevented any revisions on that and there is maybe a concern now that we made a mistake in not including that. Obviously, the concession makes it much harder to monitor their forces if they go with rail mobile forces.

In addition, we limited the monitors of missile production at Votkinsk. Votkinsk was the missile production facility in Russia that produced many of the missiles the Russians used and this was required by the START I treaty. The Russians didn't want this anymore. I can understand why. If we are going to understand what they are producing in their factory and see what happens when they roll them outside the factory, then we will have a better idea of whether they are cheating. The Russians said from the very beginning, We are not going to let you do that anymore. So they got something very important with regard to verification. Again, the argument is we have to do verification. Understand that verification in this treaty is much weaker than the verification that existed under START I and that could have been continued for another 5 years if the administration had taken that position.

Very troublesome is a reverse in course by the United States and Russia both with regard to MIRVing of ICBMs. We have been working against MIRVing for a long time and finally achieved in the last treaty a recognition of the fact that MIRVed missiles; that is to say, missiles that have numerous warheads on top, are very destabilizing because it creates a situation where you basically have to use them or you lose them. If we attack a missile silo and kill eight warheads all at once with one strike, that is a major loss. So the idea is that strategic offensive weapons with those MIRVs on them need to get off before they are hit by an incoming missile. Very destabilizing.

So both countries agreed we would move toward a single warhead missile. Well, in this treaty, that all goes by the boards. The United States is going to continue to provide for single warheads, but not Russia. In fact, it is believed that 80 percent of the Russian ICBM force in the future will consist of MIRVed ICBMs. I don't know why the administration walked back from that. Again, we don't know because we don't have the negotiating record.

The SLCM is the submerged launch cruise missile. Now, the START I treaty had a side agreement that limited submerged launch cruise missiles. But this new START treaty ends that side agreement and says even though the United States is retiring our submerged launch cruise missiles, as we intended to do under START I, it appears that Russia is developing a new

version of such a missile, with a range of up to approximately 5,000 kilometers, which is a longer range than some ballistic missiles covered by the treaty.

Again, why do we allow a relinkage of a subject as important to us as missile defense with strategic arms limitations and yet not limit rail mobile, SLCMs, and so on? It is a very lopsided result in the negotiations, it seems to me.

I mentioned missile defense. Russia not only achieved a recognition of its position that missile defense is related to strategic offensive systems in the preamble of this treaty, but it negotiated limitations on U.S. missile defense in article V. Importantly, it added some what I will call ''bullying'' language in the unilateral statement accompanying the treaty. These achievements came after the U.S. gave away ground-based European systems and promised the Senate there would be no treaty limitations on defensive missiles.

Missile defense targets is another area in which the U.S. gave ground. There is ambiguous treaty language which I believe will constrain U.S. ability to maximize the affordability of our missile defense targets. We are not going to be able to reuse old targets.

Telemetry is a big issue the U.S. fought hard on but apparently caved on. We don't have the record, so we don't know what kind of quid pro quo could have been gotten for this. Under START I, one of the most valuable collection methods was the unencrypted telemetry from missile tests by the Russians. They got that from our missile tests. We both knew the capability of each other's missiles. In a sense, that is stabilizing. But under New START, which is supposed to be improving the situation with regard to certainty, unencrypted data from almost every ballistic missile flight will be not subject to sharing with the other side. At best, five flights a year will be shared. But Russia can choose to never share flight test data from new missiles they are currently developing and testing. They can say here is data from five tests of old missiles, but they don't have to share data as to any of their new missiles. None of our intelligence people will tell you that is an improvement or a good situation.

Here is another disparity in the treaty: conventional prompt global strike. Remember I mentioned the Russian potential plans for rail mobile or cruise missile submarine launch. I think the United States has a very good idea about moving forward with something we call conventional prompt global strike. It is not even a nuclear program. It is a sensible way to deal with some of the emerging threats around the world today, where we may have a need, in a very quick time and over a long distance, to send a conventional warhead to a country. We may not want to have to send a nuclear warhead—Heaven knows what that would start—but it makes sense to have a conventional capability to do this.

The Russians have fought that. It is a little unclear why, since it would totally be aimed at other countries, certainly not Russia. In a treaty nominally about nuclear weapons, we have a specific limitation on the U.S. plans for conventional prompt global strike. It would limit the capability we are seeking to address WMD and terrorist threats by requiring that any such missiles be counted against the already-too-low limit of 700 missiles for delivery of nuclear warheads.

Let's say we were going to deploy 24 of these missiles—to decide a number. That means you have to reduce the 700 by 24. That provides a huge disincentive to deploying these conventional prompt global strike missiles and a dangerous reduction from a negotiated 700 launcher limit in the treaty.

I am not going to get deeply into inspections and verifications. That will have to be dealt with in executive closed session where we can discuss classified matters. Suffice it to say here, in discussing the disparity between what the Russians got and what we got, in a number of inspections this new treaty cuts the number of inspections by more than half compared to START I.

Part of the problem is that none of the inspections that are permitted will ever enable us to have a good sense of the total number of warheads. So that is different from the START I treaty. We are never going to be able to monitor, under this treaty, whether the Russians are complying with the overall limit on warheads. Again, we will have to get more into that in executive session.

I talked about tactical nukes. I mentioned the fact that when he was a Senator, Vice President BIDEN made remarks during ratification of the 2002 Moscow Treaty. He said:

> After entry into force of the Moscow Treaty, getting a handle on Russian tactical nuclear weapons must be a top arms control and nonproliferation objective of the United States Government.

Well, here it is 8 years later, and not only is there no further progress toward that—and I agree with the Vice President—but this treaty, at the insistence of the Russians, has not one word about tactical nuclear weapons. I will be discussing that in more detail later on. I just mention it here to illustrate yet another area where it seems to me there is a great disparity.

I didn't count up all of these things, but there have to be 10 or 12 areas in which the Russians have gotten very much what they bargained for. The question is, What did we get?

We are told that we benefit for the following reasons: We can resume inspections in Russia. As I said, we could have done that by extending the START I treaty. That is a problem of our own making. By allowing that to expire and not renewing or putting into place a bridging agreement or enforcing the joint statement the two Presidents put together in working together in the spirit of START I, the inspections are significantly weaker, as I said.

I will quote Senator BOND. He said:

> The administration's new START Treaty has been oversold and overhyped. If we cannot verify that the Russians are complying with each of the treaty's three central limits, then we have no way of knowing whether we are more secure or not. There is no doubt in my mind that the United States cannot reliably verify the treaty's 1,550 limit on deployed warheads.

Senator BOND is exactly right. We will discuss some of that in open session and the rest of it in closed session.

I will conclude this point by noting that the Vice President and others have also suggested that this treaty is important for the United States because it is a valuable part of the so-called reset relationship with the Russians.

I have to ask several questions about this. Why have we assumed this has been such a great success?

My colleague, Senator DURBIN, for example, stated a couple of weeks ago that we need Russia's help in dealing with Iran because that nation is about to bring online a new nuclear powerplant. I remind everybody that Russia built and fueled that powerplant for Iran. So that is a great benefit to this reset relationship.

We will have more to say about that as well. I will conclude this part by quoting from Dr. Henry Kissinger, who believes the treaty should be ratified. He said:

> The argument for this treaty is not to placate Russia. That is not the reason to approve this treaty. Under no condition should a treaty be made as a favor to another country, or to make another country feel better. It has to be perceived to be in the American national interest.

So what are the two big arguments for the treaty? We have to get this verification regime in place because the Russians may cheat. Well, I guess they are our new best friends and we have to keep it that way or else they will get mad. Dr. Kissinger wrote before about this matter of what should motivate us to do an arms control treaty. He said every arms control treaty has to be justified within its own four corners. You can never say a reason to do it is to make the other country feel better or to gain some kind of leverage with the other country or to gain its cooperation in some way. A, it is illegitimate; and, B, it doesn't work. He made that point precisely with respect to this. He is saying that is not a reason to endorse this treaty.

I conclude that the two big arguments are not arguments at all, and, in point of fact, the Russians got a lot more out of this treaty than the United States ever would.

I spoke a little bit about the treaty limits because this is the central idea of the treaty—to reduce the number of

warheads and delivery vehicles. I wanted to discuss that in this context because there are a lot of people who believe—and I certainly understand the argument—that it seems like a good idea if both countries are reducing nuclear weapons forces and warheads. That was exactly the theory under the Moscow Treaty of 2002. We didn't need that many warheads and delivery vehicles.

The United States said: We are just going to reduce ours; and Russia said: We have to reduce ours, too, so why don't we have a treaty. The United States said: We can have one, but we don't need one; we are going to do this out of our own best interests because it costs a lot of money. As a favor to Russia, we said: If you want to do a treaty, fine, but we will not make any concessions to do it.

Now we are cutting into the bone and getting the level of delivery vehicles down to 700 could jeopardize our ability to carry out our missions. That is my assertion. There are experts in the administration who have briefed us, who can show exactly where the targets are, where our missiles are, how many we would need, and so on. They say actually we still have enough to do the job.

I am willing to accept their, first of all, patriotic motivations, expertise, and judgment on this issue. But I also note that when you read all of the statements that all of them made, they appreciate that this is it—this is the limit beyond which we don't dare go. It rests upon several assumptions, including the assumptions that the Russians are never going to break out or cheat. It rests on the assumption that we don't have new targets that we have to worry about.

I suggest, especially with respect to the Chinese development and modernization of its nuclear force, and the role it is beginning to play in the world militarily, it is not necessarily a valid assumption that the targets that existed during the Cold War are all that we will ever have to worry about.

Let me talk briefly about this matter of how we have brought down the number of warheads and missiles, and why it is not necessarily the great thing that the proponents are cracking it up to be. The first point I will reiterate: We did all the giving; they did the taking. We have to reduce the number of our delivery vehicles, and they can actually build up theirs.

At the signing of the treaty, Russia had a total of 640 strategic delivery vehicles, with only 571 of them deployed. That is according to the Moscow defense briefing in 2010 about their missiles and delivery vehicles. Aleksey Arbatov, a former deputy chairman of the Duma Defense Committee said:

> The new treaty is an agreement reducing the American and not the Russian strategic nuclear forces. In fact, the latter will be reduced in any case because of the mass removal from the order of battle of obsolete arms and the one-time introduction of new systems.

We believe his statement is correct. I am worried that we have gotten very close to the line. Nothing has changed since 2008 except that the Chinese have been working hard at their modernization. That is when the Bush administration testified that the current level—the levels we have today, not the levels we are going down to—were necessary for deterrence.

I could quote from Secretary Bodman and Secretary Gates who spoke to that issue in September of 2008 to make that point. General Cartwright, Vice Chairman of the Joint Chiefs, who supports the treaty, testified that in 2009 he would be concerned about having fewer than 800 delivery vehicles. I am quoting:

> From about 1,100 down to about 500—500 being principally where the Russians would like to be, and 1,100 being principally where we would like to be, now the negotiation starts. I would be very concerned if we got down below those levels, about midpoint.

Secretary Schlesinger said:

> As to the stated context of strategic nuclear weapons, the numbers specified are adequate, though barely so.

Those are the views of experts.

Dr. Kissinger, who testified in support of the treaty, said this:

> [T]he numbers of American and Russian strategic warheads and delivery systems have been radically reduced and are approaching levels where the arsenals of other countries will bear on a strategic balance, as will tactical nuclear weapons, particularly given the great asymmetry in their numbers in Russia's favor.

There are two things he is talking about. First, as Russia and the United States bring our forces down, there is a certain point—I am not suggesting we are there yet, but there is a certain point that countries, such as China, for example, can say: Wait a minute, there is now not that much difference between where Russia and China are—Russia and the United States are and where we are, and therefore, if we just build ours up somewhat, we can be at virtual parity with Russia and the United States, and, voila, instead of having two powers with a large number of nuclear warheads, you then have three. So there is an incentive for countries like that to build up once we get down to a certain point.

The other point he makes is with respect to tactical weapons. Tactical does not really relate to the amount of boom the weapon makes, its destructive capabilities, so much as the delivery vehicle it is on. The Russians have a significant advantage in that, as Secretary Kissinger pointed out. So there is an asymmetry that exists both with respect to warheads and delivery vehicles.

General Chilton, when he talked about support for New START, predicated it on no Russian cheating or changes in the geopolitical environment. I would like to read his quotation. He said:

> It was decided . . . we would just fix that [Presidential guidance] for our analysis of the force structure for the START negotiations. And so that's how we moved forward. . . . The only assumptions we had to make with regard to the new NPR, which was, of course, in development in parallel at the time [with the START treaty] was that there would be no request for increase in forces. And there was also an assumption that I think is valid, and that is that the Russians in the post-negotiation time period would be compliant with the treaty.

He assumes they are going to be, in other words. But those are the two assumptions on which we had to base a reduction down to this level. I think Senators should ask themselves whether they agree with these assessments in light of the facts that Russia does continue to modernize its force, as does China; that more nuclear forces in those countries necessarily means more potential targets for the United States to hold at risk; and that Russia has violated practically every arms control treaty it signed with the United States; and taking into account what hangs in the balance—the commitment of the United States not only to our 31 allies and the nuclear umbrella we have but also the protection of the United States with our nuclear deterrent. We have little to gain and much to lose if we can't be certain the numbers in New START are adequate.

Let me conclude this point by talking about some counting rules. This is a little esoteric and gets down into the weeds, but it is important to understand in the context of what I am talking about.

Under the treaty, strategic stability may be weakened because there is not a specified loadout of reentry vehicles per missile. That is what we used to have. The counting rules in the treaty present opportunities for allowable cheating that the United States is not likely to pursue—in fact, I would say we will not pursue—but which could give Russia an advantage.

While the United States improves stability in our ICBM force by eliminating the MIRVing I talked about before, Russia will become more reliant on MIRVed ICBMs, and, again, that is destabilizing because it encourages first-strike planning for fixed silo weapons—the ''use it or lose it'' problem.

The Chairman of our Joint Chiefs of Staff, Admiral Mullen, said:

> The United States will ''de-MIRV'' the Minuteman III ICBM force to a single warhead to enhance the stability of the nuclear balance.

So why would we, then, encourage the Russians to go exactly the opposite direction in this treaty?

Let me quote again. This is from a Russian forces blog, November 30, 2010:

> The commander of the Strategic Rocket Forces, Lt.-General Sergei Karakayev, announced today that all new mobile Topol-M missiles will carry multiple warheads. This modification of the missile is officially known as the Yars or RS–24. The first three RS–24 missiles were deployed in Teykovo earlier this year.

That is what I was referring to before, and that promotes strategic instability, not stability.

Finally, due to the bomber accounting rules, at least one Russian military commentator has noted:

Under the treaty, one nuclear warhead will be counted for each deployed heavy bomber which can carry 12 to 234 missiles or bombs depending on its type. Consequently, Russia will retain 2,100 warheads.

Might I inquire how close I am to using the 60 minutes I had intended to speak?

The ACTING PRESIDENT pro tempore. The Senator has about 10 minutes remaining on the hour he asked for, but there is no time limit.

Mr. KYL. I appreciate that there is no time limit on my speaking and I appreciate there is no time limit on my time, but I have an engagement at noon and, second, I did not want to be out here on the floor talking for too long.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. I wish to ask the Senator, if I can—I don't want to interrupt him, but I wanted to inquire, get a sense here—I appreciate a lot of the comments he has made. First of all, let me say that I have appreciated working very closely with Senator KYL on this for months now. We have had an enormous amount of dialog; we have had a lot of meetings; we have gone back and forth. I think he would agree that we have tried very hard and in good faith to address many of the concerns he has raised, notwithstanding the ones he just raised in his speech, many of which I will speak to as we go along.

But I would like to sort of get a sense from him. He mentioned amendments, others have, but we are now almost at lunchtime, and we don't have an amendment. I would like to get a sense of when we might anticipate really being able to do the business on the treaty.

Mr. KYL. I will be happy to respond. Part of the business of the Senate on the treaty is to expose its flaws and to have a robust debate about those flaws, which can provide the foundation for amendments which we intend to offer.

I was struck by the seriousness and importance, at least in my mind, of the two-page list of amendments my staff acquired from colleagues. As my colleague knows, we actually shared a list of 10 or 12 amendments that I had thought about, and actually some of my colleagues—in fact, we had a couple-of-hour conversation about that one morning to see if we could reach agreement on any of them, which we were not able to do. But there are some very serious amendments, most of which go to the resolution of ratification, and a few go to the treaty or the preamble itself.

I note that yesterday my colleague said—I think I am quoting him correctly—''Make no mistake, we will not allow an amendment to the treaty or the preamble.'' Maybe there are the votes to not allow that. But I do think it is important for us, in this discussion, before offering such an amendment, to appreciate why we believe such an amendment would be important.

As my colleague well knows, there is a great deal that can be said about this. I am trying to say it in as succinct a form as I can.

Mr. KERRY. I appreciate it.

Mr. KYL. But there is a great deal of discussion that needs to occur for a predicate for the amendments we intend to offer.

Mr. KERRY. Madam President, I completely respect what the Senator from Arizona has just said, and we obviously want to give him time to lay any predicate to whatever he may perceive to be a flaw. For instance, as he raises the question about the MIRVing, as he just did—and later, I will go through each of these points—but the fact is, the reason the Russians are MIRVing—which we all understand, and there are plenty of letters from the Strategic Command and elsewhere that will articulate the way in which they do not see that as a threat—the reason they MIRV is because they cannot afford to do some of the other things with respect to the numbers of missiles, so they put more warheads on one missile.

We have preserved a very significant breakout capacity here. As General Chilton and others will point out, it is not a flaw at all. It is actually an advantage which is maintained in this treaty for the American strategic posture. I will go into that later. What the Senator describes as a flaw from his point of view I think the record will well state is sort of a preserved American advantage.

That said, I respect, obviously—we want to get this joined. I think what the Senator has just laid out is very helpful. It will help us join the debate. But I do want to impress that the sooner we can get to some of these amendments, the more we can really discover whether something is, in fact, a flaw or is not a flaw and has been adequately answered.

Mr. KYL. I appreciate my colleague's comment. I note that I think the reason the Russians are going to MIRVing is—at least the primary reason is exactly as Senator KERRY has stated. They have financial limitations on what they can do here, but I don't think one can deny that the result of it is strategic instability compared to moving toward a single warhead missile, such as the United States has been doing and will continue to do.

What I wanted to do in this segment of my remarks before I conclude—and I will advise my colleagues that the next thing I intend to be talking about is the administration's commitment to the nuclear triad, but I don't think I am going to have time to get to that. I would like to conclude now with some comments about modernization.

It has been well known that I have been involved in negotiations with the administration regarding modernization. My colleague and friend, Senator KERRY, has been very helpful, I might say, in occasionally restarting those conversations when they got bogged down a little bit and was helpful—and I specifically have complimented him before and will do it again—in ensuring that the President's increase in the budget for our nuclear modernization program that was in his budget this year will actually be carried out in the funding the Congress does. We had to do a continuing resolution back in September, and I think it was largely due to Senator KERRY's efforts that that funding was included.

I just note that we have had a lot of concern back and forth about whether there is a real commitment to get that done over the years. Obviously, both of us appreciate the fact that no one can guarantee anything, but there is a certain amount of good will and commitment involved here, and certainly the administration needs to be very actively involved in ensuring that the funding required for its modernization program actually comes to pass.

I note that the continuing resolution as passed by the House of Representatives unfortunately conditioned this funding Senator KERRY and I were responsible for—conditioned it on the ratification of the START treaty, saying: If you don't ratify the treaty, you are not going to get the money. Thankfully, a couple of administration officials relatively quickly pushed back on that and said: No, that is not right. The treaty stands on its own, and the modernization program stands on its own, and this funding is necessary.

That is the kind of pushback on what might otherwise be rather petty politics that is going to be required by all of us who understand that modernization is critical in the future.

With that belief predicate, let me state what the problem has been and generally how we went about trying to correct or solve the problem.

The United States, believe it or not—and this is the fault of Republican and Democratic administrations and Republican and Democratic Members of Congress—it is a negligence, I would say a gross negligence on all of our parts. I take some of the blame for not having yelled about this more than I have. But at the same time that every other nuclear power is modernizing its forces, both its facilities and its capability to maintain its weapons, its weapons, and, in the case of the Russians and the Chinese, their delivery systems as well—while every one of them has a capacity to do that, to actually produce a warhead to put back into production when one comes out of production, the United States does not. The country that literally invented these weapons with the Manhattan Project is still using Manhattan Project—that is 1942, in case you have forgotten—era buildings to take care of these most sophisticated weapons. If you were to liken it to a car, it would be like a Ferrari race car or Formula 1

race car, highly technical—I don't think you would want to refurbish those in somebody's old backyard garage.

The bottom line is that these facilities have to be brought up to modern standards to be able to modernize our weapons over time. Why do the weapons have to be modernized? Generally speaking, these are weapons that were designed in the 1970s, built in the 1980s, and built to last 10 years. Do the math. We are still relying on those weapons.

What we found, even though we have cut way back on the funding for what we call surveillance—that is to say, taking a look at several of these weapons every year, taking the skin off, looking down inside, seeing what is rusty and what is loose and so on, to use an analogy to a car maybe—what we found is that there are significant issues with these weapons that need to be addressed if our commanders and labs are to continue to be able to secure them as safe, secure, and reliable, as they must.

So we need the facilities in which to bring these sophisticated weapons in, take them apart, make sure they are put back together properly with all the requisite either new parts or reused parts or whatever is necessary to continue to allow them to work and get them back into production.

The timeline on this is more than critical. Suffice it to say in this open session of Congress that we dare not waste any more time at all. I think that is one of the reasons why the President's advisers from the laboratories and the Department of Defense and Energy presented this to the President and his nuclear posture review. In the modernization plan he developed, there is a very firm commitment on his part to move forward with this, because no time can be wasted.

To give you one illustration, when we left one of the facilities we had examined—we have been to each of these facilities and we have talked to the people there, and we were given a little souvenir from one of them. It is encased in plastic, a little vacuum tube. It is a vacuum tube such as those that came out of our black-and-white TVs back in the 1960s, I guess. It is still being used in a component of one of our weapons, and they are replacing it with circuit boards, of course.

That is the kind of thing that needs to be modernized in these weapons. So what is it going to take to do it? Well, the Congress, understanding that we had to get about this, in the last Defense bill put in a requirement that the President prepare a plan. It is named after the section of the bill, which was 1251. That section of the bill now is the nomenclature for the plan, the 1251 plan for modernizing our forces.

This followed a speech Secretary Gates made. Let me quote from the speech and then get into a little bit of the detail here. He said:

> To be blunt, there is absolutely no way we can maintain a credible deterrent and reduce the number of weapons in our stockpile without either resorting to testing our stockpile or pursuing a modernization program.

That was pretty much the genesis, that and the so-called Perry-Schlesinger Commission, which ran the red flag up the flagpole to get this program moving. So in fiscal year 2010, the Obama administration devoted $6.4 billion to nuclear weapon activities, but it has acknowledged that that is a loss of purchasing power of about 20 percent, from 2005—this is by the administration's own calculations. So we knew from the very beginning there was not enough money in the plan to get the job done.

In December, a year ago, 41 Senators—this is before Scott Brown, I might add, joined us—wrote a letter to the President stating:

> Funding for such a modernization program beginning in earnest in your FY 11 budget is needed as the U.S. considers the further nuclear weapon reductions proposed in the START follow-on negotiations.

To make a long story short, the administration had a 10-year plan in place that was becoming pretty apparent would not be adequate. That 10-year plan called for about $7 billion a year over 10 years, to basically operate the facilities. I have said, it is like the money to keep the lights on, but not money for this new modernization of our nuclear warheads or most of it would not have gone to that.

They realized they needed about $10 billion, at least according to their initial calculations. They got about half of that from the Defense Department, the other half they figured they would get from savings from recalculating interest costs in the latter years of the budget. So they added a $10 billion slug onto the $70 billion that was already budgeted for general operation of the system, and said that is our $80 billion modernization program. But based upon work that had done by laboratories earlier, by other study groups and so on, a lot of experts agreed, including all of the former lab directors, that that slug of $10 billion would never be adequate for the costly items that needed to be performed over the next decade. Most of us estimated it to be about double that cost or about $20 billion. I think that is essentially where we are going to end up, by the way.

In any event, the two biggest drivers are two new buildings, facilities that have to be built, one for plutonium work at Los Alamos Lab in New Mexico, the other for uranium work at the so-called Y–12 plant at Oak Ridge, TN. Those two buildings alone could end up costing over $10 billion. As a result, as I said, we went to the administration and said, we appreciate this modernization plan, but you need to update the plan and incorporate a lot of new costs.

We showed them a lot of areas in which there were deficiencies, including deferred maintenance that had to be performed. We even pointed out there was a billion-dollar unfunded pension liability that would have to be dealt with in order for the scientists to continue to work. I will not go into the quotations here. Vice President BIDEN acknowledged the same thing in a statement he made. I appreciate the fact that, by the way, they complimented our work and our staff for pointing out a lot of these things, which were the bases then for the administration coming back and doing an update to the 1251 plan, which at least incorporated funding for some of the items we had talked about.

There has been some talk about an additional $4.1 billion, and I know Senator KERRY will confirm this. It grates on me, and I am sure it does on him as well, to hear people referring to this in negotiation terms: Well, they gave KYL another $4.1 billion. That should be enough.

That is not the point here. This is an ongoing, evolving process. The administration has also identified about another $2 billion likely to have to be spent within 6 years, but they were only looking at a 5-year process, so that $4 billion pertains to 5 years. My guess is, there will be another $6 billion over the last 5 years, and we will ultimately look at about $20 billion, more or less.

The point is, I did not believe the administration had been sufficiently careful in defining the requirements and identifying the amount of money that would be needed. I have said to many people, including my colleague Senator KERRY, we better not underestimate this for the appropriations Members of Congress. We better let them know upfront, this is going to be pretty costly, and get that out on the table.

To their credit, the administration has now put out new figures. As I will discuss in more detail later, but to summarize here, while that is a big step forward and very welcome, and I will support it all, there are other things that need to be done. One of the biggest concerns I have is that it achieves this objective in part by simply extending the date to complete these two big facilities I mentioned by another 2 years. They would not be complete until 2023 for one and 2024 for the other one.

That has the advantage of getting them outside the 10-year budget window, so you do not count any new money, but it extends the time by which these facilities can be done. And every year we were told it is about a $200 million expense to keep the existing facilities operating.

So we are losing a lot of money every year that we do not get these two new buildings constructed so we can move into them and get the modernization done. That is the biggest concern I have. I will talk about some others later.

But let me conclude here with a couple of quotations that I think illustrate the importance of doing what we need to do here.

Tom D'Agostino, who is the Deputy NNSA Administrator said:

Our plans for investment in and modernization of the modern security enterprise are essential, irrespective of whether or not the START treaty is ratified.

He and I think all of us agree, it is even more important if we go down to the lower numbers in the START treaty. But this is important either way. I note that former Energy Secretary Spence Abraham wrote a column in Weekly Standard recently that made the same point, that regardless of what is done on the START treaty, this modernization needs to move forward.

I made the point earlier about how the House Democrats conditioned the funding on ratification of START. I hope in the comments that are made on the floor here, it may be the subject of an—in fact, it probably will be the subject of at least one amendment to the resolution of ratification. But this is a place where the debate we have, the comments we make, may be as important as an amendment, because it is a statement of our intention as Senators. I think you will find that republican Senators who support the START treaty, and I am sure Democratic Senators who support the START treaty, will all say, one of the things that has to happen is the modernization of our facilities, along the lines of this updated 1251 plan, and the statements that the administration, as well as we, have made.

Mr. KERRY. Madam President, would the Senator yield?

Mr. KYL. I will yield.

Mr. KERRY. I want to compliment the Senator, and confirm on the record that Senator KYL indeed brought to the attention of the administration and to all of us several points which the laboratory chiefs agreed were in deficiency. And he is absolutely correct, that while it is not directly within the four corners of the treaty, the modernization, per se, obviously if you contemplate reductions, you have to also be able to understand you are maintaining the capacity of your existing force. Senator KYL has been diligent in pursuing that.

I also applaud the administration for responding, and I think he would too, and acknowledging that. So he is correct, that I think this part of the record is an important one. We have met separately with Senator INOUYE, with Senator FEINSTEIN, and they have agreed with Senator KYL, that they accept the need to continue down to the levels that the administration has put on the table, and they are committed to doing that.

That said, let me also place in the RECORD a letter from our three laboratory leaders, Dr. George Miller at Lawrence Livermore, Dr. Michael Anastasio, who was just referred to at Los Alamos, and Dr. Paul Hommert at Sandia. I will read the relevant portion. I will put the whole thing in the RECORD. But here is what they say:

We are very pleased by the update to the Section 1251 Report, as it would enable the laboratories to execute our requirements for ensuring a safe, secure, reliable and effective stockpile under the Stockpile Stewardship and Management Plan. In particular, we are pleased because it clearly responds to many of the concerns that we and others have voiced in the past about potential future-year funding shortfalls, and it substantially reduces risks to the overall program. We believe that, if enacted, the added funding outlined in the Section 1251 Report update—for enhanced surveillance, pensions, facility construction and Readiness in Technical Base and Facilities among other programs—would establish a workable funding level for a balanced program that sustains the science, technology and engineering base. In summary, we believe the proposed budgets provided adequate support to sustain the safety, security, reliability and effectiveness of America's nuclear deterrent within the limit of 1,550 deployed strategic warheads established by the new START Treaty with adequate confidence and acceptable risk.

I think it is very important to sort of do that. I would think we have adequately addressed it, because there is also language in the resolution of ratification that embraces the modernization component. So I thank the Senator from Arizona. I think that has been a constructive component to helping us to be in a position to be able to ratify the treaty.

Mr. KYL. Madam President, I appreciate my colleague's comments. Rather than read the remainder of this, I ask unanimous consent that at the conclusion of my remarks here there will be additional quotations on the need for modernization by former lab directors Dr. Miller, Secretary Schlesinger, and several others.

I would conclude by emphasizing what the lab directors also emphasized in this correspondence. ''As we emphasized in our testimonies, implementation of the future vision of the nuclear deterrent will require sustained attention and continued refinement.''

The outyears are very important. That is why the record we create in this debate is important to ensuring that those who come after us will appreciate our intentions as we move forward here that we never again take our eye off the ball and allow the deterioration in our nuclear forces to occur, as we have, so we can continue to support them as called for in this modernization plan. I will ask unanimous consent to have those printed in the RECORD at this point, and then make the remainder of the statement at another time when I have not taken up all of my colleagues' time.

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

ADDITIONAL QUOTES ON MODERNIZATION

Former laboratory directors: ''However, we believe there are serious shortfalls in stockpile surveillance activities, personnel, infrastructure, and the basic sciences necessary to recover from the successive budget reductions of the last five years.'' [47]

Dr. Michael Anastasio: ''I fear that some may perceive that the FY11 budget request meets all of the necessary commitments for the program . . . I am concerned that in the Administration's Section 1251 report, much of the planned funding increase for Weapons Activities do not come to fruition until the second half of the ten year period.'' [48]

Dr. George Miller: ''In my opinion, there is no 'fat' in the program of work that has been planned and, in fact, significant risks exist; therefore, there is no room for error.'' [49]

Secretary Schlesinger: ''I believe that it is immensely important for the Senate to ensure, what the Administration has stated as its intent, i.e., that there be a robust plan with a continuation of its support over the full ten years, before it proceeds to ratify this START follow on treaty.'' [50]

Secretary Baker: ''Because our security is based upon the safety and reliability of our nuclear weapons, it is important that our government budget enough money to guarantee that those weapons can carry out their mission.'' [51]

Secretary Kissinger: ''As part of a number of recommendations, my colleagues, Bill Perry, George Shultz, Sam Nunn, and I have called for significant investment in a repaired and modernized nuclear weapons infrastructure and added resources for the three national laboratories.'' [52]

Under Secretary Joseph: ''New START must be assessed in the context of a robust commitment to maintain the necessary nuclear offensive capabilities required to meet today's threats and those that may emerge . . . This is a long-term commitment, not a one-year budget bump-up.'' [53]

Under Secretary Edelman: ''a modernized nuclear force is going to be essential to that. As Secretary Gates suggested in October 2008, it's a sine qua non for maintaining nuclear deterrents.'' [54]

Secretary Gates: ''I see this treaty as a vehicle to finally be able to get what we need in the way of modernization that we have been unable to get otherwise.'' ''We are essentially the only nuclear power in the world that is not carrying out these kinds of modernization programs.'' [55]

Secretary Gates: ''This calls for a reinvigoration of our nuclear weapons complex that is our infrastructure and our science technology and engineering base. And I might just add, I've been up here for the last four springs trying to get money for this and this is the first time I think I've got a fair shot of actually getting money for our nuclear arsenal.'' [56]

NNSA Administrator Thomas D'Agostino: ''The B61 warhead is one of our oldest warheads in the stockpile from a design standpoint. And actually warheads [are] in the stockpile . . . that have vacuum tubes . . . We can't continue to operate in this manner where we're replacing things with vacuum tubes. Neutron generators and power supplies and the radar essentially are components that have to be addressed in this warhead. Also I think importantly this warhead, the work on this warhead, will provide our first real opportunity to actually increase the safety and security of that warhead for 21st century safety and security into that warhead. So when we work on warheads from now on I'd like to be in the position of saying we made it safer, we made it more secure, we increased the reliability to ensure that we would stay very far away from ever having to conduct an underground test.'' [57]

ENDNOTES

[47] ''Harold Agnew et al., Letter from 10 Former National Laboratory Directors to Secretary of Defense Robert Gates and Secretary of Energy Steven Chu. May 19, 2010.

[48] Dr. Michael It Anastasio, Director, Los Alamos National Laboratory, Testimony to the Senate Armed Services Committee, July 15, 2010.

[49] Dr. George Miller, Director, Lawrence Livermore National Laboratory, Testimony

to the Senate Armed Services Committee, Response to QFR, July 15, 2010.

[50] Secretary James Schlesinger, Testimony to the Senate Foreign Relations Committee. April 29, 2010.

[51] Secretary James Baker, Testimony to the Senate Foreign Relations Committee. May 19, 2010.

[52] Secretary Henry Kissinger, Testimony to the Senate Foreign Relations Committee. May 25, 2010.

[53] Under Secretary Robert Joseph, Testimony to the Senate Foreign Relations Committee. June 24, 2010.

[54] Under Secretary Eric Edelman, Testimony to the Senate Foreign Relations Committee. June 24, 2010.

[55] Secretary Robert Gates, Testimony to the Senate Armed Services Committee. June 17, 2010.

[56] Secretary Robert Gates, Testimony to the Senate Armed Services Committee. June 17, 2010.

[57] NNSA Administrator Thomas D'Agostino, Testimony to the Senate Armed Services Subcommittee on Strategic Forces, April 14, 2010.

Mr. KERRY. Madam President, I thank the Senator from Arizona. I look forward with anticipation to when he returns to the floor with an amendment. We look forward to moving on that. I also regret that he will not be here, because I would like to be able to answer some of the concerns he raised, because I think there are answers to them. I think it is important obviously for that part of the record.

Some of the questions that were raised were questions about verification. I will not take a long time, because I know the Senator from Nebraska and the Senator from Georgia are waiting to speak. In a letter from the Secretary of Defense to us regarding this issue of verification—and we may well have a closed session where we will discuss that to some degree. But in the letter, Secretary Gates writes to me, and, through me, to the Senate, saying:

> The Chairman of the Joint Chiefs of Staff, the Joint Chiefs, the Commander, U.S. Strategic Command, and I assess that Russia will not be able to achieve militarily significant cheating or breakout under New START, due to both the New START verification regime and the inherent survivability and flexibility of the planned U.S. Strategic force structure.

They have confidence in this verification regime. We need to have confidence in the leadership of our military, national security agencies, the intelligence agencies, and the strategic command, all of whom are confident we have the capacity to verify under this treaty.

I ask unanimous consent to have that printed in the RECORD.

THE SECRETARY OF DEFENSE,
PENTAGON,
Washington, DC, Jul 30, 2010.

Hon. JOHN KERRY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: (U) As the Senate considers the New Strategic Arms Reduction Treaty (New START) with Russia, I would like to share the Department's assessment of the military significance of potential Russian cheating or breakout, based on the recent National Intelligence Estimate (NIE) on monitoring the Treaty. As you know, a key criterion in evaluating whether the Treaty is effectively verifiable is whether the U.S. would be able to detect, and respond to, any Russian attempt to move beyond the Treaty's limits in a way that has military significance, well before such an attempt threatened U.S. national security.

(U) The Chairman of the Joint Chiefs of Staff, the Joint Chiefs, the Commander, U.S. Strategic Command, and I assess that Russia will not be able to achieve militarily significant cheating or breakout under New START, due to both the New START verification regime and the inherent survivability and flexibility of the planned U.S. strategic force structure. Additional Russian warheads above the New START limits would have little or no effect on the U.S. assured second-strike capabilities that underwrite stable deterrence. U.S. strategic submarines (SSBNs) at sea, and any alert heavy bombers will remain survivable irrespective of the numbers of Russian warheads, and the survivability of U.S. inter-continental ballistic missiles (ICBMs) would be affected only marginally by additional warheads provided by any Russian cheating or breakout scenario.

(U) If Russia were to attempt to gain political advantage by cheating or breakout, the U.S. will be able to respond rapidly by increasing the alert levels of SSBNs and bombers, and by uploading warheads on SSBNs, bombers, and ICBMs. Therefore, the survivable and flexible U.S. strategic posture planned for New START will help deter any future Russian leaders from cheating or breakout from the Treaty, should they ever have such an inclination.

(U) This assessment does not mean that Russian compliance with the New START Treaty is unimportant. The U.S. expects Russia to fully abide by the Treaty, and the U.S. will use all elements of the verification regime to ensure this is the case. Any Russian cheating could affect the sustainability of the New START Treaty, the viability of future arms control agreements, and the ability of the U.S. and Russia to work together on other issues. Should there be any signs of Russian cheating or preparations to breakout from the Treaty, the Executive branch would immediately raise this matter through diplomatic channels, and if not resolved, raise it immediately to higher levels. We would also keep the Senate informed.

(U) Throughout my testimony on this Treaty, I have highlighted the Treaty's verification regime as one of its most important contributions. Our analysis of the NIE and the potential for Russian cheating or breakout confirms that the Treaty's verification regime is effective, and that our national security is stronger with this Treaty than without it. I look forward to the Senate's final advice and consent of this important Treaty.

Sincerely,

ROBERT M. GATES.

Mr. KERRY. One last quick comment. Senator KYL knows these materials very well. He is an effective advocate for a point of view. But that does not mean that by saying those things, all of them have a factual underpinning or that they are, in fact, the best judgment as to what our military thinks or the national intelligence community thinks about the components of this treaty. Let me give an example. Senator KYL has raised concerns about the conventional prompt global strike capacity. What he didn't say is, Russia very much wanted to ban strategic range conventional weapons systems altogether. We rejected that approach. The Obama administration said: No; we are not going to ban all conventional capacity. In effect, they decided to proceed along the same approach we used in START I.

Ted Warner, the representative of the Secretary of Defense to the negotiation, testified in the Foreign Relations Committee, saying we agreed to a regime whereby conventionally armed ICBMs or SLBMs—for the folks who don't follow this, those are the intercontinental ballistic missiles or submarine-launched ballistic missiles—would be permitted. But, yes, they did agree to count them under the strategic delivery vehicle and strategic warhead ceilings. Senator KYL sees that as a problem. All of our folks who negotiated this treaty and our military and our strategic thinkers see that as an advantage for the United States. That protects us. We are better off that way. Why? Because it would be extraordinarily difficult to verify compliance with a treaty that limited nuclear-tipped ICBMs and SLBMs but didn't count and, therefore, didn't inspect identical conventionally armed ICBMs and SLBMs. We couldn't tell the difference between them. We would be absolutely foolish on our part to allow the Russians to deploy additional ICBMs and SLBMs based exclusively on their assurance that they are not nuclear armed. How would we know? It is only by putting them under the counting that we, in fact, protect the interests of our country rather than creating a whole sidebar arms race which would make everybody less safe. Not counting those missiles would, in fact, create a new risk—the risk of breakout, that we allow the other side, Russia, the opportunity, even if there were no cheating, to simply leave the treaty and arm those missiles with nuclear warheads on very short notice, and we would all be worse off.

In fact, what Senator KYL was complaining about is something that makes us more stable. If we did what he is sort of hinting he might like to do, we could actually create greater instability, and it would be clearly much more likely to kill the treaty altogether.

Some of these things get raised and they sound like there is reasonableness to them. But when we put them in the overall context of strategic analysis and thinking and the balance, the sort of threat analysis that attaches to any treaty of this sort, what we are trying to work through is sort of reaching an equilibrium between both sides' perceptions of the other side's capacity and of what kind of threat that exposes each side to. That is how we sort of arrive at that equilibrium. That is what has driven every arms control agreement since their inception. The Pentagon has made very clear that the global prompt strike is going to be developed, but it is going to be developed as a niche capacity. They think it is too expensive to do in huge numbers. It is

also very clear that under the best circumstances, it is going to be a long time before that is ready to deploy.

We have boost-glide vehicles still in the proof-of-concept test stage. Nobody has any imagination as to whether they will be ready in 10 or 15 years. The life of this treaty is 10 years. So we are looking beyond the life of the treaty for when they might or might not be ready. There are a host of other concepts out there about this. We are going to get a report from the Pentagon next year on what technologies they think are most promising. It is going to be exceedingly difficult to imagine bringing them online within the 10-year life of this treaty. Any concept of sort of revising things that make this treaty subject to some component of that is, in effect, a guise to try to kill the treaty. I say that about this one component of it. There are many others, many other similar kinds of arguments raised in the last hour. As we go forward, if an amendment arises, we will deal with each of them.

I want colleagues to be aware there is more underneath some of these red herrings than may appear to the eye at first blush.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Georgia.

Mr. ISAKSON. May I inquire if there is a scheduled recess at 12:30?

The PRESIDING OFFICER. We are not under that order.

Mr. ISAKSON. Madam President, I was on the floor last night and addressed my significant concerns with the omnibus and the dual-track process we are on right now. That statement has been made. I come this morning to address the START treaty, the New START treaty. I voted for it to come out of the Foreign Relations Committee to the floor. I want to go through my reasons for having done so. I wanted to talk about what the New START treaty is, not what it is not.

First, I want to pay tribute to DICK LUGAR. He has been a bastion of strength on nuclear proliferation and nonproliferation issues for years. I thank Senator KERRY for the time he gave us to go through hour after hour after hour of hearings and hour after hour after hour of secure briefing in the bowels of the new Visitor Center, where we read the summary of the notes of negotiations on the treaty, where we read the threat initiative and the estimate of the terrorism threat initiative and all the classified documentation about which we cannot speak on this floor. These things are critical to our consideration as we debate this treaty.

I wish to talk about two Senators, one a Democrat and one a Republican. With all due respect to the chairman, it is not he. It is a Democrat by the same of Sam Nunn from Georgia, who chaired the Armed Services Committee, who, along with Senator LUGAR, put together Nunn-Lugar and the cooperative threat initiative. I sought out Senator Nunn and Senator LUGAR in my deliberations during the committee debate and my consideration of what I would do in terms of that committee vote and later a vote on the floor. I wish to make a couple notes about the success of the Nunn-Lugar initiative. Nunn-Lugar is a commitment to see to it that nuclear materials are secure. It is a commitment to see to it that loose nukes around the world don't fall in the hands of those who would kill my grandchildren, your grandchildren or all of us in the United States. I don't think it has been mentioned, but as a result of the Nunn-Lugar initiative, since 1991, since its formation, they have reduced the number of loose nukes in the world by 7,599.

Belarus, the Ukraine, Kazakhstan no longer have nuclear arsenals. Through that comprehensive threat initiative, they have destroyed the weapons, and they have turned weapons of mass destruction into plowshares that are powering powerplants. The nuclear threat initiative does not mean we get out of the business of having a nuclear arsenal. It means we get in the business of security for the nukes that are there and establish goals toward nonproliferation which to all of us is critically important.

My history as far as this goes back to the 1950s. It goes back to Ms. Hamberger's first grade class, when I remember getting under the school desk once a week to practice what we would do if a nuclear attack hit the United States. My history with this goes back to October of 1962 when, as a freshman at the University of Georgia, I stood in fear with all my colleagues and watched what was happening in Cuba, watched the blockade, watched the strength of John Kennedy, who faced the Russians down and ultimately prevented what would have been a nuclear strike against the United States and ultimately our strike against them in Cuba as well as in Russia.

Then I remember the night in October of 1986, when I had the honor to introduce Ronald Reagan in Atlanta the night before he flew to Iceland to begin negotiations on nuclear treaties at that time. In one speech made today, it has been referenced that Reagan rejected what Gorbachev offered at Reykjavik. That is correct. Reagan rejected not doing research and development and building a nuclear arsenal. But what he did insist on was verification of what both countries were doing so we could never have a situation of not having transparency, not having intelligence, and not knowing what the right and left hand were doing. It was out of that rejection and at his insistence that the beginning of the negotiations for the START treaty began. They were ultimately signed in 1991, under the administration of George H.W. Bush.

Until December 5 of last year, that START treaty had been in place. For those years, the United States had transparency. It had verification. It had cooperative communication back and forth between the two countries that controlled 90 percent of the nuclear weapons in the world. My history with this goes all the way back to climbing under a school desk, to introducing President Ronald Reagan, to 1 year serving on the Foreign Relations Committee of the Senate.

My decision to support the treaty coming out of the committee were based on four principles. The first is inspections. It has been said the inspections have been reduced. What has not been said is the number of sites to inspect have also been greatly reduced. The number of inspections correspond with what is necessary to inspect the Russian arsenal and know whether they are complying with the treaty. Inspections are very important. We learned on 9/11 what happens when we don't have human intelligence on the ground where we need it. What happens is we get surprised. What happened to us on 9/11 is almost 3,000 citizens died at the hands of a heinous attack by radical terrorists because we didn't have as good intelligence as we needed to have. That is why I don't want to turn my back on the opportunity to have human intelligence on the ground in the Russian Federation verifying that they are complying with a mutual pact we have made with them and, correspondingly, the transparency they have to inspect our nuclear arsenal in the United States.

The second point I wish to make that caused me to come to the conclusion it was the right thing to do to support the treaty in committee was the verification process. I have heard some people say this verification process is not as good as the old verification process. I am not going to get into that argument, but this verification process is a heck of a lot better than no verification process at all, which is exactly what we have today.

Since December 5 of last year, we haven't had the human intelligence. We couldn't verify. Verification is critically important because with verification comes communication. With communication comes understanding, and from that understanding and communication comes intelligence. While our inspections are to make sure the quantity of the nuclear arsenal and the warheads and the delivery systems are within compliance, it also gives us interaction to learn what others may know about nuclear weapons around the world that are not covered by this treaty.

That brings me to one other point. It has been said by some that bilateral treaties are no longer useful in terms of nuclear power; we need multilateral treaties. I have to ask this question: If we reject the one bilateral treaty over nuclear power, how will we ever get to a multilateral treaty? We will not do it. I think it is important to have a bilateral treaty between the two countries that controls 90 percent of the weapons so we see to it, as other countries gain nuclear power, we can bring

them into a regimen that requires transparency and accountability too. You will never be able to do that if you reject it between yourself and the Russian Federation.

Now, the third thing I want to talk about for a second—I mentioned Senator Nunn before. He served as Armed Services chairman, and so did John Warner, who is a distinguish retired Republican Member of this Senate. They released a joint statement not too long ago and raised a point I had not thought of. If you will beg my doing this, I will read on the floor of the Senate one of the points they made that was supportive of this treaty. I quote from Senator Nunn and Senator Warner:

. . . Washington and Moscow should expand use of existing Nuclear Risk Reduction Centers—which we—

Meaning Warner and Nunn—

and other members of Congress—

Meaning DICK LUGAR—

established with President Ronald Reagan to further reduce nuclear threats.

For example, to improve both nations' early warning capabilities, the centers could exchange data on global missile launchers. Other nations could be integrated into this system. It could provide the basis for a joint initiative involving Russia, the United States and the North Atlantic Treaty Organization on a missile defense architecture for Europe that would help address other key issues, like tactical nuclear weapons vulnerable to theft by terrorists. Indeed, when the centers were proposed, they were envisioned to help prevent catastrophic nuclear terrorism. These initiatives can go forward with a New START Treaty.

I thought that observation was very telling and looking prospectively into the future about, again, having the two nations—the Russian Federation and the United States—bring in other people, such as NATO, to be a part of a treaty and a missile defense system that is agreeable with all parties. The absence of negotiation, the absence of transparency, the absence of cooperation ensures that cannot happen.

My fourth point is this: The thing I fear the most as a citizen, the thing I fear the most as a Senator, and the thing I fear the most, quite frankly, as the father of three and grandfather of nine is a nuclear fissionable material getting into the hands of a radical terrorist. That is the fear that all of us dread.

It is critical, when we look at what the Nunn-Lugar initiative has done in the destruction of loose nukes—7,599—what the original START treaty, the foundation it gave us, to begin to reduce nuclear weapon proliferation without reducing our ability to defend ourselves and to launch strikes that are necessary to protect the people of the United States of America.

But I worry about one of the radical terrorists getting hold of one of these materials, and I fear in the absence of transparency, verification, and inspection, we run the risk, unwittingly, of playing into their hands and making that type of a material more and more available.

What is known as the Lugar Doctrine is very important to understand at this stage of the debate. In doing my research on the treaty, and the work that DICK LUGAR and others have done on nonproliferation, I came upon what is known as the Lugar Doctrine. I would like to read it because it answers the question I just raised about a loose nuke getting into the hands of a rogue terrorist:

Every nation that has weapons and materials of mass destruction must account for what it has, spend its own money or obtain international technical and financial resources to safely secure what it has, and pledge that no other nation, cell, or cause will be allowed access or use.

That is as clearly and as succinctly as you can state the future fear that all of us have for this country and what might happen with nuclear weapons.

So in closing my remarks, I went through interviews with Sam Nunn, listened to the chairman and the ranking member, listened to the testimony, Ms. Gottemoeller, and all the others, read the documentation, which everybody else can read in the secure briefing room, and I came to the conclusion that verification is better than no verification at all; that inspections and transparency are what prohibit things like what happened on 9/11 from ever happening again, and that you can never expect multilateral negotiations with other countries that have some degree of nuclear power if the two greatest powers refuse to sit down and negotiate and extend the understanding they have had since 1991.

Only through setting the example, without giving in or capitulating a thing, do we hopefully give hope to the future that my grandchildren and yours can live in a world that will not be free of nukes but will be secure; that loose nukes are not in the hands of bad people; and we have transparency and accountability while still having the capability to defend ourselves and execute the security of the people of the United States of America.

It is for those reasons I supported the New START treaty in the committee, and I submit it for the consideration of the Members of the Senate.

I yield back my time.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Madam President, I rise to discuss the New START treaty. In the last 40 years, our country has participated in numerous arms control and nonproliferation efforts. They are a critical element of our national security strategy.

If done right, arms control agreements can enhance U.S. national security by promoting transparency and information—sharing that can inform us about the size, makeup, and operations of other military forces.

They also provide other countries with information about our force and capabilities, and that promotes a strategic balance and discourages an attack on the U.S. or its allies.

Transparency and information sharing enable our military planners to better prepare for a real threat. Without such agreements and understandings, our military and the military of countries like Russia must prepare for worst-case scenarios.

That leads to inefficient, runaway defense spending. If that sounds familiar, that is because we have been down that road before—it was called the arms race.

The U.S. and the former Soviet Union poured massive resources into building not only vast stockpiles of nuclear weapons, but also on the expansive systems needed to defend against incoming bombers and missiles.

Since the late 1960s, arms control agreements and other measures have worked to reduce nuclear forces and systems that support them.

I would note that former President Ronald Reagan, who accelerated nuclear modernization and launched the Star Wars missile defense effort, overcame his initial distaste for arms control agreements. Working with Soviet Premier Gorbachev, Reagan laid the foundation for today's START treaty.

In July 1991, Presidents Bush and Gorbachev signed the START I treaty and the Senate later approved it on an overwhelming and bipartisan vote of 93 to 6—a vote which concluded after 4 days of floor debate. Nebraska's Senators at the time, Jim Exon and Bob Kerrey both supported the START 1 treaty.

As we consider New START, it is our constitutional duty to address today's concerns and the treaty's merits.

Now I have heard five main concerns during debate.

They are: No. 1, treaty limitations on missile defense; No. 2, sufficiency of modernization plans for nuclear enterprise; No. 3, adequacy of treaty verification measures; No. 4, force structure changes resulting from treaty reductions; No. 5, and the timing of the Senate's deliberations of the treaty.

First, the New START treaty won't affect any current or planned U.S. missile defense efforts. Some point to language in the treaty's preamble and the inclusion of unilateral statements. But they are not legally binding. And changing the preamble would unravel the treaty.

The only binding restriction on missile defense systems arises in article V. It prevents conversion of ICBM silos into missile defense launchers. That has no practical effect because converting silos is more expensive and less desirable than building new silos.

Second, some have questioned the administration's commitment to modernize our nuclear facilities and forces. As the chairman of the Armed Services' Strategic Forces Subcommittee, I held three hearings this year addressing the health of our nuclear weapons complex.

I would note that the administration asked for $7 billion in Fiscal Year 2011

for stockpile sustainment and infrastructure investments.

That is roughly 10 percent more than 2010 funding.

The administration also plans to invest $80 billion in the next decade to sustain and modernize the nuclear weapons complex. That is the biggest commitment to the nuclear enterprise in more than a decade. On top of that, the administration recently offered an additional $4 billion toward modernization goals.

Third, some argue that verification measures are less rigorous than for START I.

Its verification measures expired last December. So, as of today, we have gone 376 days without onsite monitoring and verification in Russia.

The less we are allowed to see for ourselves the more uncertainty we will feel about Russian forces.

New START includes verification measures allowing 18 onsite inspections annually. We determine where and when to go, with very little advance notice to the Russians.

As many of you know, this treaty counts every warhead and delivery system and tracks them with unique identifiers. That is a tremendous advancement in transparency over the previous system of attribution. And it certainly is better than no verification system, which exists at the present time.

Fourth, some express concern about the treaty's impact on the nuclear triad—our strategic bombers, missiles, and ballistic missile submarines.

In testimony and in direct conversations with me, our military leaders have assured that the New START retains the triad.

Proposed reductions by the Pentagon aim to spread across all systems and minimize impacts to any one system or base, thus retaining a safe, secure, and effective triad.

Finally, some indicate that considering New START now prevents the Senate from spending adequate time to consider the treaty, or that we would be rushing judgment on the treaty.

New START was signed in April of this year, and the Senate has had it for consideration since May.

Together, the Foreign Relations, Intelligence, and Armed Services Committees have held 21 hearings and briefings related to the treaty. The truth is that the Senate has been actively deliberating New START for 7 months.

By comparison the 2002 Moscow Treaty took 9 months to complete and START I took a little more than a year. When it came to floor debate, the 1991 START I treaty required 4 days of debate, while START II, the Chemical Weapons Convention and the 2002 Moscow Treaty each took 2 days.

I am confident that the Senate has fulfilled its responsibility to fully consider and deliberate on New START, and our actions are entirely consistent with the past actions of this body in considering previous arms control agreements.

Those are concerns that have been raised. Now let's look now at the merits.

In recent months, I have spoken about this treaty with key military leaders including Secretary Gates, Admiral Mullen, General Cartwright, and General Chilton.

Each has expressed full support and participation in this treaty. They also fully support the proposed reductions to the nuclear arsenal and the continued sustainment of the nuclear triad.

In addition, Secretary Clinton and every living former Secretary of State—nine in total—have all publically voiced their support. Five former Secretaries of Defense on both sides of the aisle have endorsed the treaty. Seven former Strategic Command commanders have endorsed the treaty. STRATCOM, headquartered in my State in Omaha, NE, in the Bellevue area, oversees America's strategic nuclear, nonnuclear and cyber defenses.

Also, it is important, I believe, that the U.S. Strategic Command actively played a key role in negotiating the treaty. With that experience, the former STRATCOM commander in chief General Chilton who is recently departed, said:

> Our nation will be safer and more secure with this treaty than without it. What we negotiated to is absolutely acceptable to the United States Strategic Command for what we need to do to provide the deterrent for the country.

I wholeheartedly agree.

I am prepared to vote to ratify the New START Treaty because it promotes our national security and can make America and the world safer. It increases transparency between nuclear nations. It promotes cooperation and not suspicion. And it reduces the possibility of a nuclear exchange and still enables America to respond to the terrible threats that continue in the nuclear age.

I would like to elaborate.

America will be stronger if we can continue to look under Russia's hood, and they under ours. Trust but verify still works.

This treaty will help U.S. Strategic Command accomplish its absolutely vital mission for our Nation.

Further, as the chairman of the U.S. Senate—Russia Interparliamentary Group, I have held many meetings with my Russian counterparts about this treaty. It is a step in the right direction to encourage further cooperation between the U.S. and Russia. As we work toward cooperation, the treaty reestablishes verification measures and increases transparency considerably.

That will reduce uncertainty about Russian forces, and increase their predictability. Without this treaty, our understanding of Russian nuclear forces will continue to deteriorate.

We would have a tendency for U.S. forces to overcompensate for what we don't know.

That is a losing strategy in an era of large budget deficits and needed fiscal constraint. Entering into this treaty demonstrates our commitment to modernizing the nuclear stockpile by making the most of what we have to spend and to keep our country safe.

The New START treaty offers the possibility of providing our military with insights needed to efficiently and successfully provide a safe, reliable, and secure nuclear deterrent.

At the end of the day, the New START treaty builds on successes from previous treaties, and paves the way for further bilateral agreements between the United States and Russia.

It moves us further away from a nuclear war no one wants. Even as it does, we will retain a powerful and effective deterrent capability.

And finally, ratification also will send a strong message to those around the world opposed to proliferation and those seeking to proliferate.

For these reasons, I support the New START treaty and I believe the Senate should ratify it as soon as possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I would like to speak briefly on the New START treaty and state the reasons I believe the Senate should go ahead and ratify this treaty.

Let me highlight some key points on, first, what the treaty accomplishes. Let me mention four things.

No. 1, it reduces the number of deployed nuclear warheads by a relatively small number; that is, it takes us from 2,200, which is what we were required to reduce to under the Moscow Treaty, down to 1,550.

Second, its counting regime is not based on attributing a number of warheads to a launch system but, instead, like the 2002 Moscow Treaty, this treaty actually requires the counting of deployed warheads.

Third, this treaty reestablishes a verification regime of inspectors on the ground. This is something which lapsed a year ago when START I lapsed.

Fourth, this treaty still maintains a credible nuclear deterrent against Russia, against China, against anyone who might threaten our country.

Before discussing some of these points in detail, let me put the New START treaty in some historical perspective, at least as I see it.

As this chart graphically demonstrates, at the peak of the Cold War some 30 years ago there were about 60,000 nuclear warheads. That is clearly an astounding number given that a single warhead would destroy most major American cities and most major cities anywhere in the world.

From 1991, when the first START treaty was signed, until 2002 when the Moscow Treaty was signed, the number of warheads declined dramatically from about 50,000 to a little over 20,000, or about 10,000 for the United States and 10,000 for Russia. This includes spare and deployed warheads not just those that were deployed. The Moscow

Treaty took this count further down and allowed 2,200 to 1,700 deployed warheads. Additional spares of about 3,300 were included, and the number rises to somewhere between 5,500 and down to 5,000 warheads for each nation. If the New START treaty is ratified as shown on this chart, down here where this arrow is in the right-hand bottom corner, in 2010, it will take the number of deployed warheads to 1,550 from the Moscow lower limit of 1,700 that was in the Moscow Treaty. That is a very modest reduction compared to what has been done in previous arms control agreements.

After the Cold War ended 20 years ago, it was clear we had an astounding and excessive number of nuclear weapons. I believe it was the hope and the expectation of most Americans that there would be deep reductions in nuclear weapons at that time. That reduction, in my view, has been slow in coming. Our government has declassified the number of nuclear warheads we have in our active stockpile, and that number is 5,113. If asked directly, I believe most Americans would be surprised to know at the end of 2010 we still have over 5,000 nuclear warheads, and we have 2,200 that are deployed.

Today we have a treaty before us that achieves a modest reduction from the Moscow level of 2,200 deployed warheads. As I indicated before, this treaty will take us down to 1,550. Quite frankly, I am surprised some are arguing for having a drawn-out debate over the treaty. START I took about 4 days of floor debate and lowered the number of warheads between Russia and the United States from about 50,000 to 20,000, a 60-percent reduction. The Moscow Treaty lowered the total number of U.S. warheads from about 11,000 to today's level of about 5,000. That took 2 days to debate. That involved a 55-percent reduction. Yet with a relatively modest reduction called for in this treaty, we still have people proposing a floor debate that could extend into the next Congress.

Let me turn to a number of substantive issues associated with the New START treaty that I believe weigh in favor of its ratification by the Senate. First, we have been briefed by the military commanders about the 1,550 deployed warheads that will still be in place once this treaty is approved. This total is comprised of about 700 deployed ICBMs and SLBMs and about 800 total heavy bombers and launchers.

I urge my colleagues to obtain the classified briefing on the treaty. I believe it is clear the commander of the U.S. Strategic Command has analyzed in detail the strategic nuclear force structure of each side under this treaty and is confident we can maintain our deterrence against Russia and China, who hold 96 percent of the world's strategic nuclear warheads.

The resolution of approval as reported by the Senate Foreign Relations Committee speaks to this issue, noting in condition 3 that before any reductions in deployed warheads are made below the current Moscow Treaty level, the President must notify Congress that such reductions are in the ''national security interests of the United States.''

The second point is that the intelligence community has judged that we are better off with this treaty and its inspection regime than we are without it. Monitoring and verification under START I, which has now expired, was based on counting strategic launch systems and then attributing a number of warheads to each submarine, each airplane, each missile. This counting rule overestimated the number of warheads carried on U.S. strategic systems. The New START treaty is much more specific than START I. It counts only the actual number of warheads carried by each deployed missile. In fact, this is the same counting rule as in the Moscow Treaty which was developed by the prior administration and subsequently approved in the Senate 95 to 0.

Moreover, under this treaty we have the ability to inspect on the ground, with short notice, to determine whether uniquely coded launchers actually carry the declared numbers of warheads. Contrary to what some have claimed, short notice inspections of uniquely identified launchers combined with other intelligence assets give us a high probability of detecting cheating such as uploading more warheads, which would take days to months for Russia to achieve.

Condition 2 of the resolution of approval out of the committee speaks to the monitoring issue by requiring the President to certify that our National Technical Means or other intelligence assets, combined with our on-the-ground verification capability, is ''sufficient to effective monitoring of Russian compliance with the provisions of the Treaty.''

Third, there is a larger policy issue of strategic stability. This treaty provides a framework of transparency through inspections and accountability of warheads and launchers. If we are worried about unchecked growth of Russia's strategic nuclear forces, not now but 5 years from now, it makes great sense to approve this treaty.

Many have criticized the treaty because it does not deal with Russia's numerical advantage and tactical nuclear weapons, such as gravity bombs or submarine launched cruise missiles. I would point out that none of the previous nuclear arms control treaties have dealt with tactical nuclear weapons. While I agree we should have discussions with Russia on tactical nuclear weapons, we need this treaty to restart the process of negotiations if we are ever going to achieve the goal of reducing tactical nuclear weapons.

This treaty lays the groundwork for a subsequent negotiation to address tactical nuclear weapons, many of which are deployed close to our NATO allies. If we cannot demonstrate we have the ability to enter into binding obligations on strategic nuclear forces, which are the most easily verifiable, how can we advance to the next step with Russia on reducing their tactical nuclear weapons, which number in the thousands and which are the most easily concealed of the weapons?

The fourth point: Let me turn to the issue of modernization of our own nuclear arsenal. Despite our unsustainable budget deficit—and I notice the Senator from Alabama is on the Senate floor today. He and I both voted against the tax bill. I don't know all of his reasons. One of mine was the unsustainable deficits faced by this country today. But despite these unsustainable budget deficits, this administration is committing an additional $14 billion over the next 10 years for a total of $84 billion to modernize our nuclear weapons enterprise to ensure that as we draw that nuclear arsenal down, reduce the numbers in the nuclear arsenal under New START, we will be capable of maintaining those weapons we do rely upon.

Now, this chart shows the 10-year projection for weapons stockpile and infrastructure funding, and my colleagues can see there is a very substantial commitment of funds by this administration to maintain the reliability of our stockpile.

The fifth point I wish to make is that concerns have been raised regarding the nonbinding Russian unilateral missile defense statement. This is separate from the binding provisions of the treaty. This is a nonbinding statement that Russia made that considers the treaty effective only where there is, as they put it, ''no qualitative or quantitative buildup of the missile defense capabilities of the United States of America.''

In testimony before the Armed Services Committee, Secretary of State Clinton stated unequivocally the treaty does not constrain our missile defense efforts. Secretary Clinton went on to say:

> Russia has issued a unilateral statement expressing its view. But we have not agreed to this view and we are not bound by it. In fact, we have issued our own statement making it clear that the United States intends to continue improving and deploying effective missile defense.

In the same hearing, Secretary of Defense Gates said:

> The treaty will not constrain the United States from deploying the most effective missile defense possible, nor impose additional costs or barriers on those defenses.

Secretary Gates then goes on to say in that hearing:

> As the administration's Ballistic Missile Defense Review and budget makes clear, the United States will continue to improve our capability to defend ourselves, our deployed forces and our allies and partners against ballistic missile threats.

From a historical perspective I would note that similar unilateral statements on missile defense were made by Russia in connection with START I and in connection with START II, both of which treaties were approved by the Congress.

Consistent with the statements by Secretaries Clinton and Gates, the Senate Foreign Relations Committee's resolution of approval contains an understanding included in the instrument of ratification that ''it is the understanding that the New START Treaty does not impose any limitations on the deployment of missile defenses other than the requirement of paragraph 3, article V.''

That section of the treaty prohibits the use of existing ICBM and SLBM launchers for missile defense or the conversion of missile defense launchers for ICBMs except for those that have been converted before the treaty was signed.

On the question of whether we should vote on ratification in this Congress or leave this to the next Congress to consider, some Senators claim that we simply need more time and that other treaties have laid before the Congress for much longer periods. This is simply not the case. Arms control treaties since the ABM Treaty in 1972 were either taken up, debated and ratified within the same Congress or, in the cases of START II, the Moscow Treaty and the Chemical Weapons Treaty were taken up, debated and approved within the Congress from which the Foreign Relations Committee reported a resolution of approval. This historical precedent on the ratification of arms control treaties runs counter to what some of my colleagues are advocating. It is this congressional session of the Senate that received the treaty, held 21 hearings and briefings and submitted over 900 questions as part of the advise and consent process and it should be this congressional session of the Senate that should finish the job.

Let me conclude with where I started on the New START treaty, it is a relatively modest treaty in terms of reducing the number of nuclear warheads. Our military commanders have analyzed the force structure under the treaty and have concluded it maintains our nuclear deterrent and that it provides on the ground intelligence through verification that the intelligence community believes we are better off with than without. Finally, it is clear that it does not impede our missile defense programs.

In my opinion there is no credible argument that the ratification of this treaty undermines our national security. I urge my colleagues to vote for the ratification of the New START treaty. I thank the chair and yield back any remaining time.

The PRESIDING OFFICER (Mr. COONS). The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, as we begin consideration of the New START treaty, we must understand that the proposal is not made in a vacuum. In one sense, it is an important part of our Nation's strategic policy. I have served as chairman, ranking member, and a member of the Subcommittee on Strategic Forces, subcommittee of the Armed Services Committee, for 12 years in the Senate. Thus, on these matters of nuclear policy and missile defense that have been before us so many times, I have had a front-row seat on it.

Our President, whose work and proposals absolutely deserve fair and just consideration in the Senate, after appropriate debate, has stated that this treaty is a critical part of his approach to strategic issues, repeatedly insisting that it is needed so the United States can set an example and show leadership in moving toward what he has often stated to be his goal—a nuclear-free world.

This treaty now comes at a time when our Nation is the world's only nuclear power. We are the only nuclear power to have no nuclear production facility ongoing at this time. It will have to be reconstituted. That has been a sore spot in this Congress for quite a number of years, but it has not happened.

For over a decade, the Senate's efforts to modernize our aging weapons stockpiles—which our scientists have told us are getting to a point where they have to be fixed—have been blocked by House Democrats, mostly, and some Republicans there. We have gotten bills out of the Senate to do this, but they have failed in the House. It has been an article of faith on the left in America and abroad on the international left that our goal must be to eliminate all nuclear weapons from the world. President Obama and his administration have often used that rhetoric. But our modernization capability hasn't been started, and that is a troubling situation. As Secretary Gates has said about modernization, we cannot continue at this rate.

In 2008, I sponsored legislation to create a bipartisan commission of experienced statesmen to do a study of our nuclear posture. The legislation passed and the Commission on the Strategic Posture of the United States did its work. It was headed by Dr. William J. Perry and James R. Schlesinger, a former Defense Secretary of this country—a Democrat and Republican. They reached a consensus on a number of key issues. They concluded that we could reduce our nuclear stockpile more than the current number, but that ''modernization is essential to the nonproliferation benefits derived from the extended deterrent.'' So they said it was essential to have a modernization program.

I know a lot of the discussion has been ongoing about that. I do believe Senator KYL has done an excellent job in raising this issue, and the administration responded positively in some regards. The Commission also, nicely, in diplomatic language, deflected the administration's goal of zero nuclear weapons by saying:

> It's clear that the goal of zero nuclear weapons is extremely difficult to attain and would require a fundamental transformation of the world political order.

I think that is about as close as you come from a bipartisan commission expressing serious concerns about this policy. Meanwhile, China, Russia, Pakistan, and India continue to expand their stockpile, while rogue, outlaw nations, such as North Korea and Iran, posing great risk to world peace, advance their nuclear weapons programs.

We will need to talk about this more as this debate goes forward. It is quite clear that the greatest threat to world peace and nuclear danger arises from the rogue nations and other nations that have less secure situations than the Russians do. While it could be very beneficial to have a good treaty with the Russians, this is not the core of the danger this Nation faces today.

We have had very little work, very little success, in getting the kind of robust support from Russia and China that we should have regarding North Korea and Iran. It is inexplicable to me why they would jeopardize their reputation as a positive force in the world to curry favor with rogue nations such as Iran and North Korea. But this administration has been unsuccessful in gaining the kind of support to ratchet up the sanctions to get those countries that could perhaps make a difference.

The Russians are steadfast in their nuclear program. They have absolutely no intention of going to zero nuclear weapons. I had an opportunity to talk to some of their people, and it is pretty clear to me they thought it was outside the realm of good judgment to discuss going to zero nuclear weapons. They were never going to zero nuclear weapons. They have a 10-to-1 advantage over the United States in tactical nuclear weapons—more maneuverable—and this treaty does absolutely nothing to deal with that situation. The Russians may make some changes in the future, perhaps, but I don't think they are going to do much on tactical nuclear weapons. It is a critical part of their defense strategy.

We understand Russia is willing and has plans at this time to reduce their strategic nuclear stockpile, which is what this treaty deals with, not the tactical weapons, and that is because it represents a necessary economic move for them. Frankly, I don't think they see the United States or Europe as the kind of strategic threat they used to be, and they are willing to pull down those numbers. It is a good thing, and we should celebrate what gains we can obtain.

Some close observers believe this treaty curtails the U.S. programs, such as missile defense, while not curtailing certain Russian modernization programs of the systems they want to advance. In short, the Russians seem to have negotiated more effectively than the United States in this treaty. That is my observation. We wanted it too desperately. I warned our negotiators that they were too committed, too desperate to get this treaty. It would make more difficult the negotiation also with the Russians. I think that has proven to be true.

Let me be plain about my overall concern. First, the idea that it should be the goal of this country to move toward the total elimination of nuclear weapons is not just a fantasy, a wild chimera or some harmless vision; I think it is dangerous. It can only raise questions about the quality of the judgment that underlies our strategic policy.

The question arises, is the fierce determination of this administration to get a treaty a part of their stated goal of moving to zero nuclear weapons and setting ''an example'' for the world? Is the United States of America, under whose nuclear umbrella resides a host of free and prosperous nations, no longer reliable as a nuclear power? We know many other nations that are part of our nuclear umbrella are worried about our nuclear policy. I can understand that. How far, how low does this world leadership role take us? How few weapons should we go to? Down further from 1,500, as this treaty would have it—and that might be a sustainable number—to 1,000 or 500? Well, not 500, somebody would say. But I note that Mr. Jim Hoagland, writing in the Washington Post on December 10, declared that the treaty fails, in his view, because the numbers are not low enough. He says that ''500 or fewer'' would be sufficient.

Well, will this example of reducing our weapons cause other nations to follow our good example? I think not. If Iran and North Korea risk their security and their financial soundness on building a nuclear arsenal today, will our example cause them to stop? I think not. Rather, I must conclude it will embolden them. As our weapon numbers fall lower and lower, these rogue nations can begin to see clearly their way to being a peer nuclear competitor of what is now the world's greatest military power. Why would we want to encourage them in that fashion? I think it is a risky goal.

Thus, to the extent that the treaty is an effort to advance the stated goals of this administration—a nuclear-free world—the treaty will be counterproductive and dangerous, I think. If that is what it is about, it is counterproductive, and it will enhance and encourage other nations to have nuclear weapons, and any country that has advanced under our nuclear umbrella who does not now have nuclear weapons may decide they have to have their own, further proliferating nuclear weapons.

At the Halifax International Security Forum a few weeks ago, supported by the German Marshall Fund, Under Secretary of Defense for Policy Michele Flournoy repeated the administration's goal of zero nuclear weapons, and further stated, ''It is a vision. It's an aspiration.'' She acknowledged, ''It may not happen in our lifetimes.'' I can tell you it is not happening in our lifetimes, with a high degree of certainty.

The name of the panel, by the way, had a little bit of an irony to it. It was ''A World Without Nukes, Really?'' Good question. So some of my Democratic colleagues may say these statements about ''no nukes'' or, you know, they are just rhetoric, you have to say those things to keep the President's political left in line. The President is not really serious about it. It is not a real goal of his.

Well, I do not know. America leaders usually mean what they say. He has not renounced the policy. Secretary Flournoy was repeating it a few weeks ago at an international conference. I've got to say, a lot of people were not too impressed with that policy, frankly, from our allies around the world.

Even if the President is not telling us accurately what his philosophy is, these words do not mean anything. He is throwing out astonishing visions about what he would like to happen, the lamb lying down with the lion. What else is he not serious about as we consider this treaty? If one is not accurate about matters as significant as nuclear weapons, we have a grave problem of leadership in this country. Does it mean the President favors modernization of our stockpile? He says so. But, in essence, he has conditioned that support on passing of the treaty when we need to modernize the stockpile whether or not we have a treaty.

Does this give me confidence that the President is clearheaded about our nuclear policy when the Secretary of Defense and former Secretary of Defense and the laboratory directors and the top military people have, without exception, said we need to modernize our nuclear forces, and he is only going to support it if this Congress ratifies the treaty? I do not feel good about that. A lot of people have opposed modernization. They think modernization is a step toward more nuclear weapons, in their mind, and we ought to eliminate nuclear weapons, not have more.

That is, frankly, where the President's political ancestry is. That is where he came from politically. So forgive me if I am not real comfortable about this. Does the President mean it when he says he has not compromised and will not compromise our ability to deploy strategic missile defense systems in Europe?

There is a rub here. Some in this relativistic, postmodern world may not have the slightest concerns that our Commander in Chief's words are ambiguous on matters such as this. They do not believe much in the authority of words anyway. But call me old fashioned. I think words are important. These words that I am hearing worry me. So these views that are fantastical place a cloud of unreality over this entire process.

Secondly, I am not persuaded that this administration has not retreated on nuclear missile defense to a significant degree. I am not persuaded that that has not occurred. For example, the latest WikiLeaks reveal that the administration negotiated away President Bush's plan for a forward missile defense site in Poland in exchange for the Russian cooperation. The New York Times summarized these cables on November 29:

> Throughout 2009, the cables show, the Russians vehemently objected to American plans for a ballistic missile defense site in Poland and the Czech Republic. . . . In talks with the United States, the Russians insisted that there would be no cooperation on other issues until the European site was scrapped. . . . Six weeks later, Mr. Obama gave the Russians what they wanted: he abruptly replaced the European site with a ship-borne system.

So it makes me a bit nervous. We had a plan to place that in Europe, a two-stage system instead of the three stage we have in the United States, to give us redundant coverage from Iranian attack, and the Russians did not like it. They did not want a missile defense system on their border, even though, at best, it would have only minimal support against a massive number of missiles that they have. We were only going to put 10, I think, in Poland. But they objected. They objected. The Bush administration stood firm. They got the last treaty by standing firm. Indeed, former Secretary of Defense for Policy Doug Feith wrote an article in one of the major newspapers, an op-ed, I think the Wall Street Journal, saying that they said no, and eventually the Russians agreed to sign.

He raised an important issue. I want to share this with my colleagues whom I know believe so deeply we have to have this treaty or all kinds of bad things will happen. Mr. Feith told the Russians: We do not have to have a treaty with you. We do not have a treaty with other nations that have nuclear weapons. If it is not a good treaty, we are not going to agree to it.

Eventually the Russians agreed. He said the very same insistences, the positions they asserted at that time against the Bush administration that they rejected were demands acquiesced in by this administration in this treaty.

So forgive me if I am a bit dubious about how wonderful this treaty is. I asked the State Department about those cables, and we have not heard any information on them. So there are many more things we need to talk about with regard to the treaty and the overall strategic situation we find ourselves in.

Are we making the world safer? I am worried that we are not. I am worried that this approach may not make us safer. I am well aware that some of our best allies are worried now about the constancy of the United States, the commitment of the United States to a defense, even if, God forbid, nuclear defense of our world allies, that we will not follow through, and so they may have to have their own nuclear weapons.

I know there is a good bit more to discuss in this debate. I encourage this body to be deliberative in its consideration of the treaty. I am not happy that it is being shoved at this point in

time. I was so hopeful and expectant that we would be able to give a firm date to start the debate early next year, and we could have a robust debate, not only about the treaty but how it fits into our overall nuclear strategic posture, what are we going to do about missile defense, what are we going to do about updating our stockpile, and what about our triad and delivery systems, what are we going to do about those. Now it is being jammed in here. I understand why. They have got more votes they think now, and the likelihood of it passing is greater now. I think it has a realistic chance of passing next year.

But, more significantly, I think the administration wishes to avoid a full debate about the strategic nuclear policy of the United States. If that is successful, then I think the American people will be the losers, as will the security of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I wanted to ask the Senator before he leaves, it is now 1:30 in the afternoon, and we have yet to have one amendment presented to us. I recognize there is a value to having some of these comments help frame it, but it also can be done in the context of a specific amendment.

I would ask the Senator if he has an amendment he is prepared to offer that could help us move forward?

Mr. SESSIONS. Well, it is difficult to amend a treaty, as the Senator knows, once it has been signed. There are things that can be done. I think, first and foremost, we need to ask ourselves, is this a good thing for the country? Will it advance our interests? I believe we need a pretty big discussion about that and where we stand.

I know Senator KERRY has been supportive of modernization—I believe you have—at least as this treaty has moved forward, if not in the past. And we need to do that. But I am a bit uneasy that the President is basically saying, if you do not pass my treaty, we are not going to modernize, when I think modernization is critical to the security of our country. I also want to know how it fits into our overall strategic policy.

So that is kind of my biggest concern, I say to Senator KERRY. I do not know that the numbers that the treaty takes us to, the reduced numbers themselves are dangerous. Some people say they think it is a bit dangerous, but most experts do not think so. I am not inclined to oppose a treaty on whether it is 1,550 or 1,700 or 1,800. But I think if it is part of a trend to take our numbers down further—perhaps you saw Mr. Hogan's article saying it ought to be 500 or lower. That would make me very concerned and I think would cause serious ramifications internationally. Would you agree? If this treaty would be, say, for 500, it would definitely create some concern and angst around the world?

Mr. KERRY. Well, let me say to my friend—and I appreciate his desire to try to be thoughtful about what the numbers are and about the treaty as a whole. I appreciate that. A couple of comments I want to make. No. 1, the administration is not linking modernization to the treaty. I think it is clear now to Senator KYL. I read a letter before the Senator started speaking from the directors of the three laboratories expressing their satisfaction and gratitude with the levels of funding that have been put in there.

I acknowledge that Senator KYL was correct in finding some inadequacies in the original funding levels, and the administration, in good faith, has made up for those. What happened over in the House, happened over in the House. It was not instigated by the administration. In fact, the administration has countered that and made it clear that modernization is necessary as a matter of modernizing, in order to keep our arsenal viable.

The second point I wish to make to the Senator, I hope the Senator does not vote against this treaty because he thinks somehow this is a step to some irresponsible slippery slide that takes us to ''zero'' nuclear weapons without all of the other things that very intelligent, thoughtful statesmen have talked about in the context of less nuclear weapons.

But I should point out to the Senator, Dr. Henry Kissinger, who is an advocate for this concept, not as something we are going to do tomorrow or in the next, you know, 10 years perhaps, 20 years, 30 years, but as an organizing principle, as a way of beginning to think differently about how we resolve conflicts—because whatever you do that moves you toward a world of less nuclear weapons, because we have to get 67 votes here, clearly would build the kind of consensus that says we are doing things that make us safer. So it would have to be accompanied by the other country's transparency, by other countries taking part.

It would also, I would say to the Senator, almost necessarily have to be accompanied by something that today is way out of reach, which is a kind of restraint on conventional weapon growth and involvement and the way in which we try to resolve conflicts between countries.

It is no accident that George Shultz, Bill Perry, and Sam Nunn, as well as both of the 2008 Presidential nominees, Senator MCCAIN and President Obama, have all agreed this is a principle worth trying to move toward. One thing is for certain: The road to a reduced number of nuclear weapons in the world, which would reduce the amount of fissionable material potentially available to terrorists, certainly doesn't pass through a nuclear Tehran. So if we are going to have our bona fides to be able to leverage North Korea and Iran, we need to at least prove we can put together a bilateral agreement between the two countries that have 90 percent of the world's nuclear weapons.

I would hope my colleague would not view this—given all of the signoffs that have accompanied it, from our national security establishment, from the Joint Chiefs of Staff, from military leaders, from the national intelligence community, from our laboratory directors, our strategic commanders—all of them have agreed 1,550, the current number of launchers we have, the 800—this is going to permit the United States to maintain the advantages we feel we have today.

I hope my colleague would look hard at sort of how Henry Kissinger and George Shultz and Bill Perry have framed this concept of moving in that direction as an organizing principle. I don't expect it in my lifetime. I doubt the Senator does. But I wouldn't vote against this treaty that provides a window into what the Russians are doing, provides verification, reduces the threat, and creates stability. I wouldn't link the two, and I would hope the Senator would not.

I see the Senator from Arizona has arrived.

Mr. SESSIONS. May I ask, I believe earlier today the Senator made the point:

> Make no mistake, we are not going to amend the treaty itself. We are willing to accept resolutions that don't kill the treaty.

I think I understand that. But I do assert that, as we both know, amending a treaty is not something that is easily done. So we have to deal with whether we think the treaty is helpful. We can do some things through the amendment process to make it more palatable and acceptable to people who have concerns. I do not dispute that. But I do believe that, fundamentally, this day ought to be about discussing the overall strategic impact of the treaty.

I thank the Senator from Massachusetts.

Mr. KERRY. I thank the Senator. We have incorporated into the resolution of ratification some 13 different declarations, understandings, and conditions. We certainly would welcome more if they are constructive and are not duplicitous. We have already addressed the missile defense issue, the rail-mobile issue, the verification issue. All of those have been addressed. But I welcome and look forward to working with the Senator in the next days to see if we can do that.

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. MCCAIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, we are discussing the New START treaty at this time. I look forward to continued debate and discussion on this vital and important national security issue. I wish to, however, remind colleagues that, as with any other issue that relates to this treaty and the Russians, it

can't be totally considered in a vacuum. Events that have transpired in the last several years in Russia should bring great concern and pause to all of us.

I will speak about the situation in Russia today and specifically the continued imprisonment of Mikhail Khodorkovsky and his associate, Platon Lebedev, and the imminent verdict by a Russian judge to likely extend that imprisonment which was delayed from yesterday to December 27. If we needed any more reason to know what verdict is coming, this is it.

The Russian Government seems to be trying to bury some inconvenient news by issuing it 2 days after Christmas and after this body will probably be finished debating the possible ratification of a treaty with the Russian Federation. Some may see this as evidence that the Russian Government is accommodating U.S. interests and desires. I would be more inclined to believe that if these prisoners were set free. Until that time, I will continue to believe that when Prime Minister Putin says Khodorkovsky should sit in jail, as he said yesterday, that this is exactly the verdict the Russian court will deliver.

The fact is, the political fix has been in for years on this case. Mr. Khodorkovsky built one of the most successful companies in post-Soviet Russia. And while I am under no illusions that some of these gains may have been ill-gotten, the subsequent crimes committed against him by the Russian State have exceeded the boundaries of human decency, equal and lawful justice, and the God-given rights of man.

I ask unanimous consent to have printed in the RECORD an article in Yahoo from yesterday that says ''Russia's Putin: Khodorkovsky 'should sit in jail'.'' That is what the Prime Minister of Russia said about an ongoing judicial situation.

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

[From Yahoo! News]

RUSSIA'S PUTIN: KHODORKOVSKY 'SHOULD SIT IN JAIL'

(By Lynn Berry, Associated Press)

MOSCOW.—Russian Prime Minister Vladimir Putin declared Thursday that former oil tycoon Mikhail Khodorkovsky is a proven criminal and ''should sit in jail,'' a statement denounced as interference in the trial of a Kremlin foe whose case has come to symbolize the excesses of Putin's rule.

Putin's judgment gave ammunition to government opponents who claim Khodorkovsky is being persecuted by Putin and his allies.

Khodorkovsky is serving an eight-year sentence after being convicted of tax fraud and is awaiting a verdict in a second trial on charges of stealing oil from his own oil company that could keep him in prison for many more years.

Putin was in his first term as president when Khodorkovsky, then Russia's richest man, was arrested in 2003 after funding opposition parties in parliament and challenging Kremlin policies.

Khodorkovsky's lawyers and supporters said Putin's comments during his annual televised call-in show would put undue pressure on the judge as he deliberates and exposed Putin's role as a driving force behind the seven-year legal onslaught.

One of his lawyers, Karinna Moskalenko, said Putin's statements indicate that the judge will find Khodorkovsky guilty.

In addition to saying Khodorkovsky was guilty of economic crimes, Putin once again suggested the former oligarch had ordered the killings of people who stood in his way as he turned Yukos into Russia's largest oil company. Khodorkovsky, whose oil company was taken over by the state, has not been charged with any violent crime.

Putin reminded television viewers that the former Yukos security chief was convicted of involvement in several killings.

''What? Did the security service chief commit all these crimes on his own, at his own discretion?'' he said.

Putin said Khodorkovsky's present punishment was ''more liberal'' than the 150–year prison sentence handed down in the U.S. to disgraced financier Bernard Madoff, who cheated thousands of investors with losses estimated at around $20 billion.

''Everything looks much more liberal here,'' Putin said. ''Nevertheless, we should presume that Mr. Khodorkovsky's crimes have been proven.''

Speaking to reporters afterward, Putin said he had been referring to the conviction in the first case, a distinction he did not make during the televised show.

He insisted the second case would be considered objectively by the court, but said it involved even higher monetary damages than the first case, implying no leniency should be shown.

''I believe that a thief should sit in jail,'' Putin said.

With more than a touch of sarcasm, Khodorkovsky's lead lawyer, Vadim Klyuvgant, thanked Putin for speaking his mind ''because it directly and clearly answers the question of who, with what aims and with what power is putting pressure on the court as the judge is deliberating.''

Judge Viktor Danilkin is scheduled to begin reading the verdict on Dec. 27.

If convicted, Khodorkovsky and his partner Platon Lebedev face prison sentences of up to 14 years, which could keep them in prison until at least 2017.

Putin has not ruled out a return to the presidency in 2012, and critics suspect him of wanting to keep Khodorkovsky incarcerated until after the election.

The case has been seen as a test for President Dmitry Medvedev, who has promised to establish independent courts and strengthen the rule of law in Russia.

Mr. MCCAIN. Quoting:

I believe that a thief should sit in jail.

With more than a touch of sarcasm, Khodorkovsky's lead lawyer, Vadim Klyuvgant, thanked Putin for speaking his mind ''because it directly and clearly answers the question of who, with what aims and with what powers is putting pressure on the court as the judge is deliberating.''

In 2003, when Mr. Khodorkovsky became increasingly outspoken about the Russian Government's abuses of power, its growing authoritarianism, corruption, and disregard for the law, he was arbitrarily arrested and detained under political charges. His company was stolen from him by authorities, and he was thrown in prison through a process that fell far short of the universal standards of due process. Mr. Khodorkovsky was held in those conditions for 7 years, and when his sentence was drawing to a close, new charges were brought against him which were then even more blatantly political than the previous ones.

Mr. Khodorkovsky, along with Mr. Lebedev, was charged with stealing all of the oil of the company that had been so egregiously stolen from them. The trial has now concluded. So what will happen next? It seems rather clear. After spending 7 years in prison, Mr. Khodorkovsky will likely face many more, which I fear is tantamount to a death sentence.

This case is a travesty of justice for one man, but it is also a revealing commentary on the nature of the Russian Government today.

Yesterday, the Senate voted to take up the New START treaty. To be sure, this treaty should be considered on its merits to our national security. But it is only reasonable to ask—and I ask my colleagues this question—if Russian officials demonstrate such a blatant disregard for the rights and legal obligations owed to one of their own citizens, how will they treat us and the legal obligations, be it this treaty or any other, they owe to us?

What is worse, the sad case of Mikhail Khodorkovsky now looks like one of more modest offenses of corrupt officials ruling Russia today.

I would like to quote from a recent article in the Economist dated December 9, 2010, entitled ''Frost at the core,'' which I ask unanimous consent to have printed in the RECORD.

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

[From the Economist, Dec. 9, 2010]

FROST AT THE CORE

DMITRY MEDVEDEV AND VLADIMIR PUTIN ARE PRESIDING OVER A SYSTEM THAT CAN NO LONGER CHANGE

On December 15th, in a small courtroom in central Moscow, Viktor Danilkin, a softly spoken judge, is due to start delivering a verdict. Its symbolism will go far beyond the fate of the two defendants, Mikhail Khodorkovsky and Platon Lebedev, former principal shareholders in the Yukos oil company. Both men have been in jail since 2003 on charges of tax evasion. Their sentences expire next year. In order to keep them in prison, the government has absurdly charged them with stealing all the company's oil.

Neither the first nor the second trial had much to do with the rule of law. But there the similarity ends. In 2003 Mr. Khodorkovsky personified the injustice and inequality of the 1990s, when tycoons wielded enormous power over a state that could not even pay pensions and salaries on time. Seven years on, Mr. Khodorkovsky is a symbol of the injustices perpetrated by corrupt bureaucrats and members of the security services, who epitomise the nexus between power and wealth. As Mr. Khodorkovsky said in his final statement, ''They turned, us, ordinary people, into symbols of a struggle against lawlessness. This is not our achievement. It is theirs.''

The chances that Mr. Khodorkovsky will be found not guilty are slim. If he were, it would be a sign that the system of Vladimir Putin, Russia's former president and current prime minister, was beginning to come

apart. That system, which tolerates corruption and violence, has just received the endorsement of FIFA, which has awarded Russia the prize of hosting the 2018 football World Cup. But its evolution had much to do with Mr. Khodorkovsky's story.

In the 1990s, when businessmen bribed the courts, both parties knew they were in the wrong. After Mr. Khodorkovsky's case, a judge taking instructions from a bureaucrat felt he was in the right. The Russian state not only flagrantly flouted the law for its own interests, but also sent a powerful signal to its bureaucracy that this practice was now okay.

According to Alexander Oslon, a sociologist who heads the Public Opinion Foundation in Moscow, Mr. Putin's rule ushered in a breed of ''bureaucrat-entrepreneurs''. They are not as sharp, competitive or successful as the oligarchs of the 1990s, but they are just as possessed by ''the spirit of money'' in Mr. Olson's phrase, the ideology that has ruled Russia ever since communism collapsed. By the end of the 1990s the commanding heights of the economy had been largely privatised by the oligarchs, so the bureaucrat-entrepreneurs began to privatise an asset which was under-capitalised and weak: the Russian state.

Unlike businessmen of Mr. Khodorkovsky's type, who made their first money in the market, the bureaucrat-entrepreneurs have prospered by dividing up budget revenues and by racketeering. ''Entrepreneurs'' who hire or work for the security services or the police have done especially well, because they have the ultimate competitive advantage: a licence for violence.

No one worries about conflicts of interest; the notion does not exist. (Everyone remembers the special privileges given to party officials for serving the Soviet state.) As American diplomats are now revealed to have said, the line between most important businesses and government officials runs from blurry to non-existent. Putting Mr. Khodorkovsky in jail, or awarding a large contract to one's own affiliated company, could be justified as a public good. Indeed, more people were in favour of locking up Mr. Khodorkovsky, even though they knew it would benefit only a few Kremlin bureaucrats.

In 1999 the oil price started to climb and petrodollars gushed into Russia, changing the mindset of the political class. Mr. Oslon points out that the most frequently used word in Mr. Putin's state-of-the-nation address in 2002 was ''reform'' and its variants. A few years later the most frequently used word was ''billion''. Divvying up those billions has become the main business in Russia. Corruption no longer meant breaking the rules of the game; it was the game.

Unlike private businessmen, who started to invest in their core businesses (Yukos among them) in the late 1990s, bureaucrat-entrepreneurs have little incentive to do so. Their wealth is dependent on their administrative power, rather than newfangled property rights. The profits are often stashed away in foreign bank accounts or quickly spent: on luxury property in European capitals, or on their children's education in British private schools. All this is inevitably accompanied by anti-Western rhetoric and claims of Russia's resurgence.

THE MESSAGE OF KRASNODAR

On November 4th, National Unity Day, in the small town of Kushchevskaya in the Krasnodar region, eight adults and four children were killed in a house. They were the family of a wealthy farmer and his guests.

The youngest child, nine months old, suffocated when the killers set the house alight.

Terrible murders can happen in any country. This one stood out because it was the work not of a maniac but of a well-established criminal gang, which has terrorised the region for nearly 20 years. More than 200 trained thugs do its work, including dozens of murders and rapes. Its boss, Sergei Tsapok, was a deputy in the local council and had links with the chief law-enforcement agencies, the tax police and local government. The gang first emerged in the early 1990s, racketeering and carving up valuable plots of land. In 2002 it began to ''legalise'' and incorporate itself into local state power structures.

Mr. Tsapok's agricultural firm received massive state credits and grants. It employed the head of security of the local prosecution service as its in-house lawyer. In 2008 Mr. Tsapok boasted that he was among the guests at the inauguration of Dmitry Medvedev as Russia's president, according to Novaya Gazeta, an independent Russian newspaper. The gang ran the region not only under the gaze of government, but also in its stead.

When the chief Russian investigator into the murders arrived a few days later from Moscow, he was besieged by complaints from all over the region. Alexander Tkachev, the governor, seemed dismayed by all the fuss: ''Such a crime could have happened in any part of the region. Unfortunately, such gangs exist in every municipality.'' Despite what happened, he remains in his job.

In the past such bespredel (extreme lawlessness) was mostly restricted to Chechnya and a few other parts of the north Caucasus. But violence has spread, and Kushchevskaya has caused horror not only because of the child victims, but because it presented a threatening model of a crumbling state. The government used to mask its problems with a thick layer of money. But as this layer gets thinner, the problems become more obvious.

A SHRINKING PIE

Corruption was also excessive in the 2000s, but it was compensated for by strong economic growth and fast-rising incomes. This, and soothing television pictures, created a sense of stability. But the global financial crisis hit the Russian economy harder than that of any other large industrial country, exposing its structural weakness. As Vladislav Inozemtsev, an economist, argues in a recent article, the improvement in living standards was achieved at the cost of massive under-investment in the country's industry and infrastructure. In the late Soviet era capital investment in Russia was 31% of GDP. In the past ten years Russia's capital investment has been, on average, about 21.3% of GDP. (For comparison, the figure over the same period in China was 41%.)

Despite rising oil prices and a construction boom, Mr. Inozemtsev says, in the post-Soviet period Russia has built only one cement factory and not a single oil refinery. The Soviet Union used to build 700km of railways a year. Last year, it built 60km. ''We have lived by gobbling up our own future,'' he argues. Peter Aven, the head of Alfa Bank, the largest private bank in the country, thinks today is like the late Soviet period: ''Once again the main source of wealth is oil and gas, which is being exchanged for imported goods. The state today is no better than Gosplan was in the Soviet Union.''

Russia's trade surplus is shrinking. As imports grow, so does pressure on the rouble. The government is now running a budget deficit. Mr. Aven says Russia's budget balances at an oil price of $123 a barrel. Three years ago it balanced at $30. For all the talk of stability, only 6% of the population can imagine their future in more than five years' time, which may explain why only 2% have private pension plans.

To keep up his approval rating, particularly among pensioners and state workers, Mr. Putin has had to increase general government spending to nearly 40% of GDP (see chart). To pay for this he has raised taxes on businesses, which are already suffocating from corruption and racketeering. While Russia's peers in the BRIC group of leading emerging economies are coping with an inflow of capital, $21 billion fled out of Russia in the first ten months of the year. Unlike foreign firms such as Pepsi (see article), Russia's private firms are too nervous to invest in their own economy.

That economy is growing by less than 4% a year. This would be respectable in many Western countries, but as Kirill Rogov, an economic and political analyst, argues, it is not enough to sustain the political status quo. When the pie of prosperity was expanding, dissension within the elite made no sense. However, now that money is scarcer and the world is divided into ''Mr. Putin's friends and everyone else'', as one businessman put it, conflicts are inevitable.

A sense of injustice is now growing in many different groups. Private businessmen and even oligarchs complain about the lack of rules and bureaucratic extortion. Middle-class Muscovites moan that officials in their black luxury cars, with their flashing blue lights, push them off the road and occasionally run them over. People in the north Caucasus feel they are treated like aliens rather than Russian citizens. Everyone is fed up with corruption.

The discontent does not register in Mr. Putin and Mr. Medvedev's joint popularity ratings, which remain at 70%. But growing numbers of the elite feel that the present political and economic model has been exhausted and the country is fast approaching a dead end. ''The problem is not that this regime is authoritarian, the problem is that it is unfair, corrupt and ineffective,'' says one leading businessman. ''Corruption will erode and bring down this system.'' The paradox is that few Russian government officials disagree with this.

At a recent government-sponsored conference on Russia's competitiveness, everyone agreed that the system does not work. Russian politicians sometimes sound like opposition leaders, and Mr. Medvedev makes pledges as if he were a presidential candidate. If Mr. Putin has stopped lamenting the level of corruption in Russia, as he used to, it is only because he believes this is futile and that other countries are the same.

In a democracy, such confessions of impotence from top officials would probably prompt their resignations. In Russia it leads to a discussion of how best to preserve the system. Which tactics work better will be the subject of a conversation between Mr. Putin and Mr. Medvedev when they decide, probably next summer, which of them will become Russia's next president. As Mr. Putin said, the decision will be made on the basis of what is best for Russia. (''Think of them as co-heads of a corporation,'' Mr. Oslon suggests.) The aim is the same, but the styles vary.

Mr. Medvedev calls for innovation and technical modernisation to revive growth. He is appealing through the internet to the most enterprising people in Russia, and is inviting Russian and foreign scientists to come and innovate in a specially created zone, called Skolkovo, which would be protected against the rest of the country by a high security wall and honest police.

The president, who is keen to keep his job after 2012, will try to persuade Mr. Putin that it is in the interests of the corporation, and of Mr. Putin as one of its main stakeholders, for his predecessor not to return to the Kremlin. He could cite the need for better relations with the West to legitimise the

financial interests of the Russian elite, and the inefficiency of the security services as a support base. But even if Mr. Putin would like to retire, can he afford to?

The two men may belong to the same system and want the same thing, but they are formed by different experiences. Mr. Putin, despite his belligerence about the 1990s, is the very epitome of that period. He operates by informal rules and agreements rather than laws and institutions. He became president at the end of a revolutionary decade, when the job carried more risks than rewards. He is cautious, dislikes making decisions and rarely fires anyone, putting loyalty and stability above all else.

Mr. Medvedev, on the other hand, was installed as president after nearly a decade of stability, when the political landscape was cleared of opposition and the coffers were full of money. He is a stickler for formality, though he is a lot less careful, and makes decisions that can destabilise the system—such as firing the previous mayor of Moscow, Yuri Luzhkov. But he is also weaker than Mr. Putin, and may not be able to hang on to power.

The likeliest outcome is that the two will try to preserve their tandem one way or another. Kremlin officials dismiss talk of dead ends as pointless whining and alarmism from liberals. The prevailing view is that the system works and everything will carry on as usual. That may be wrong, however. ''Mr. Putin can return to the Kremlin technically, but he cannot do so historically,'' Mr. Rogov argues. His popularity may be buoyant, but the historic period of stabilisation and restoration which he initiated is coming to an end. Mr. Putin always took great care over symbols, marking the beginning of his rule with the restoration of the Soviet anthem. At the time, it was a symbol of continuity and greatness. Today it sounds increasingly archaic.

As stability turns into stagnation, Mr. Putin is becoming a symbol of the bygone 2000s. Mr. Medvedev, on the other hand, with his tweets and his iPad, has absorbed hopes of change among the younger, more restless set. He has done nothing to justify this; as a recent editorial in Vedomosti, a Russian business daily, argued, ''Medvedev is strong not because of his deeds, but because he rides an illusion.'' Nonetheless, the wish for change is real.

DISSENTING VOICES

This is reflected in the media. Glossy lifestyle magazines are becoming politicised; one has even put Lyudmila Alexeeva, an 83-year-old human-rights activist, on its cover. The beating-up of Oleg Kashin, a journalist from Kommersant, a mainstream newspaper, troubled the well-heeled more than the murder of Anna Politkovskaya did three years ago, precisely because Mr. Kashin—unlike her—did not oppose the regime or write about Chechnya. And recently Leonid Parfenov, a stylish Russian TV presenter, caused a scandal when, at an awards ceremony attended by Russia's most powerful media executives, he said that Russian television reporters have turned into servile bureaucrats. ''Our television'', he said, ''can hardly be called a civic or public political institution.''

It was not what Mr. Parfenov said that was news, but the fact that he said it at all. He used to steer clear of words like ''civic'' or ''duty'', and argue that Russian liberalism was not found in politics, but in fashion boutiques and Moscow coffee shops. Many young, successful Russians shared his view. Mr. Parfenov's speech reflects a change of mood among them, as well as a growing interest in politics. Although state television has enormous sway over older Russians, the young, urban and educated get their news and views from the internet, which remains largely free of Kremlin propaganda.

Stanislav Belkovsky, a political commentator, sees a similarity between Russia's situation and the period of Perestroika reform under Mikhail Gorbachev in the mid-1980s. As then, a large part of the elite has realised that the system is ineffective and is no longer willing to defend it. When ordinary people come to share this view, the system is in grave danger.

That moment may be some time away: the Russian economy is more flexible than the Soviet one, the elite is more diverse, the borders are open and there are safety valves to release dissatisfaction. But as Mr. Khodorkovsky said in a recent interview from jail, the tensions between the declining performance of the Russian economy, the expectations of the population and the corruption of the bureaucracy will erode the system, whoever is president.

With Mr. Putin in power, Russia may suffer deep stagnation, but a collapse of the system would be all the more dramatic. With Mr. Medvedev stagnation may be shorter, but his grip on power would be weaker. This may matter little in the long run, but it makes a big difference for Russians living now—not least for Mr. Khodorkovsky himself.

Mr. McCAIN. Mr. Khodorkovsky, the Economist writes, is a symbol of the injustices perpetrated by corrupt bureaucrats and members of the security services who epitomize the nexus between power and wealth.

The article goes on to describe the staggering scale of corruption in Russia today.

Shortly before his arrest Mr. Khodorkovsky estimated state corruption at around $30 billion, or 10% of the country's [gross domestic product]. By 2005 the bribes market, according to INDEM, a think-tank, had risen to $300 billion, or 20% of GDP. As Mr. Khodorkovsky said in a recent interview, most of this was not the bribes paid to traffic police or doctors, but contracts awarded by bureaucrats to their affiliated companies.

I go on to quote from the Economist:

Their wealth is dependent on their administrative power, rather than newfangled property rights. The profits are often stashed away in foreign bank accounts or quickly spent: on luxury property in European capitals, or on their children's education in British private schools.

Unsurprisingly, surveys now show that the young would rather have a job in the government or a state firm than in private business. Over the past 10 years, the number of bureaucrats has gone up by 66%, from 527,000 to 878,000, and the cost of maintaining such a state machine has risen from 15% to 20% of GDP.

Other figures point to the same conclusion as the Economist. In its annual index of perceptions of corruption, Transparency International ranked Russia 154 out of 178 countries—perceived as more corrupt than Pakistan, Yemen, and Zimbabwe. The World Bank considers 122 countries to be better places to do business than Russia. One of those countries is Georgia, which the World Bank ranks as the 12th best country to do business with.

President Medvedev speaks often and at times eloquently about the need for Russia to be governed by the rule of law. Considering the likely outcome of Mr. Khodorkovsky's show trial, it is not surprising that President Medvedev himself has lamented that his anticorruption campaign has produced, in his words, ''no results.''

Russians who want better for their country and dare to challenge the corrupt bureaucrats who govern it are often targeted with impunity.

One case that has garnered enormous attention both within Russia and around the world is that of Sergei Magnitsky, a tax attorney for an American investor who uncovered the theft by Russian officials of $230 million from the Russian treasury. Because of Mr. Magnitsky's relentless investigation into this corruption, the Russian Interior Ministry threw him in prison to silence him. He was deprived of clean water, left in a freezing cell for days, and denied medical care. After 358 days of this abuse, Sergei Magnitsky died. He was 37. Not only has the Russian Government held no one accountable for his death, several officials connected to Mr. Magnitsky's imprisonment and murder have actually received commendations.

Then there is the tragic case of Russia's last remaining independent journalist. Last month, Russian journalist Oleg Kashin, who had written critically of a violent youth movement associated with the Kremlin, was beaten by attackers who broke his jaw, both his legs, and many of his fingers—a clear political message to other writers.

No one has been charged for this crime, and writing in the New York Times this Sunday, Mr. Kashin suggests that no one ever will.

''[I]t seems indubitable,'' he writes, ''that the atmosphere of hatred and aggression, artificially fomented by the Kremlin, has become the dominant fact in Russian politics, the reset in relations with the United States and talk of economic modernization notwithstanding. . . . A man with a steel rod is standing behind the smiling politicians who speak of democracy. That man is the real defender of the Kremlin and its order. I got to feel that man with my own head.''

Mr. President, I ask unanimous consent this entire article be printed in the RECORD.

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

[From the New York Times, Dec. 11, 2010]

A BEATING ON MY BEAT

(By Oleg Kashin)

On the night of Nov. 6, I was attacked by two young men armed with steel rods. The assault occurred a few feet from the entrance to my house, which is just a 10-minute walk from the Kremlin.

A month later, I am still in the hospital. One of my fingers has been amputated, one of my legs and both halves of my jaw have been broken, and I have several cranial wounds. According to my doctors, I won't be able to go back to my job as a reporter and columnist at Kommersant, an independent newspaper, until spring.

A few hours after the attack, President Dmitri Medvedev went on Twitter to declare

his outrage, and he instructed Russia's law enforcement agencies to make every effort to investigate this crime. But no one has been apprehended, and I do not expect that the two young men will ever be identified or caught.

Three theories quickly emerged about who was behind the attack—which was, I believe, an assassination attempt. The first holds that it was the municipal authorities of Khimki, a town between Moscow and St. Petersburg. I had written several articles criticizing a proposed highway between the two cities that would run through the town, something the local authorities want but many residents oppose.

The second theory is that it was Andrei Turchak, the governor of the Pskov region, who was upset by a blog posting of mine arguing that he had his position only because of his ties to the Kremlin.

And the third theory is that the perpetrators came from Nashi, a youth movement I have criticized. The group's appearance on the public scene has accompanied a new level, and acceptance, of violence in Russian politics; members are called ''Nashists'' by their opponents, as a pun on ''fascists,'' for good reason.

Nashi is closely tied to the Kremlin, which founded the group five years ago in response to fears that Ukraine's Orange Revolution could inspire similar uprisings in Russia. When newspapers reported that Vasily Yakemenko, its former leader and now the minister for youth affairs, might have been involved in the attack on me, he was granted an unscheduled meeting with Prime Minister Vladimir Putin. Was this meant to show that the authorities didn't share such a suspicion—or that they didn't care whether the accusation was true?

What strikes me about the theories is that, in each case, the ultimate perpetrator is the state. And for some reason that seems acceptable to most Russians: practically no one here has questioned the right of the state to resort to extra-legal violence to maintain power, even against journalists.

I don't mean to compare myself to Anna Politkovskaya or Paul Klebnikov, journalists who were killed probably because of their investigative work. But in a way the attack against me is more disturbing. Unlike most of the reporters who have been attacked in Russia in recent years, I have not engaged in any serious investigations into corruption or human rights abuses. I have not revealed any secret documents or irritated influential figures with embarrassing material.

What I have done, though, is criticize Nashi. Indeed, all this year I have called attention to the violence that accompanies the group's every public activity. Even at their legally sanctioned events the members trample—and this is no exaggeration; they literally stomp with their feet—portraits of Russia's ''enemies,'' including human rights activists, politicians and journalists.

I also believe they were the organizers of anonymous acts aimed at the opposition: fabricated video clips, hacker attacks and physical assaults. Some of them were symbolic; for example, an unidentified man once hit Garry Kasparov, the former world chess champion who is an opposition leader, on the head with a chess board.

But even when there is strong evidence of official Nashi involvement, members have gone unpunished. In the summer of 2005 a group of hooligans with baseball bats invaded an opposition meeting and savagely beat the participants. The police detained the attackers, and a list of their names, including some ''Nashists,'' appeared in the papers. But all of the detainees were immediately released, and the case has never gone to court.

Nobody knows for certain whether there is a direct link between the flourishing of Nashi and the increased violence against critics of the state. But it seems indubitable that the atmosphere of hatred and aggression, artificially fomented by the Kremlin, has become the dominant fact in Russian politics, the ''reset'' in relations with the United States and talk of economic modernization notwithstanding.

A man with a steel rod is standing behind the smiling politicians who speak of democracy. That man is the real defender of the Kremlin and its order. I got to feel that man with my own head.

Mr. MCCAIN. An earlier New York Times news story, dated May 17 of this year, and entitled ''Russian Journalists, Fighting Graft, Pay in Blood,'' describes the fate of other independent journalists in Russia. One is Mikhail Beketov, who exposed corruption in a Moscow suburb. This is what happened to him.

''Last spring, I called for the resignation of the city's leadership,'' Mr. Beketov said in one of his final editorials. ''A few days later, my automobile was blown up. What is next for me?'' Not long after, he was savagely beaten outside his home and left to bleed in the snow. His fingers were bashed, and three later had to be amputated, as if his assailants had sought to make sure he would never write another word. He lost a leg. Now 52, he is in a wheelchair, his brain so damaged that he cannot utter a simple sentence.

No one has been charged or held responsible for this crime either.

The same article mentions another journalist, Pyotr Lipatov, who was attacked while covering an opposition rally. As he was leaving, the article says:

[T]hree men pushed him to the ground and punched him repeatedly on the head. ''Even when I was unconscious, they didn't let me go,'' Mr. Lipatov said. This beating was recorded on video by protesters. Mr. Lipatov's colleagues used the video to track down the men who beat him. They were police officers. While Mr. Lipatov, 28, was recovering in the hospital, he said two other police officers visited and urged him to sign a statement saying that he had provoked the attack. . . .

Officials later acknowledged that police officers had been involved in the attack, but they still brought no charges. Instead, they raided Mr. Lipatov's offices, seized computers and brought a criminal extremism suit against him. They asserted that he had sought to foment ''negative stereotypes and negative images of members of the security forces.'' Fearing for his safety and more criminal charges, he quit.

Sadly, I could go on and on like this, to say nothing of the many unsolved murders. So I ask unanimous consent that the entire article be printed in the RECORD.

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

[From the New York Times, May 17, 2010]

RUSSIAN JOURNALISTS, FIGHTING GRAFT, PAY IN BLOOD

(By Clifford J. Levy)

KHIMKI, RUSSIA.—Mikhail Beketov had been warned, but would not stop writing. About dubious land deals. Crooked loans. Under-the-table hush money. All evidence, he argued in his newspaper, of rampant corruption in this Moscow suburb.

''Last spring, I called for the resignation of the city's leadership,'' Mr. Beketov said in one of his final editorials. ''A few days later, my automobile was blown up. What is next for me?''

Not long after, he was savagely beaten outside his home and left to bleed in the snow. His fingers were bashed, and three later had to be amputated, as if his assailants had sought to make sure that he would never write another word. He lost a leg. Now 52, he is in a wheelchair, his brain so damaged that he cannot utter a simple sentence.

The police promised a thorough investigation, but barely looked up from their desks. Surveillance videos were ignored. Neighbors were not interviewed. Information about politicians' displeasure with Mr. Beketov was deemed ''unconfirmed,'' according to interviews with officials and residents.

Prosecutors, who had repeatedly rejected Mr. Beketov's pleas for protection, took over the case, but did not seem to accomplish much more. Mr. Beketov's close colleagues said they were eager to offer insights about who in the government had been stung by his exposés. But no one asked.

Eighteen months later, there have been no arrests.

In retrospect, the violence was an omen, beginning a wave of unsolved attacks and official harassment against journalists, human rights activists and opposition politicians around the region, which includes the Moscow suburbs, but not the city itself. Rarely, if ever, is anyone held responsible.

One editor was beaten in front of his home, and the assailants seized only copies of his articles and other material for the next day's issue, not his wallet or cellphone. Local officials insisted that he sustained his injuries while drunk.

Another journalist was pummeled by plainclothes police officers after a demonstration. It was all captured on video. Even so, the police released a statement saying that he had hurt himself when he was accidentally pushed by the crowd.

These types of attacks or other means of intimidation, including aggressive efforts by prosecutors to shut down news media outlets or nonprofit groups, serve as an unnerving deterrent. And in a few cases in recent years, the violence in the country has escalated into contract killings. Corruption is widespread in Russia, and government often functions poorly. But most journalists and nonprofit groups shy away from delving deeply into these problems.

The culture of impunity in Russia represents the most glaring example of the country's inability to establish real laws in the two decades since the collapse of the Soviet Union. And this failure radiates throughout society, touching upon ordinary men and women who are trying to carve out lives in the new Russia, but are wary of questioning authority.

Russia's president, Dmitri A. Medvedev, has bemoaned the country's ''legal nihilism.'' Yet under Mr. Medvedev and Prime Minister Vladimir V. Putin, it has persisted. And among the major beneficiaries have been the governing party's politicians.

THREATS, THEN A BEATING

Boris Gromov, the governor of the Moscow region, commanded the 40th Army during the Soviet war in Afghanistan, and his opponents believe that he governs with a general's sense of order. Mr. Gromov, appointed by Mr. Putin, has in turn seeded local government with fellow Afghanistan veterans, including the Khimki mayor, Vladimir Strelchenko.

Mikhail Beketov often referred to Mr. Gromov and Mr. Strelchenko as ''army boots,'' and did not think much of their honesty.

Mr. Beketov was brawny like a boxer, fast-talking, perpetually late and prone to latching onto causes. He himself had been an officer in the army paratroops, but then switched to journalism, working as a war correspondent in Afghanistan and Chechnya. His experiences left him with a distaste for overbearing military officials.

He established his newspaper, Khimkinskaya Pravda (Khimki Truth), in 2006. He wrote regularly about what he considered corruption among local officials, who were often members of Mr. Putin's governing party, United Russia.

He financed the newspaper himself. It had a circulation of only about 10,000 copies, but it garnered a large following in Khimki, which has a population of 185,000, and the surrounding cities, especially after Mr. Beketov grabbed hold of two topics.

His articles resonated nationally when he questioned why the city had demolished a monument that contained the remains of Soviet fighter pilots. The work was done to widen a road.

And he relentlessly focused on the fate of the Khimki forest, a pristine expanse of old-growth oaks and wild animals, including elk and boars, improbably close to Moscow. With little public notice, the government had planned to build a major highway to St. Petersburg through the forest. Mr. Beketov suspected that officials were secretly profiting from the project.

Local officials, unaccustomed to such criticism, lashed out publicly. Privately, Mr. Beketov received phone threats. He asked the authorities for help, but was rebuffed, his colleagues said. He returned home one day to discover his dog dead on his doorstep. Then his car was blown up.

Instead of investigating the explosion, prosecutors opened a criminal inquiry into his newspaper. His friends said that Mr. Beketov told them that one city official had warned him about his articles.

But he did not relent. ''You can imagine what kind of money the authorities plan to fleece from this so-called infrastructure,'' he wrote about the highway plan.

''For four years, I have observed our authorities,'' he said. ''I have closely interacted with many senior officials, including Strelchenko himself. Given how the authorities have collected scandals with frightening regularity, I have come to a regrettable conclusion: They are shameless.''

On a November evening in 2008, Mr. Beketov was assaulted, most likely by several people, outside his home. He was discovered by a neighbor the next day.

Even as Mr. Beketov later lay in a coma at the hospital, he was not safe. A threat was phoned in: We will finish him off.

His friends and colleagues grew so alarmed that they moved him out of the Khimki hospital to a better, more secure one in neighboring Moscow.

Both the police and prosecutors found the case tough to crack.

Yuliya Zhukova, a spokeswoman in the Moscow region for the investigative committee of the prosecutor general's office, said the office had conducted a thorough inquiry, but ultimately had to suspend it for lack of evidence. She said that investigators needed to interview Mr. Beketov to make progress, but that his doctors would not allow that. (Mr. Beketov has been unable to communicate since the attack.)

Yevgenia Chirikova, a leader of a local environmental group who worked closely with Mr. Beketov on his articles about the highway, said that she was eager to help, but that investigators did not contact her.

''I waited and waited and waited,'' Ms. Chirikova said. ''I knew that according to the rules, they are supposed to question those closest to the victim.''

She said she decided to approach the investigators herself. They questioned her for several hours, asking her about her motivations for getting involved in the case, she said.

Ms. Zhukova criticized allies of Mr. Beketov and some journalists for assuming that the attack was related to Mr. Beketov's work.

''Very often, unfortunately, they have presented erroneous information, and misled people regarding the course of the investigation,'' she said.

Governor Gromov and Mayor Strelchenko declined to be interviewed for this article. After the attack, Mr. Strelchenko said he had played no role in it, but also complained that it was getting too much attention.

''I don't want to say that it was good what happened to Mikhail,'' he said. ''But I want you to separate truth from untruth.''

ATTACKS ON TWO EDITORS

To the north on the M–10 highway from Khimki is a city called Solnechnogorsk, where a newspaper, Solnechnogorsk Forum, was publishing exposés about how local politicians were seeking to do away with elections to maintain power.

The newspaper's editor, Yuri Grachev, is 73. In February 2009, several men assaulted him as he left his home, putting him in intensive care for a month with a severe concussion, a broken nose and other wounds.

Police officials first said he was drunk and fell down. Then they said he had been the victim of a random robbery, though all that was taken was a folder with material for the newspaper's next issue. The muggers have not been found, and politicians from the governing party, United Russia, said the attack had nothing to do with Mr. Grachev's work.

''Maybe it was hooligans or maybe it was by chance,'' said Nikolai Bozhko, the local party leader, who is also an Afghanistan war veteran. ''The idea that it was ordered—I don't believe that.''

Prosecutors had better luck finding evidence that Solnechnogorsk Forum had committed libel. They have brought charges against the paper, aiming to shut it down.

''The system will stop at nothing to break you,'' Mr. Grachev said.

Farther up the M–10 Highway is Klin, where an opposition rally was held in March 2009 to protest corruption and increases in utility rates.

As Pyotr Lipatov, editor of an opposition newspaper called Consensus and Truth, was leaving the rally, three men pushed him to the ground and punched him repeatedly on the head. ''Even when I was unconscious, they didn't let me go,'' Mr. Lipatov said.

This beating was recorded on video by protesters. Mr. Lipatov's colleagues used the video to track down the men who beat him. They were police officers.

While Mr. Lipatov, 28, was recovering in the hospital, he said two other police officers visited and urged him to sign a statement saying that he had provoked the attack. He refused. The police then issued a statement.

''According to Lipatov, filming the meeting with his camera, he found himself in the middle of a reactionary crowd, was pushed and fell to the ground,'' the statement said. Two videos of the demonstration show a different sequence of events.

Officials later acknowledged that police officers had been involved in the attack, but they still brought no charges. Instead, they raided Mr. Lipatov's offices, seized computers and brought a criminal extremism suit against him. They asserted that he had sought to foment ''negative stereotypes and negative images of members of the security forces.''

Fearing for his safety and more criminal charges, he quit.

''Everyone was against me—the judges, the police, the prosecutors, everyone,'' he said. ''I took over Consensus and Truth because I supported Prime Minister Putin's call to fight corruption. But look what happened. The machine here did everything possible to defeat us.''

PROMISES, BUT NO ARRESTS

After the attacks in Khimki, Solnechnogorsk, Klin and elsewhere, the authorities, apparently concerned that the region had developed a reputation as a danger zone for journalists, vowed to protect them.

''Attacks on journalists, naturally, create a special resonance,'' Governor Gromov's office said. ''The regional government believes that every case of an attack on journalists must be thoroughly investigated.'' Even so, no arrests have been made in any of the cases.

And the harassment has not let up.

On March 31, The New York Times interviewed Ms. Zhukova, the spokeswoman for the investigators, about Mr. Lipatov. The next day, investigators approached him in the central market of Klin and said they urgently wanted to question him about the beating, he said.

The session lasted more than six hours. Mr. Lipatov said they tried to pressure him to sign a statement saying that he had wanted to lead a mob to storm city buildings, thereby justifying the police beating. He said he declined to do so.

Back in Khimki, a new opposition newspaper, Khimki Our Home, was established to help continue Mr. Beketov's work.

The editor, Igor Belousov, 50, is a deeply religious man. He publishes the Russian Orthodox calendar in his newspaper. Before turning to journalism, he was a senior city official, but he resigned because of what he described as pervasive corruption.

Not long after the publication got started, Mr. Belousov was accused of criminal libel by prosecutors and civil libel by Mayor Strelchenko. In February, the police, without any notice, arrested him on charges of selling cocaine. Court documents show that the case is based exclusively on the testimony of a drug dealer from another city who could not recall basic details of the alleged crime.

''We used to have so many journalists here, but they have all suffered and have all given up,'' Mr. Belousov said. ''Only I remained, and now I am giving up.''

Mr. McCAIN. Russia's beleaguered political opposition, unfortunately, fares no better than its journalists. I have met a few times this year with former Deputy Prime Minister Boris Nemtsov, who organizes peaceful political rallies to protest a lack of democracy in Russia, a right granted under the Russian Constitution. But these rallies are often targeted and violently broken up by Russian authorities.

Considering that this is how Russian officials treat their fellow citizens, it is not hard to see a profound connection between the Russian Government's authoritarian actions at home and its aggressive behavior abroad. The most glaring example of this remains in Georgia. Over 2 years after its invasion, Russia not only continues to occupy 20 percent of Georgia's sovereign territory, it is building military bases there, permitting the ethnic cleansing of Georgians in South Ossetia, and denying access to humanitarian missions—all in violation of Russia's obligations under the cease-fire agreement

negotiated by President Sarkozy. In a major recent step, President Saakashvili even renounced the use of force to end Russia's occupation, pledging only to defend nonoccupied Georgia in the event of a Russian attack. And yet Russian officials responded hostilely and dismissively.

I ask my colleagues, when the Russians illegally, in violation of all international law, occupy a sovereign nation—a sovereign nation—and have recognized these two provinces within the international boundaries of Georgia as independent nations, how in the world are we going to trust them to adhere to a treaty?

I have met with the people in Georgia who have been displaced from their homes—the sorrow and the misery inflicted on them. President Sarkozy of France flew in and arranged for a cease-fire. The Russians agreed to it. They are in total violation of it. They are occupying 20 percent of the country of Georgia. I think Nicaragua and one other country have also recognized these two ''independent'' states in which the Russians are now carrying out ethnic cleansing and stationing Russian military. But not to worry, we can trust the Russians to adhere to solemn treaties and abide by international law.

When we consider the various crimes and abuses of this Russian Government, it is hard to believe that this government shares our deepest values. This does not mean that we cannot or should not work with the Russian Federation where possible. The world does not work that way. What it does mean is that we need a national debate about the real nature of this Russian Government, about what kind of a relationship is possible with this government, and about the place that Russia should realistically occupy in U.S. foreign policy. The Senate's consideration of the New START treaty offers a chance to have this debate, as does Russian accession to the WTO. Some may want to avoid it, but we cannot.

I believe we need a greater sense of realism about Russia, but that is not the same as pessimism or cynicism or demonization. I am an optimist, even about Russia. I often find sources for hope in the most hopeless of places. Mikhail Khordokovsky has languished in prison for 7 years, and on December 27, he will likely be forced to endure many more. Yet, in a final appeal to the judge in his case, Mr. Khordokovsky gave one of the more moving speeches I have heard in a long time.

Mr. President, I ask unanimous consent that it be printed in the RECORD.

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

MIKHAIL KHODORKOVSKY: FULL TRANSCRIPT OF HIS FINAL WORDS

I can recall October 2003. My last day as a free man. Several weeks after my arrest, I was informed that president Putin had decided: I was going to have to ''slurp gruel'' for 8 years. It was hard to believe that back then.

Seven years have gone by already since that day. Seven years—quite a long stretch of time, and all the more so—when you've spent it in jail. All of us have had time to reassess and rethink many things.

Judging by the prosecutors' presentation: ''give them 14 years'' and ''spit on previous court decisions'', over these years they have begun to fear me more, and to respect the law—even less.

The first time around, they at least went through the effort of first repealing the judicial acts that stood in their way. Now—they'll just leave them be; especially since they would need to repeal not two, but more than 60 decisions.

I do not want to return to the legal side of the case at this time. Everybody who wanted to understand something—has long since understood everything. Nobody is seriously waiting for an admission of guilt from me. It is hardly likely that somebody today would believe me if I were to say that I really did steal all the oil produced by my company.

But neither does anybody believe that an acquittal in the YUKOS case is possible in a Moscow court.

Notwithstanding, I want to talk to you about hope. Hope—the main thing in life.

I remember the end of the '80s of the last century. I was 25 then. Our country was living on hope of freedom, hope that we would be able to achieve happiness for ourselves and for our children.

We lived on this hope. In some ways, it did materialise, in others—it did not. The responsibility for why this hope was not realized all the way, and not for everybody, probably lies on our entire generation, myself included.

I remember too the end of the last decade and the beginning of the present, current one. By then I was 35. We were building the best oil company in Russia. We were putting up sports complexes and cultural centres, laying roads, and resurveying and developing dozens of new fields; we started development of the East Siberian reserves and were introducing new technologies. In short,—we were doing all those things that Rosneft, which has taken possession of Yukos, is so proud of today.

Thanks to a significant increase in oil production, including as the result of our successes, the country was able to take advantage of a favourable oil situation. We felt hope that the period of convulsions and unrest—was behind us at last, and that, in the conditions of stability that had been achieved with great effort and sacrifice, we would be able to peacefully build ourselves a new life, a great country.

Alas, this hope too has yet to be justified. Stability has come to look like stagnation. Society has stopped in its tracks. Although hope still lives. It lives on even here, in the Khamovnichesky courtroom, when I am already just this side of 50 years old.

With the coming of a new President (and more than two years have already passed since that time), hope appeared once again for many of my fellow citizens too. Hope that Russia would yet become a modern country with a developed civil society. Free from the arbitrary behaviour of officials, free from corruption, free from unfairness and lawlessness.

It is clear that this can not happen all by itself; or in one day. But to pretend that we are developing, while in actuality,—we are merely standing in one place or sliding backwards, even if it is behind the cloak of noble conservatism,—is no longer possible. Impossible and simply dangerous for the country.

It is not possible to reconcile oneself with the notion that people who call themselves patriots so tenaciously resist any change that impacts their feeding trough or ability to get away with anything. It is enough to recall art. 108 of the Code of Criminal Procedure of the Russian Federation—arresting businessmen for filing of tax returns by bureaucrats. And yet it is precisely the sabotage of reforms that is depriving our country of prospects. This is not patriotism, but rather hypocrisy.

I am ashamed to see how certain persons—in the past, respected by me—are attempting to justify unchecked bureaucratic behaviour and lawlessness. They exchange their reputation for a life of ease, privileges and sops.

Luckily, not all are like that, and there are ever more of the other kind.

It makes me proud to know that even after 7 years of persecutions, not a single one of the thousands of YUKOS employees has agreed to become a false witness, to sell their soul and conscience.

Dozens of people have personally experienced threats, have been cut off from family, and have been thrown in jail. Some have been tortured. But, even after losing their health and years of their lives, people have still kept the thing they deemed to be most important, human dignity.

Those who started this shameful case, Biryukov, Karimov and others, have contemptuously called us ''entrepreneurs'' [<<*kommersanty*>>], regarding us as low-lifes, capable of anything just to protect our prosperity and avoid prison.

The years have passed. So who are the low-lifes now? Who is it that have lied, tortured, and taken hostages, all for the sake of money and out of cowardice before their bosses?

And this they called ''the sovereign's business'' [<<*gosudarevoye delo*>>]!

Shameful. I am ashamed for my country.

I think all of us understand perfectly well—the significance of our trial extends far beyond the scope of my fate and Platon's, and even the fates of all those who have guiltlessly suffered in the course of the sweeping massacre of YUKOS, those I found myself unable to protect, but about whom I remember every day.

Let us ask ourselves: what must be going through the head of the entrepreneur, the high-level organiser of production, or simply any ordinary educated, creative person, looking today at our trial and knowing that its result is absolutely predictable?

The obvious conclusion a thinking person can make is chilling in its stark simplicity: the siloviki bureaucracy can do anything. There is no right of private property ownership. A person who collides with ''the system'' has no rights whatsoever.

Even though they are enshrined in the law, rights are not protected by the courts. Because the courts are either also afraid, or are themselves a part of ''the system''. Should it come as a surprise to anyone then that thinking people do not aspire to self-realisation here, in Russia?

Who is going to modernise the economy? Prosecutors? Policemen? Chekists? We already tried such a modernization—it did not work. We were able to build a hydrogen bomb, and even a missile, but we still can not build—our own good, modern television, our own inexpensive, competitive, modern automobile, our own modern mobile phone and a whole pile of other modern goods as well.

But then we have learnt how to beautifully display others' obsolete models produced in our country and an occasional creation of Russian inventors, which, if they ever do find a use, it will certainly be in some other country.

Whatever happened with last year's presidential initiatives in the realm of industrial policy? Have they been buried? They offer the real chance to kick the oil addiction.

Why? Because what the country needs is not one Korolev, and not one Sakharov under the protective wing of the all-powerful Beria and his million-strong armed host, but hundreds of thousands of ''korolevs'' and ''sakharovs'', under the protection of fair and comprehensible laws and independent courts, which will give these laws life, and not just a place on a dusty shelf, as they did in their day—with the Constitution of 1937.

Where are these ''korolevs'' and ''sakharovs'' today? Have they left the country? Are they preparing to leave? Have they once again gone off into internal emigration? Or taken cover amongst the grey bureaucrats in order not to fall under the steamroller of ''the system''?

We can and must change this.

How is Moscow going to become the financial centre of Eurasia if our prosecutors, ''just like'' 20 and 50 years ago, are directly and unambiguously calling in a public trial for the desire to increase the production and market capitalisation of a private company—to be ruled a criminally mercenary objective, for which a person ought to be locked up for 14 years? Under one sentence a company that paid more tax than anyone else, except Gazprom, but still underpaid taxes; and with the second sentence it's obvious that there's nothing to tax since the taxable item was stolen.

A country that tolerates a situation where the siloviki bureaucracy holds tens and even hundreds of thousands of talented entrepreneurs, managers, and ordinary people in jail in its own interests, instead of and together with criminals, this is a sick country.

A state that destroys its best companies, which are ready to become global champions; a country that holds its own citizens in contempt, trusting only the bureaucracy and the special services—is a sick state.

Hope—the main engine of big reforms and transformations, the guarantor of their success. If hope fades, if it comes to be supplanted by profound disillusionment—who and what will be able to lead our Russia out of the new stagnation?

I will not be exaggerating if I say that millions of eyes throughout all of Russia and throughout the whole world are watching for the outcome of this trial.

They are watching with the hope that Russia will after all become a country of freedom and of the law, where the law will be above the bureaucratic official.

Where supporting opposition parties will cease being a cause for reprisals.

Where the special services will protect the people and the law, and not the bureaucracy from the people and the law.

Where human rights will no longer depend on the mood of the tsar. Good or evil.

Where, on the contrary, the power will truly be dependent on the citizens, and the court—only on law and God. Call this conscience if you prefer.

I believe, this—is how it will be.

I am not at all an ideal person, but I am a person with an idea. For me, as for anybody, it is hard to live in jail, and I do not want to die there.

But if I have to I will not hesitate. The things I believe in are worth dying for. I think I have proven this.

And you opponents? What do you believe in? That the bosses are always right? Do you believe in money? In the impunity of ''the system''?

Your Honour!

There is much more than just the fates of two people in your hands. Right here and right now, the fate of every citizen of our country is being decided. Those who, on the streets of Moscow and Chita, Peter and Tomsk, and other cities and settlements, are not counting on becoming victims of police lawlessness, who have set up a business, built a house, achieved success and want to pass it on to their children, not to raiders in uniform, and finally, those who want to honourably carry out their duty for a fair wage, not expecting that they can be fired at any moment by corrupt bosses under just about any pretext.

This is not about me and Platon—at any rate, not only about us. It is about hope for many citizens of Russia. About hope that tomorrow, the court will be able to protect their rights, if yet some other bureaucrats-officials get it into their head to brazenly and demonstratively violate these rights.

I know, there are people, I have named them in the trial, who want to keep us in jail. To keep us there forever! Indeed, they do not even conceal this, publicly reminding everyone about the existence of a ''bottomless'' case file.

They want to show: they are above the law, they will always accomplish whatever they might ''think up''. So far they have achieved the opposite: out of ordinary people they have created a symbol of the struggle with arbitrariness. But for them, a conviction is essential, so they would not become ''scapegoats''.

I want to hope that the court will stand up to their psychological pressure. We all know through whom it will come.

I want an independent judiciary to become a reality and the norm in my country, I want the phrase from the Soviet times about ''the most just court in the world'' to stop sounding just as ironic today as they did back then. I want us not to leave the dangerous symbols of a totalitarian system as an inheritance for our children and grandchildren.

Everybody understands that your verdict in this case—whatever it will be—is going to become part of the history of Russia. Furthermore, it is going to form it for the future generation. All the names—those of the prosecutors, and of the judges—will remain in history, just like they have remained in history after the infamous Soviet trials.

Your Honour, I can imagine perfectly well that this must not be very easy at all for you—perhaps even frightening—and I wish you courage!

Mr. MCCAIN. This is how Mr. Khordokovsky saw the broader implications of his trial:

I will not be exaggerating if I say that millions of eyes throughout all of Russia and throughout the whole world are watching for the outcome of this trial. They are watching with the hope that Russia will after all become a country of freedom and of the law. . . . Where supporting opposition parties will cease being a cause for reprisals. Where the special services will protect the people and the law, and not the bureaucracy from the people and the law. Where human rights will no longer depend on the mood of the tsar—good or evil. Where, on the contrary, the power will truly be dependent on the citizens and the court, only on law and God. For me, as for anybody, it is hard to live in jail, and I do not want to die there. But if I have to I will not hesitate. The things I believe in are worth dying for.

That there are still men and women of such spirit in Russia is a cause for hope. Eventually maybe not this year, or next year, or the year after that, but eventually these Russians will occupy their rightful place as the leaders of their nation—for equal justice can be delayed, and human dignity can be denied, but not forever.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I want to thank and congratulate the Senator from Arizona for his important and impassioned comments about the situation in Russia regarding the rights of Mr. Khordokovsky, and I would associate myself with those comments.

I would say to him, though, one thing. He asked the question, how do you trust Russia? That is precisely why this treaty is so important. A treaty is not built on trust. No one taught us that more than in those famous words of President Reagan: Trust, but verify. We do not have verification today. We are sitting here with no verification. We are in a forced position of ''trust,'' where we do not necessarily. So the sooner we get this treaty ratified, the sooner we provide a foundation underneath the important questions Senator MCCAIN asked; which is, if you cannot trust them, you have to have verification. The whole point is, you build a relationship even in the worst of times so your country—our country—is more stable and more protected.

During the worst of the Soviet Union, during the worst years of confrontation, we still built up a series of treaties of arms agreements and various other kinds of agreements in order to try to tamp down the potential for hostility. Our hope is, obviously, that we can do that as soon as possible here.

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. KERRY. 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. KERRY. Mr. President, I wish to address a couple of points raised by Senator KYL earlier, and I will address a good number more as the debate goes forward. Let me be very clear for the record ahead of time, because he opened his floor remarks this morning by asserting we don't have time to be able to consider this treaty before the end of the year. Then he said that even though the START I treaty—which I referred to yesterday and he specifically referred to my comments—he said even though it was completed in 4 days—maybe 4 plus, slightly—he said it wasn't done under the same circumstances. It didn't have to compete with other legislation and so forth. Well, that is incorrect. So let's set the record straight.

On the same day the Senate held a cloture vote on the START I treaty and votes on two amendments related to the treaty, on that same day, it voted on the final passage of a tax bill. The following day, when the Senate voted on another amendment related to the treaty, it also agreed to the conference report on Interior appropriations, passed the DC appropriations bill, and debated and held two rollcall votes on the Foreign Operations appropriations bill. The following day, it

completed the final passage vote on the START treaty. So if our predecessor Senate had the ability to do START I while it passed three or four other bills and held four or five separate votes on those other items, I think it is very clear we have the ability here to be able to do this treaty in the next days.

More importantly, the Senate has been considering this treaty not just for the day and a half we have now been on it. We went on this treaty yesterday and some people chose to not even come to the floor and talk about it. Now we are back here waiting for amendments and no one has yet chosen on the other side to come and bring an amendment. We are ready to vote on the treaty. Fifty-eight Democratic Senators are ready to vote on the treaty. The only thing we are waiting for is the people who say we don't have time, who haven't brought an amendment to the floor. I clearly smell a sort of self-fulfilling prophecy strategy going on here. But they have to know that when flights are disrupted next week or people can't get home, we are here to do business, and I think it will be clear why we are not able to. So we are going to stay here. We have made that clear. The majority leader has made it clear, and the President and the Vice President made it clear. We are prepared to proceed forward on any amendment with respect to understandings, declarations, or conditions they wish to bring, and certainly to have a robust debate.

I will also reiterate that starting in June of last year, the Foreign Relations Committee was briefed at least five times during the talks with the Russians. That is while the talks were going on. So we have a group of Senators almost 60 strong who at one time or another over a year and a half have been following these negotiations very closely. They have been briefed down in the secure facilities. They have been briefed by the negotiators, by the military, by the intelligence community. The Intelligence Committee has weighed in. The Armed Services Committee has weighed in. The National Security Group has had an opportunity to work on this. Since the treaty was submitted, there have been 12 open and classified hearings with more than 20 witnesses. The Secretary of Defense, the Secretary of State, the Joint Chiefs of Staff Chairman, the Commander of the Strategic Command, and the Director of the Missile Defense Agency have all urged us to pass this treaty.

The question is beginning to be asked not why should we do it now; the question is why aren't we doing it now. I hope we can get some amendments and begin to proceed.

At this point I might share a couple of other thoughts while we are waiting for a couple of other colleagues who requested time to speak. Senator KYL asked the question: What do we get out of this treaty? He juxtaposed what he said the Russians get versus what we get and seemed to imply we are not getting very much. Well, I can assure the Senator from Arizona that the Chairman of the Joint Chiefs of Staff, the Secretary of Defense, the leaders of our Strategic Command, and others don't come before the Congress willy-nilly just to say, Hey, do this, because we don't get anything out of it. Every single one of them has articulated very clearly how they believe this treaty strengthens America's national security, advantages our leadership in the world, and positions us to be able to deal more effectively with Iran and North Korea.

I have to say to my colleagues, you cede the right to come to the floor of the Senate and talk seriously about Iran and North Korea if you can't talk seriously about the ways in which this treaty enhances our ability to be able to put leverage on those countries. Before we pushed the so-called reset button with Russia, we didn't have their cooperation with respect to Iran. In fact, the Russians were very skeptical about the intelligence we were offering and putting on the table. It wasn't until we sat down with them face to face and went through that that they became alarmed and they began to see, indeed, this question of how we respond to Iran is deadly serious. As a consequence of that, Russia joined with the United States.

I agree with my colleagues, the mere fact they are joining us is not a reason to embrace a treaty if the treaty doesn't do all the other things you need to provide stability and enhance your security. But when it does all those other things and you know the consequences of turning your back on all of those achievements is going to create a negative relationship, you ought to try to weigh that a little bit. It seems to me when someone's point of view comes specifically from the economic engagement, business world, somebody such as Steve Forbes writes that this is important to the economic component of our relationship and to that component of the reset button, I think we can see the breadth of impact a treaty such as this can have.

Let me say a few more words about what we do get out of this. First of all—and this is as significant as any reason there is to be considering this—we get nuclear stability. The fact is that nuclear stability enhances the relationship between the countries so we can do a lot of other things that assist in stabilizing this important relationship in a time of crisis. The fact is, as I mentioned earlier—we all know this—the United States and Russia possess 90 percent of the world's nuclear weapons. Any single one of those weapons accidentally released, stolen, or the materials in them, has the ability to be able to destroy any American city. That is a reality today. So both countries have decided it is in both countries' interests to reduce the dangers that arise when you have misunderstandings or mistrust without the verification that builds the trust, and it is important to establish limits on those weapons in order to achieve that.

Predictability is what comes with this treaty. Transparency is what comes with this treaty. Accountability comes with this treaty. Without this treaty, we don't have the right to count their warheads. With this treaty, we have a specific counting and identifying mechanism which will provide for greater accountability and greater stability.

Secretary Gates said very clearly: ''Russia is currently above the treaty limits in terms of its numbers.'' So they are going to have to take down warheads. How could it not be in the interests of the United States to have Russia reduce the number of warheads it has today?

There are many other reasons. I see my colleague from North Dakota has arrived. I will go through a number of these others as the opportunity presents itself later. But I think there are a host of reasons that are very clear, and they are part of the record already and we will highlight them as we go forward, as to what we get out of this treaty and why this is directly in the interests of our country, and that is the only reason the President of the United States is submitting this treaty to the Senate. We need to pay close attention to the rationale our military and intelligence community has laid out to us of why they would like this treaty—as Jim Clapper, the head of the intelligence community has said, the sooner the better, the quicker, the sooner, the better.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I come to the floor today to speak in favor of the New START treaty and to do so strongly.

First let me say I have been listening to Chairman KERRY and Senator LUGAR discuss this treaty. I think they have been clear and compelling with respect to the arguments they have advanced. I think Senator KERRY has made abundantly clear why this treaty is entirely in the interests of the United States.

This treaty simultaneously takes real steps toward reducing the number of nuclear arms in the world while also recognizing the important role these weapons play in our national defense. Above all else, I believe this treaty is stabilizing, which should be the goal of any action related to nuclear weapons.

I currently serve as chairman of the Senate ICBM Coalition. North Dakota proudly hosts the only Air Force base in the country that has two nuclear missions. Minot Air Force Base houses both ICBMs and nuclear bombers. As a result, North Dakotans have a special appreciation for the awesome power of these weapons and their critical role in our national security. While most people approach the existence of these weapons purely from an academic standpoint, we in North Dakota are confronted with their reality on a daily

basis. Still, we as North Dakotans are only observers. I assure my colleagues there is nothing more sobering than visiting a missile facility and talking with the young men and women who stand every day as the sentinels of our security, or talking with bomber pilots as they prepare to fly halfway around the world to patrol the skies for our protection, which I was fortunate to do this summer. Let me say parenthetically, these young people are extraordinary. We can be incredibly proud of the young men and women of our military. The quality of these young people is extraordinary. These brave men and women live the reality of nuclear deterrence and the stability and the security it brings to our Nation.

As we approach this treaty, our first consideration must be its implications for our ability to maintain deterrence and stability and our overall national security. My colleagues on the ICBM Coalition and I watched closely throughout the negotiation of this treaty. We attended dozens of meetings and briefings to understand the impacts this treaty would have on our national security. I even visited Russia shortly after the treaty was presented to the world and met with many of their top military leadership. After careful and thorough analysis of this treaty, I can say with confidence that this treaty will strengthen our national security. I have no doubt about that fact. There is no question the treaty will reduce the number of launchers that deliver nuclear weapons. This treaty has real cuts to those forces—cuts that perhaps go even deeper than the ICBM Coalition initially would have liked. But after speaking at length with our military leaders, the men and women responsible for developing the plans for the use of these weapons, it is clear to me the numbers contained in this treaty remain sufficient to ensure the success of the nuclear deterrence mission.

They tell me that while absolute numbers are important, there is no precise number that assures our security and enhances our nuclear stability. The bottom line is that we must maintain enough launchers to have a credible and secure deterrent that promotes stability in times of crisis. This treaty does that. It not only maintains our nuclear deterrent, but enshrines it for coming decades.

Beyond protecting a sufficient, credible, nuclear deterrent, this treaty advances our national security in other ways as well. President Ronald Reagan famously said: ''Trust, but verify.'' However, for over a year, we have been unable to inspect Russia's weapons. That is not in our interests. It risks developments that harm our national security going undetected or even misunderstandings that could lead to a national security crisis. This treaty allows us to resume the extensive and intrusive inspections that began under the first START treaty signed by the first President Bush and ratified by this body on a vote of 93 to 6.

This treaty also moves our nuclear security forward at a more advanced level. Although I doubt we can ever rid the world of all nuclear weapons, we are no longer in the midst of a nuclear arms race, and thank God for that. By signaling our commitment to reducing our nuclear arsenal while still maintaining a sufficient and credible deterrent, this treaty will advance our interests in halting nuclear proliferation.

The single biggest threat to our Nation would be a terrorist organization with a nuclear weapon. This treaty will enhance our ability to deter the development of nuclear weapons by rogue states, and it will reduce the risk that nuclear arms races around the globe destabilize regions of the world or create opportunities for terrorists to acquire nuclear weapons.

Many treaty opponents argue this treaty may weaken our national security. After closely reviewing their concerns and consulting with experts, I do not find their arguments persuasive. Let's look at those arguments in turn.

First, some opponents greatly inflate the importance of a short phrase in the nonbinding preamble of the treaty to argue that it would somehow constrain our missile defense abilities. This ignores the remaining 17 pages of treaty text and 165 pages of protocol text. Let me say, I have long favored missile defense. I have at many times been in the minority on my own side on that question. If I believed this prevented our creating a stable and secure missile defense, I would not favor the treaty.

This treaty doesn't do that. I think it is as clear as it can be. Other than limiting the conversion of existing ICBM launchers to missile defense interceptors, which our military leaders have already said would be more expensive than building new launchers—and more important, in my view—would degrade our ICBM capability, there are no restrictions on our missile defense—none.

Others argue the treaty will restrict future conventional missile capabilities. That is simply not accurate. The treaty fully allows for the use of conventional missiles. We as a nation are free to unilaterally decide what conventional capability we want. We also hear that Russia's tactical weapons should be included in the treaty. I have also been one who has long favored restrictions on tactical nuclear weapons. While I recognize the importance of addressing that threat, a strategic arms treaty, by definition, is not the place to debate them. Never in history have tactical weapons been included in treaties aimed at strategic weapons. That hasn't stopped this Senate from ratifying those agreements, nor has it stopped them for serving our national security interests for decades.

I am quick to recognize that tactical weapons, at some point, can become a strategic issue. The problem we confront is never before in the context of a strategic agreement have we included tactical systems. That is the reality.

Frankly, I would very much like to have tactical weapons included in this treaty. That would be my preference. But that is not the reality of the history of these negotiations.

Mr. President, some argue the number of total warheads goes too low. However, the treaty allows nearly twice as many warheads as launchers. More important, the number of total launchers available is a far more important deterrence for our national security than the number of warheads.

This treaty shows the administration understands the critical need to maintain a sufficient number of launchers to assure continued nuclear stability. With that said, like many other military and civilian experts on our nuclear forces, I would be extremely wary of any efforts to further decrease the number of our launchers. I have argued repeatedly, as chairman of the ICBM caucus, against further reductions at this stage. I believe that is a prudent position.

Finally, opponents argue that the administration has not committed to an investment in the modernization of our nuclear weapons and infrastructure. This argument completely ignores the dramatic increase in the modernization funding the President proposed in his budget. As chairman of the Senate Budget Committee, I can attest to the fact that this increase is unprecedented. This commitment ensures that the remaining launchers and warheads will be reliable and effective in the event we ever need to launch them.

In short, the arguments advanced by those who claim this treaty would hurt our national security are not convincing. That is not just my conclusion; that is the conclusion of former Secretaries of Defense and former Secretaries of State from both the Republican Party and the Democratic Party and previous administrations, as well as current and former military officers who have all publicly stated that this treaty will advance, not harm, our national security.

Let me say I have two major Air Force bases in my State: Grand Forks Air Force Base and Minot Air Force Base. I spend a significant amount of time talking to our top Air Force leadership. I have consulted with them closely on this matter, as chairman of the ICBM caucus. I am absolutely persuaded by the best military thinking available to me that this treaty is entirely in the national security interests of the United States. I believe that is clear.

Mr. President, I am proud of my record in the Senate on national security over the past 23 years, especially when it comes to our nuclear arsenal. For generations, the young men and women who have served at Minot and Grand Forks Air Force Bases have declared peace as their profession, as they defended the United States from global threats through nuclear deterrence. Though they may not be recognized as publicly today as they were 50 years ago, the airmen who stand guard at Minot remain at the vanguard of our

Nation's most important military mission. I would never do anything to undermine the mission they carry out every day.

After a careful review and discussions with our Nation's best nuclear experts, both those in uniform and those who do not wear the uniform, I am confident this treaty makes our Nation safer and more secure.

Mr. President, I will strongly support approving this treaty, and I call on my colleagues to join me in that effort.

I want to conclude as I began, by thanking the chairman and the ranking member for their leadership on this matter. It is in the highest tradition of the United States Senate. Working together in a bipartisan—really nonpartisan—way, Senator LUGAR and Senator KERRY have provided vital leadership to this body and this country. We are all very deeply in their debt. I express my gratitude to them both for the statesmanlike quality they have brought to this discussion and debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, as we are waiting for other Senators coming to the floor, hopefully, to offer amendments to the new START Treaty, I have some interesting information that I think is relevant to our discussion today.

As has been suggested by other Senators, the so-called Nunn-Lugar cooperative threat reduction program, in operation for the last 19 years, has made possible, through operations of U.S. military and U.S. contractors, working with their counterparts in Russia, the destruction of very sizable amounts of nuclear weapons—threats that we took very seriously in 1991, and that I hope Americans take very seriously currently.

I have just received a report that, since October—and that is specifically during the month of November—we have eliminated eight more SLBMs in Russia. We have secured 10 more nuclear weapon transport trains and neutralized 100-plus more metric tons of chemical weapons agent.

I mention this because I have been fortunate enough to receive monthly, at least for the last 15 years, similar reports. I have a scoreboard in my office that, in fact, illustrates, first of all, that 7,599 strategic nuclear warheads aimed at the United States have been deactivated through the cooperative threat reduction program. Each one of those warheads, as I have pointed out, without being melodramatic, may have been sufficient to completely eliminate my home city of Indianapolis.

I take seriously the treaty we are looking at now, not so much in terms of the numbers of reductions the treaty calls for, but simply even if 1,550 warheads are left on both sides, it is an existential problem to both of our countries that we need to take seriously.

In any event, in addition to the 7,599 strategic nuclear warheads deactivated, 791 ICBMs have been destroyed. These were the missiles on which the strategic nuclear warheads were located. So by taking the warheads off of the missiles, then taking down the 791 intercontinental ballistic missiles and destroying them—and then 498 ICBM silos in which these missiles were located were destroyed; 180 ICBM mobile launchers were destroyed; 659 submarine launched ballistic missiles were eliminated, SLBMs; 492 SLBM launchers were eliminated; 32 nuclear submarines capable of carrying and launching ballistic missiles have been destroyed; and 155 bombers were eliminated.

We are talking about so-called carriers. We talk in the treaty about maybe 1,550 warheads left, 700 carriers on both sides. For those who have not followed closely these arguments over the years, these are the elements that have been aimed at us, and these are the vehicles that would have made possible what they were doing.

Anecdotally, without taking the time of other Senators, I will say that during one of my visits with former Senator Sam Nunn, from Georgia, we went to a site in Siberia where, in fact, a missile had been taken out of the ground. This was a missile that we were told had 10 warheads—the multiple reentry vehicle, where you could put multiple missiles on one vehicle. We were in the silo. It was like a large tube that had an elevator going down. I don't know on which floor we finally arrived, but it was a floor in the silo where the Russians stayed as guards or as watch officers. What authority they had was not clear in terms of actually launching the missile or following the orders, wherever they may have come from. But the impression I had from that visit to the silo, before it was destroyed that very day—and we have pictures of it being destroyed in the office. I explain that this is not a nuclear weapon being destroyed, it was just a silo in the ground. But around a table at which the Russians who were on duty sat were pictures of American cities. These were ostensibly the targets of the 10 warheads. It has a chilling effect as you go around to discover which cities they are.

Are they cities that I represent on the chart? The fact is, that was the intent.

It was made known to us in the United States that our total population—not the occasional nuclear terrorist attack—was at risk. I mention all of this once again not as a melodramatic presentation on a very serious treaty, but we are talking about something that is very fundamental. During the course of the debate I have heard several of my colleagues say—and I think they are mistaken—that right now the American people are focused, as we all are, on how to create jobs, how to make a difference in the economy, and how to bring new hope into the lives of people whose confidence has been destroyed or badly shaken. That is our paramount objective. But at the same time, these problems occur in a world that does not necessarily wish us well and is prepared to leave us in our domestic economy to work our problems out while the rest of the world necessarily takes time out.

I am not one who envisions, after all of this time, a nuclear attack using ICBMs and the carriers that we are talking about. I accept the fact, as a practical matter, that by and large these weapons are maintained for the security of the countries involved. But at the same time, it seems to me to have been prudent throughout the years to have taken the steps we could to take the warheads off of the missiles, destroy the missiles, destroy the silos, and take up the cable in the fields around them and, in essence, to eliminate a lot of the threat.

My scoreboard starts out with 13,300 nuclear warheads. Whether that was the precise number, we are not sure. How did we arrive at that number? We literally had boots on the ground. The subject was discussed frequently today.

The dilemma I foresee, and I am not trying to borrow trouble, is that the boots on the ground, in terms of specifics of the START treaty, ended, as we now know, December 5, 2009. Most of us in the Senate knew of that date. We lamented the fact that was occurring. But the fact is, we have not been able to take action until today's debate to remedy that. We must do so.

This is not a question of a discretionary treaty that somehow might be held over to a more convenient time. The facts of life are that even the program I have discovered, the Cooperative Threat Reduction Program, has diminishing results because the Russians are waiting for work on this fundamental treaty.

In due course, even though we may appropriate in our Defense budget, as I hope we will, substantial moneys for the Nunn-Lugar program next year, our ability to continue to work with the Russian military, Russian contractors outside a situation in which there is no START treaty, and which the Russians may feel there is no expectation of a new START treaty, could mean the monthly reports I have cited today, and most specifically the one for November of this year, may cease coming to my office. The number of warheads removed, the number of missiles destroyed and so forth may simply either stop or we may have no idea what, in fact, the Russians have decided to do.

I appreciate in past debates some of my colleagues have said—and I think they were mistaken, but I understand their point of view—this is Russia's problem. Why were American taxpayer funds ever involved in helping Russians take warheads off missiles, destroying missiles, destroying submarines, in other words to destroy weapons that were aimed at us?

Phrased in those terms, that does not seem to be a sensible bargain; that if you have cooperative threat reduction, and Russians now for 19 years have allowed us to work in their country on their sites where these weapons were located, with not only transparency, an actual feel of the hardware—the silo I was in was real. It was not by electronic means that we found it or surveillance of leaks from diplomacy. It was very real. So was the submarine base I was invited to visit at Sevmash entirely out of the blue during one occasion in a visit to Russia.

Why was I asked to go there? Because they had a feeling, and correctly, that if they presented to me the fact that there were in existence then six Typhoon submarines, that each one of them had 200 missiles, small missiles on them, that even though Tom Clancy finally discovered the Typhoons in the ''Hunt for Red October'' story, the Russians may have been operating these submarines up and down our eastern coast for as long as 20 years, whether we knew about it or not—if you saw the submarines, the largest ever produced by any country, and with the 200 warheads, there were chip shots into New York or Philadelphia or any of our large eastern coast metropolitan areas—whether citizens there ever knew there was a threat or not is immaterial. There was—and a very substantial one. Yet the Russians were inviting us to consider the destruction of these huge submarines because the work is very complex, extraordinarily expensive, and it was beyond their abilities at that point.

We could take a choice, to leave six Typhoons in the world that might begin to cruise again, maybe someplace else, or work with them to destroy them. I am here to say that even after several years, only three of the six have been destroyed. It is an extremely complex operation.

This is why we need to have treaty arrangements with the Russians. So there are formal reasons why their government and our government might be prepared to send our military personnel, our civilian contractors, others who might wish to work with us on projects that we believe mutually are important because—and I will give just one more illustration—this is very subjective.

But on one occasion, I was surprised, although I should not have been, that many nuclear warheads, when they are removed from missiles, are not destroyed. It is difficult to destroy a warhead, very expensive and complex, dangerous for the personnel involved in it.

The Russians did not have very many facilities to do this. So they put many of these warheads into caves or caverns. I was invited into one of these caverns on one occasion. I saw warheads lying there almost like corpses in a morgue, which is what it reminded me of. There were small captions at the top of each of those corpses, in essence, which at least gave—and the Russians told me in translating what was on there—a history of that warhead: when it had been created, what sort of servicing it had received over the years.

I mention this because these particular warheads were not inert matter like sporting goods material. For the safety of the Russians who were involved, they require servicing, apparently, from time to time. One of the reasons why Russians always ask U.S. military and contractors to remove the oldest warheads first was that none of us have had that much of a history as to how long these warheads survive without potential ''accidents,'' something that could make a huge difference in this particular case for those who were in proximity to that particular cave.

It is a crucial matter for them and for us that we find solutions to this. This is why, I believe, there is urgency in considering the New START treaty, urgency in doing so right now, as a matter of fact, as rapidly as possible, and reentering Americans onto the scene in Russia and, in reciprocal manner, accepting Russians who will be interested in our situation. Because this is important for our two countries, and it is important for many innocent people who were never a part of the designs of these weapons but could, in fact, be vastly affected in the event that we make a mistake. We will make a mistake if we fail to act promptly, knowing what we do about the situation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I have said a couple times, during the course of our opening comments and subsequently, what a privilege it is to be working with Senator LUGAR on this treaty. I listened to him talk, as I have heard before, about his experiences of traveling over to Russia and going through the process of establishing this extraordinary program. But the country and the world owe him a huge debt of gratitude for his leadership on this issue. His vision, together with Senator Nunn, has made a global difference, and he is properly recognized on a global basis for that.

So I thank him for his comments calling every colleague to focus on this linkage of the threat reduction program to the START agreement and to the relationship that comes out of it. I know Senator INHOFE is here. I want to give him a chance. But I would like to say a few words before he does about the verification.

I think it is important, as we go forward, to be very clear about the verification components of this treaty. A number of colleagues have requested the verification regime, and we may yet have further discussion on it. So let me make as clear as I can, this treaty has fully satisfied our intelligence community and our military community and our stockpile verification folks as to the verifiability of the treaty.

Is it slightly different from what we had before with START I? The answer is yes. But, importantly, I wish to underscore why that difference exists because one colleague sort of raised the issue a little while ago. I think it was Senator KYL who talked about why it was we might not have gotten them to do an extension of the START I treaty. Well, the reality is, it takes all parties to be party to that extension.

The fact is, Kazakhstan, Ukraine, Belarus all dropped out of the nuclear game, and all those weapons were deposited into Russia. They were all party to that original agreement. But Russia made clear to the Bush administration, long before President Obama came to power, that they were not going to proceed with that same system anymore, and the reason was, they saw it as a one-sided structure. They felt they did not get anything out of it. We were the only ones who got something out of it. As long as they were not getting something, they made us—put us on notice, we are not continuing that one.

That said, the new START succeeds in streamlining verification and tracking procedures, and it creates a new system, a state-of-the-art inspection system, and very strict reporting guidelines. The compliance and verification measures that are in the New START build on 20 years of verification experience, and they appropriately reflect the technological advances that have been made since 1991, as well as the difference of relationships between the United States and Russia because of the end of the Cold War.

So colleagues need to look at those changes and measure it against the original benchmark, if you will. The fact is, New START's enhanced verification measures have a five-pronged approach, five different components.

One, invasive, onsite inspections.

Two, national technical means. We have always had that, but our national technical means have improved significantly. Without discussing them on the floor, I think colleagues are aware of the capacity of our national technical means.

Three, unique identifiers that will be placed on each weapon. We did not have that before. Now we are going to have the ability to track each individual weapon, warhead, and count them. That is new. That is increased.

Regular data exchange. We gain a great deal. They gain a great deal. It is a mutual process of exchanging data, which provides stability and assurances for both sides.

Finally, prompt notifications of the movement of any weapons.

The New START permits up to 18 short-notice, onsite inspections each year, in order to determine the accuracy of Russia's data and to verify the compliance. The fact is, this new system is every bit as rigorous as the system that existed previously.

In fact, because of the change I described earlier, the Belarus, Ukraine,

Kazakhstan change—we had about 70 inspection sites previously, and those were the nuclear facilities in each of those different countries. But since three of them have now denuclearized, the result is, all the former Soviet Union's remaining nuclear weapons are centralized in Russia, and they are divided between 35 nuclear facilities.

So we go from 70 facilities that we used to have to inspect down to 35. Thus, the decreasing number of annual inspections from 28 in START I to 18 in the New START is almost exactly the equivalent in terms of those allowed under START I because we are inspecting fewer places, and the inspectors are now allowed to gather more types of data during those inspections. The United States is also allowed to use national technical means, which would be reconnaissance satellites, ground stations, ships, all of them, to verify compliance. The treaty expressly prohibits tampering with the other party's national technical means.

Third, Russia has to assign and inform the United States of the specific unique alphanumeric identifiers that are designating the deployed and nondeployed ICBMs and SLBMs and nuclear-capable heavy bombers. This information gives us a great deal more inside look with respect to the tracking patterns on Russian equipment throughout the full life cycle of any of those specific systems.

Fourth, the treaty requires Russia to regularly provide to the United States the aggregate data on strategic offensive forces, including numbers, locations, and technical characteristics of deployed and nondeployed strategic offensive arms.

Fifth, the New START establishes a comprehensive notification regime allowing us to track the movement of Russia's strategic forces and any changes in the status of their strategic weapons.

The fact is, this agreement employs an enormously aggressive, forward-leaning, and effective verification system, and it has been predicated on decades of our doing this very thing with the same people. This is not new ground we are breaking. We know how to do this. We have built up a certain understanding of each other's capabilities, each other's idiosyncracies and resistances. We know how to do this. The verification system designed for this treaty is specifically designed to be less complicated, less costly, and more effective than the one in the original START treaty.

I have a series of quotes, but I want our colleague to have an opportunity to speak. I will wait and later share with colleagues the number of different distinguished, respected, long-serving personalities within the intelligence community—former LTG Jim Clapper of the Air Force and others—all of whom have affirmed the ability of this verification system to do the job and protect the interests of the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I compliment the Senator from Massachusetts for his endurance. I appreciate that.

I have to say also to the Senator from Indiana, my good friend, I am kind of in a unique position as one who serves on both the Armed Services and the Foreign Relations Committee. I disagree with most of what was just stated by the senior Senator from Massachusetts.

One of the concerns I have had is that we have so many people who want to be in on this, who should be in on this, who have been elected. We have new Senators, one who is occupying the chair right now. We have Senators KIRK and MANCHIN. We also have Senators-elect BLUNT, BOOZMAN, Portman, MORAN, Lee, Johnson, Hoeven, Ayotte, Paul, and Rubio. All of them have signed a letter saying: This is very significant. We really need to be a part of this. This is important.

It is important in a different way to me than it is to others. I am opposed for a number of reasons. I am one of the few bad guys who came out initially and said I opposed it.

We all know what a strategic arms reduction act is. Initially, when we had two superpowers, it made a lot more sense to me. Frankly, I look at this, and I see the concerns I have.

Verification—that sounds good. Yes, we will verify. Yet the number of verifications, inspections, is like 18 per year in the New START as opposed to some 600 over a 15-year period.

Modernization is one thing on which we all agree. We have to modernize. But there has to be a way of doing it. We haven't done it yet.

It was 3 years ago that Secretary Gates said:

> No way can we maintain a credible deterrent and reduce the number of weapons in our stockpile without either resorting to testing our stockpile or pursuing a modernization program.

That is an area where we all agree. How are we going to do that? Right now, I think the generally agreed upon number that it would cost over a period of 10 years would be $85 billion. We have right now about $600 million that would be coming up in the next budget cycle. We all know how things work around here. We can only commit funds for the next cycle. There is no assurance at all that we would be able to come through with the other $84.5 billion in that period. The modernization is not set up in a way where we are in the current year demonstrating the commitment we have to modernize our fleet.

The fact that we are handling this in a lameduck session—most of the stuff we are trying to cram in right now is what we should have been talking about all year long and have not been. They all fall into a category where it looks as if things are going to change in the Senate. We know the House, after the November election, is now a Republican-dominated House. We know we have gained large numbers in the Senate. We also know there are several of my good colleagues who are up for reelection in 2012. I am not sure they all want to join in all of these issues coming up at the last minute. This is one of them.

I look at the quotes we have—the missile defense issue has not been addressed. I know it would take a lot of discussion. There are probably potentially, with the new Congress coming in in January, 40 or 50 different amendments just addressing the missile defense issue. They say: Well, no, this is not a problem. But anytime you have a unilateral statement that was made—which was made by the Russians early on—that this treaty can only operate and be viable only if the United States of America refrains from developing its missile defense capabilities quantitatively and qualitatively—that has been stated, and it has been stated and reaffirmed more recently when Sergei Lavrov said:

> We have not yet agreed on this [missile defense] issue and we are trying to clarify how the agreements reached by the two presidents. . . . correlate with the actions taken unilaterally by Washington.

The problem is that when the American people look at this, they say that maybe back during the Cold War and maybe back when we had two superpowers, this thing made sense. Frankly, I was not as supportive of this concept back then. But there is certainly justification for it.

Where are we today? Right now, we are probably in the most endangered position we have been in as a nation. I say this from the experience I have had on both of these committees. We have problems. There are certainly problems with North Korea and what they have developed in their capabilities, problems with Syria, certainly problems with Iran. Our intelligence says—and it is not even classified—that Iran would have the capability of sending a missile to Western Europe and the Eastern United States by 2015.

One of the most disturbing things that happened at the beginning of this administration, a year and a half ago, was when the President came out with his budget and did away with our site in Poland which was a ground interceptor site that would have given us the capability of defending the geography I just mentioned. They took a risk. It wasn't easy for Poland or the Czech Republic, in terms of their radar system, to almost defy Russia, but they were willing to do it. I always remember being a part of the negotiation over there when they said: Are you sure, if we take this bold step, we start agreeing to build a ground interceptor in Poland that would protect that area, are you sure you will not pull the rug out from under us? I said: Absolutely. I had no hint that this would happen, but it did. So in February, right after the new President was inaugurated, of

the many things he did that I found objectionable with our defense systems, that was the most egregious.

We are talking about doing a type of strategic arms reduction with Russia. I am not concerned about Russia; I am concerned about these other places. The threat is there. The threat is real. I don't think there are too many people around since 9/11 who don't know that the terrorists would in a heartbeat come after the United States.

When we have something that is written in the preamble—statements have been made over and over again that it would be a violation of this treaty if we were to enhance our missile defense system. Yet we know that Syria is going to have a capability by 2015. To me, that is mind-boggling that people could be sitting around here worrying about this treaty between two countries when I don't look at them as being a threat.

Then we have the issue of force structure. I think we know that not only do we have to have a weapon, we have to have a way of sending it. We all know the triad and how they are not being enhanced by this. That is my major concern.

I was against it from the very beginning. However, this is where we are today. We are in the middle of it. I know I keep hearing on the radio: You are going to be here until Christmas; you shouldn't do that. I will be spending New Year's Eve with our troops in Afghanistan. I am also concerned about what we are doing here in America. Why are we waiting? Last year, we waited until Christmas Eve. I always remember going home Christmas Eve. It happened to fall at the same time. It was the worst snowstorm in the history of Texas and northeastern Oklahoma. I barely made it in time to get home. Yes, I have 20 kids and grandkids. I would kind of like to see them at Christmas. These are things we could have been doing a long time ago. You wait until the last minute. This is when you want to cram things through that the American people don't want and that should take time. We beat up this thing on this treaty for long enough.

But let's look at what we should be talking about now; that is, running government into the next year so we don't have some type of a stoppage, some type of a crisis on our hands. So the liberals have the omnibus bill that they have up, a bill that is $1.3 trillion. Here we are talking about we have come up with $2 trillion—$3 trillion—$2 trillion in the first 2 years. This is unheard of in terms of deficits. Look where we are going right now with $9 billion more in spending than last year, and we thought last year was an absolute disaster.

At the same time, where is the spending going? We have such things as their agenda—$1.4 billion for a variety of climate change programs. They are not going to give up on that. They are going to keep coming forth trying to spend money. They are talking about the money for the Corporation for Public Broadcasting, talking about zeroing out the efforts in Yucca Mountain. These are things that are in this bill.

What it does to the defense system—everything is enhanced except defense. What is this aversion to trying to rebuild America's defense system? Overall, the defense spending cuts in the omnibus bill amount to $10.3 billion. That is from the President's request of 2011. It includes the $450 million to include work on the second engine, the alternate engine. We have already talked about that. We have been discussing that in the Senate Armed Services Committee and the House Armed Services Committee.

We decided, I believe justly—I was on the single engine side of that argument because of the sheer cost. Yet I know the arguments on both sides. We have already done that. We have already debated it. I don't know why we have to come to the floor after we have made these decisions and then look at a bill that cuts the proposed purchase of the F–35s from 42 to 35.

Let's remember what happened a year and a half ago. They talked about doing away with the F–22s, which are the only fifth-generation capability we have. The justification was, look what we are doing with F–35s. That is fine. But so it is going to be 42. This bill would cut it down—further cuts.

So while we are talking about a bill of $1.3 trillion, it throws money at every kind of social engineering, everything you could have except defense.

The CERP—this program used to be called the commander's emergency relief program. It was one that was my program. You talk to the commanders in the field, and they will tell you they have a capability of taking care of some of these needs. Whether it used to be Iraq, now Afghanistan, they can accomplish so much more if they can do it right now. That is called CERP. They are already bringing the funding of that down in this bill. I look at over $1 trillion in funding to implement the very unpopular health care law. If anybody is out there thinking this is going to be an easy lift, I personally think we will be able to defeat this omnibus bill. I think it will be defeated by almost all Republicans and a few of the Democrats, particularly those coming up for reelection in 2012. I would hate to be in a position where I would say: What I am going to run on is the fact that I already voted to put more than $1 trillion into funding this form of socialized medicine.

That is where we are right now. I do think we need to take a deep breath and just figure that we have a new Congress coming in, a new Senate coming in right after January. We will have plenty of time to allow other Senators who were elected to weigh in on this very critical issue of the New START treaty.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Texas.

Mr. CORNYN. Mr. President, I would like to briefly join my colleagues in explaining some of my concerns, first of all, about the process by which we are taking up something as important as a treaty with regard to nuclear arms. Of course, this is the second part of a two-part constitutional process.

The President sent this treaty to the Senate, along with a transmittal letter dated May 13, 2010, and here we are on December 16, shortly before the Christmas holidays and adjournment, taking up a treaty as important as this. Of course, under article II, section 2 of the United States Constitution, a treaty cannot be ratified without the vote of at least two-thirds of the Members of the Senate.

I know everyone—whether they are for this treaty, whether they are against this treaty, whether they are merely questioning some aspects of the treaty and are perhaps seeking to make some modifications—I believe everyone is approaching this issue with the kind of seriousness and gravity that should be required of a Senator approaching something this serious.

But I have to make this observation: Here we are, as I said, on December 16, 2 days—2 days—after having dropped on us a 1,924-page Omnibus appropriations bill which calls for the Federal Government to spend an additional $1.2 trillion. The idea that we would later today take up the issue of funding the Federal Government and consider this Omnibus appropriations bill while we would have to basically detour and lay this treaty by the side—this is, to me, just irresponsible. I do not know any other word to describe it.

We have, in fact, been in session 151 days during 2010. That is right. You heard me correctly. The Senate has actually been in session 151 days this year. I think most people would love to get a paycheck across America and only be expected to show up and do their job 151 days a year.

Now, I know when we go back home, we continue to work with our constituents, to listen to their concerns and otherwise, but my simple point is, when the President sends this treaty over on May 13, 2010, and at the same time, simultaneously, we are being asked to consider this huge Omnibus appropriations bill of $1.2 trillion—some 2,000 pages long—the idea that we would try to jam through or give expedited consideration to the serious, substantive issues being raised by this treaty is, as I said, poor time management, to say the least, and I think irresponsible.

I want to raise some of the substantive concerns I have about the treaty on which I know there will be further discussions.

First of all, I would point out that the treaty does not itself address tactical——

Mr. KERRY. Mr. President, will the Senator yield for a question?

Mr. CORNYN. Mr. President, I have the floor.

Mr. KERRY. I know. I am just asking if the Senator would yield for a question.

Mr. CORNYN. I would be glad, after I get through my remarks, to yield for some questions.

Mr. KERRY. I appreciate it.

Mr. CORNYN. Mr. President, I would note, as others have noted, that the treaty completely excludes consideration of a limitation on tactical nuclear weapons, even though Russia possesses a significant superiority in terms of numbers over the United States for these types of weapons.

I would just note that some at the Department of Defense have noted that the difference between strategic weapons and tactical weapons has become somewhat muddled and less meaningful in recent decades. I believe a legitimate cause for concern is why we would exclude tactical nuclear weapons, that the Russians have numerical superiority of, and not even seek to regulate or contain those at all, while we are focused strictly on strategic nuclear weapons, of which the United States would have to cut our current numbers and the Russians not at all in order to meet the goals of the treaty.

I would say, secondly, I have concerns about the treaty's provisions on verification. Of course, President Reagan was famous for saying we should trust, but verify when it comes to this type of treaty. I would point out that Brent Scowcroft, in 1997, pointed out the importance of when we are actually reducing the overall number of weapons, verification becomes that much more important. He said, in 1997:

> Current force levels provide a kind of buffer because they are high enough to be relatively insensitive to imperfect intelligence and modest force changes. . . . As force levels go down, the balance of nuclear power can become increasingly delicate and vulnerable to cheating on arms control limits, concerns about nondeployed ''hidden missiles'' and the actions of nuclear third parties.

So we need to be extraordinarily careful, even more careful now than perhaps we have been in the past with regard to the verification measures.

We know the Russians have taken every advantage to cheat on previous treaties and to be untrustworthy. According to the official State Department reports on arms control compliance, the Russians have previously violated—or are still violating, even as we speak—important provisions of most of the key arms control treaties to which they have been a party, including the original START treaty, the Chemical Weapons Convention, the Biological Weapons Convention, the Conventional Forces in Europe Treaty, and Open Skies.

The New START treaty does not close that gap on verification loopholes that the Russians are already exploiting or, in fact, evading.

As my colleague, Senator BOND—who is, notably, the vice chairman of the Senate Select Committee on Intelligence—has told us, the annual 10-warhead limit on inspections allowed under this treaty permit us to sample only 2 to 3 percent of the total Russian deployed force and, therefore, it will be impossible—it will be literally impossible; limited to 10 annual warhead inspections over a 10-year treaty—to inspect all, much less most, of the 1,550 limit on deployed warheads.

So why would we call this a robust verification provision if we are only allowed to see 2 to 3 percent of the total Russian force?

The New START treaty, unlike its predecessor, permits any number of warheads to be loaded on a missile. So even if the Russians fully cooperated—which I do not believe they have in the past, nor can be trusted to do so in the future—even if they do cooperate with all of the provisions in the New START treaty, these inspections cannot provide the sort of conclusive evidence that you would think would be required given the gravity of the potential risk. They cannot provide conclusive evidence that the Russians are, in fact, complying with the warhead limit.

Third, the New START treaty handcuffs the United States from deploying new capabilities we need to defend our Nation and our allies from missile attacks.

I would just point out that this chart I have in the Chamber demonstrates the ballistic missile threat that is presented in a map of Europe and Africa and Asia. You will notice that Russia is not even on this map. But you will notice a number of other ballistic missile threats that could affect not only the United States but most certainly our allies. This map is a compilation from the Missile Defense Agency based on information from several agencies in the intelligence community and shows that more than a dozen nations—more than a dozen nations—have developed or are developing ballistic missile capabilities. Several of these nations are notorious for that—North Korea, Iran, and Libya, just to name a few. But we know others, such as Yemen and Pakistan, have al-Qaida operatives or other extremist groups operating within their borders.

The fact is, we need a robust missile defense capability, not to protect us from Russian ballistic missiles but from ballistic missiles from some of these other nations that have developed them, some of whom have groups such as al-Qaida and other terrorist organizations there that would love to get their hands on some of these weapons and use them against America or our allies. That is why it makes absolutely no sense to constrain our future missile defense options in exchange for reductions in the strategic nuclear weapons of just one country, and that is Russia.

Now, some of my colleagues may be arguing there are no limitations on missile defense in the treaty and that the language in the preamble, which ties our strategic offensive arms to our strategic defensive arms—for the first time ever, by the way—that this preamble language does not mean anything, does not operate as a constraint on our missile defense programs.

But that is not what the Russians have said. That is not how they read it. Of course, the Senate has been denied the negotiating record by which we could actually clarify what was said by American negotiators and Russian negotiators in coming up with this language. Isn't that something you would think the administration would want clarified, if they could clarify it by providing this information? But, no, we have been stonewalled and told: You cannot have it, Senate, even though under article II, section 2 of the Constitution, you have a constitutional duty when it comes to treaty ratification.

I just think it is a very poor way to do business, to say the least, and causes me to question whether there is a uniform understanding of constraints on our missile defense system. Again, you can see that the risk is not just from Russia, it is much more widespread, unfortunately, than that.

Russia has also made a unilateral statement that it claims the right to withdraw from the New START treaty if the United States does, in fact, expand our missile defense capability. Doug Feith shed some light on this issue earlier in an op-ed piece in the Wall Street Journal.

Mr. Feith, of course, as you remember, is a former Under Secretary of Defense under the Bush administration, and he helped negotiate the Strategic Offensive Reductions Treaty, known as the SORT treaty. He says during those negotiations, the Russians were constantly trying to get the Americans to negotiate away our right to defend ourselves from missile attacks. The Bush administration rightly rejected those Russian demands, and they got a good treaty anyway. But the Obama administration, in this treaty, gave Russia what it wanted when it came to our missile defense, among other concessions as well—a very serious concern, I would say.

The New START treaty has other flaws, but even if it was an outstanding treaty, I think the gravity of what we are about here—in considering this treaty, and reductions in nuclear arms, and trying to make the world a more secure and safer place—that it warrants more careful and deliberate consideration of this treaty than we are going to be able to give during this lameduck session.

I have heard people talk about, well, the fact that this is the Christmas season—of course, we would all like to be with our families. But we recognize the fact that we have important obligations to perform in the Senate. I think all of us are willing to perform those. But the problem is, we have had an election on November 2, and there are a lot of people, as the Senator from Oklahoma said, who were just elected by the American people who would be

denied an opportunity to let their voice be heard on such an important issue if this treaty is jammed through during the waning days of the 111th Congress. Now, we know the legitimacy of our government itself rests upon the consent of the governed. The fact is, during the most recent election the American people said they don't like the direction Washington is heading and they want us to change. The idea that we would then—after the election takes place but before the new Senators in Congress are actually sworn in—try to rush through such important matters such as this treaty and deny them an opportunity, and the voices of the people who elected them to be heard, to me, does not speak well of this process, and I think indeed denies us the legitimacy of the consent of the governed, or certainly many of them.

Let's be clear about what is happening. We know the administration wants a vote on this New START treaty because they think they have a better chance of passing it now than when these new Senators are sworn in on January 5. There is no one I have heard who has suggested there is a national security threat to the United States from delaying the ratification of this treaty by a month. No one. I don't think they could plausibly make such a contention.

I think there is a little bit of an attempt to focus our attention away from the $1.2 trillion spending tsunami that was unleashed on Congress just 2 days ago in which we are told Senator REID, the majority leader, is going to insist be voted on in just a few days. I think a better alternative to that, and certainly a better alternative than to go through this unnecessary drama about government shutdowns, is to pass a one-page continuing resolution that would keep the government operating until January or February, at which time these newly elected Senators and House Members would be able to participate. It would be the time when we could certainly take up this treaty and give it thoughtful and careful consideration, the kind of debate and amendment process I think our responsibility requires rather than trying to move it through in this irresponsible manner.

This omnibus bill I mentioned earlier will no doubt be called up later today, perhaps, and be attached to a continuing resolution and then cloture filed, asking 60 Senators to agree to close off debate, denying any opportunity for amendments and the kind of consideration I think the American people would want us to have for a $1.2 trillion spending bill.

We know Christmas is almost here and many Americans look forward to celebrating that important holiday and reflecting on what comes with the new year. I hope our friends on the other side of the aisle will reconsider the tactics they are employing during this lameduck session to try to gloss over or ignore the important substantive concerns many of us have about this very significant treaty and to ram through unpopular legislation just as happened last year on Christmas Eve with the passage of the health care bill. Many Americans remember passing that bill on Christmas Eve in the Senate, and they were outraged by the process, by the back-room negotiations and deals that took place in order to get over the 60-vote threshold.

So this year I would submit that millions of Americans want just one thing from Congress, and that would be a silent night. Let's pray they get it. If the Senator still has a question or two for me, I would be glad to yield for that purpose.

I thank the chair and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I wish to say to my colleague from Texas, I am a little surprised to hear him be quite so harsh about the—I think he used the word ''irresponsible''—about why we are here in this predicament right now. I shouldn't have to remind him, but in this session of Congress there have been more filibusters by his party than at any time from World War I all the way through until the late 1970s.

We have nominees waiting to be passed who have sat there for months who cannot get a vote. When we finally have a cloture vote to get 60 votes to get them out, they get 90, 95 votes in the Senate. They just delay and delay and delay. I am not going to stand here and listen to them come to the floor of the Senate asking why we are trying to do the important business of the country at the last minute because all they have to do is look in the mirror. That is all they have to do, and they will see why we are here.

Then to say we can't do the important business of this treaty in the amount of time we have is totally contradicted by history of every treaty we have worked on. Earlier today we had a Senator say: Well, we can't do that. We have to—we can't dual-track. I pointed out that START I, which was a much more complicated treaty, took 4½ days. On the day they passed it, they passed two or three other pieces of legislation. On the day we went to it, we passed a tax bill and an appropriations bill.

We have reached a new stage in America where we just say something. It doesn't matter if it is based on the truth. Just say it, put it out there, and somebody is going to believe it. Somebody will pick it up.

So I regret that. We have been here for a day. We still haven't had an amendment, and all this talk about serious consideration. I am going to release a breakdown of who has spoken and for how long because it is interesting to take a look at what is going on.

By the way, why would we have to read something? I understand we may have to read the appropriations bill for about a day and a half; have the clerk up here just reading the bill. Now, there is an act of stunning responsibility. Let's just chew up the time of the Senate, keeping everybody up all night reading a bill rather than working on it.

So I have said enough about it. I think what we need to do is do the business of the country, and there is plenty of time to do it and still plenty of time to get home for Christmas if we would spend our time doing that rather than a lot of delay tactics.

Some Senators have also cited an early statement by General Cartwright, the Vice Chairman of the Joint Chiefs of Staff, suggesting he had some concern about the numbers. Let me make clear, here is what General Cartwright said today: ''We need START and we need it badly.''

Now, are you going to listen to General Cartwright or are you going to listen to some of these sort of vague and somewhat similar talking points that keep coming to the floor without an amendment, without any substantive work?

At this point I ask unanimous consent that at 6 p.m. today, the Senate resume legislative session and the majority leader be recognized at that time.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Mr. President, I rise to object, and I will not. I just want to make sure that at 3:30 I will be allowed to speak.

Mr. KERRY. We are staying on the START agreement at that time.

Mrs. BOXER. So is 3:30 a good time or 3:40?

Mr. KERRY. Mr. President, I intend to yield the floor. I ask unanimous consent that when I yield the floor, the Senator from California be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I ask for your ruling on the unanimous consent request with respect to 6 p.m. today we move to legislative session and the majority leader be recognized.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KERRY. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I wish to thank my chairman of the Foreign Relations Committee, Senator KERRY, with whom I have worked closely. I thank also Senator LUGAR, the ranking member, who at times has been my chair. It does my heart good to see them working closely on this matter. I was also elated to see the test vote we had on this already.

I hope that vote, that test vote, is indicative of where we are going. We were almost at 67. My understanding is that one Member wasn't there to vote. We should be at 67. I hope we can get this done at the earliest opportunity because despite some of the protests of

our colleagues saying there hasn't been enough time, my understanding is that we have been on this for 7 months. And no one could have worked harder than our chairman and our ranking member on making sure that every single objection to the New START treaty, every single problem and challenge was heard and that a lot of this was already worked out in the resolution of ratification. So, hopefully, we can get through this.

I have had opportunities, as a member of the Foreign Relations Committee in particular, to ask national security experts what keeps them up at night, what is the one thing they worry about. Whether it comes from the CIA or any other place within the intelligence community, the answer comes back like this: What keeps them up at night is the possibility that a terrorist could get hold of a nuclear weapon.

I have to say, that worrisome possibility is on the minds of many Americans. The New START treaty makes this less likely. Therefore, ratifying the treaty is in our national interest and, frankly, it is in the interest of the world. The New START treaty requires a 30-percent reduction of deployed strategic weapons on the Russian and American side, with on-the-ground verification. That is key. It reduces delivery systems to 800 per side.

I am not going to speak for very long, I say to my colleagues who have come here, because so much has been said. I can't say it any better. So what I am going to do for most of the remainder of my time is quote from people, Republicans and Democrats, who have been quite eloquent on this issue, in addition to Senators KERRY and LUGAR.

It is clear Democrats and Republicans alike support this treaty. We hear a lot of talk about not labeling each other and coming together. Look, this is an area where we have come together, and all we have to do is put the finishing touches on this ratification and complete this very important work that is in front of us.

In addition to all of our NATO allies supporting this, including those in Eastern Europe—which I think is very important to note—we have the support of all of these American leaders on both sides of the aisle. I will read some of their comments for the RECORD: ''I urge the U.S. Senate to ratify the START treaty.'' This is a statement from a few days ago from President George Herbert Walker Bush.

This is from Colin Powell, Secretary of State for George W. Bush:

> I fully support this treaty and I hope that the Senate will give its advice and consent as soon as possible . . . [T]his treaty is in the best interest of the United States of America, the best interest of the world, and frankly in the best interest of the Russian Federation.

Howard Baker, former Senator, Republican from Tennessee, said just a few days ago:

> A world without a binding U.S.-Russian nuclear arms control treaty is a more dangerous place, less predictable, less stable than the one we live in today. . . . Trust, but verify. Ratify this treaty.

George Shultz, a constituent of mine, Secretary of State for President Reagan, wrote with Sam Nunn, a Democrat and former Senator from Georgia whom we all respect on these issues:

> Noting the full support of the Secretary of State, the Secretary of Defense, and Chairman of the Joint Chiefs of staff, and following our own review of the treaty, we urge the Senate to give its advice and consent to ratification of New START as early as is feasible.

I hope we don't have a lot of delaying, more delaying tactics around here because it is not necessary.

I heard colleagues say, What is the rush? What is the rush? We have had 7 months. Senators KERRY and LUGAR have bent over backwards and done everything possible to accommodate Senators, such as Senator KYL, who wanted certain assurances on the modernization of our nuclear weapons. They did everything to answer every question. By the way, they will continue to do that as we get to any other issues.

This is what James Schlesinger, Secretary of Defense for Presidents Nixon and Ford, said:

> I think it is obligatory for the United States to ratify New START. . . . For the United States, at this juncture, to fail to ratify the treaty in the due course of the Senate's deliberation would have a detrimental effect on our ability to influence others with regard to, particularly, the nonproliferation issue.

So James Schlesinger gets to the point of nonproliferation, the worrisome fact that a terrorist or rogue state could get one of these weapons.

Alan Simpson, an outspoken former Republican Senator from Wyoming, said this:

> Nothing in the treaty constrains our ability to develop and deploy a robust missile defense system as our military planners see fit. The idea that this treaty somehow makes major concessions to the Russians on missile defense is just simply not true.

I will quote Pat Buchanan, former White House Communications Director for President Ronald Reagan:

> Richard Nixon would have supported this treaty. Ronald Reagan would have supported this treaty, as he loathed nuclear weapons and wished to rid the world of them. And simply because this treaty is ''Obama's treaty'' does not mean it is not in America's interest.

I don't think I have ever in my life quoted Pat Buchanan on the floor. I am just proving the point that this particular issue is extremely bipartisan. It unites everybody, except apparently a few of our friends on the other side.

Brent Scowcroft, LTG retired, National Security Adviser to Presidents Ford and George H.W. Bush, said this:

> New START should not be controversial no matter how liberal or conservative you are.

That also makes the point.

Chuck Hagel, a former Republican Senator, made this statement—and I will not read the entire statement. He ends it by saying:

> This would be devastating not just for arms control but for security interests worldwide [if we didn't deal with this issue].

Henry Kissinger has a very long statement. I will not read the entire statement, but he said this:

> . . . for all these reasons, I recommend ratification of this treaty. . . . I do not believe this treaty is an obstacle to a missile defense program or modernization. . . . A rejection of this treaty would indicate that a new period of American policy had started that would have an unsettling impact on the international environment.

So here you have somebody who has been deeply involved in foreign relations for so many years saying, in essence—and I am not quoting him here, but I am summing up what I read, that it would be a radical departure from America's foreign policy if we were not to do this.

James Baker, former Secretary of State for President George H.W. Bush, writes:

> New START appears to take our country in a direction that can enhance our national security. . . . It can also improve Washington's relationship with Moscow regarding nuclear weapons and delivery vehicles, a relationship that will be vital if the two countries are to cooperate in order to stem nuclear proliferation in countries such as Iran and North Korea. I agree with Secretary of Defense Bob Gates when he wrote last week in the Wall Street Journal that the new treaty provides verification that has been needed since START I expired in December. An effective verification regime is a critical component of arms control and I believe that the world is safer when the United States and Russia are abiding by one.

I will close with a couple of Democratic individuals who have also joined their Republican friends in this.

President Bill Clinton said this:

> The START agreement is very important to the future of our national security and it is not a radical agreement. This is something that is profoundly important. This ought to be way beyond party.

He said that a couple days ago. William Perry, we remember well; he was Secretary of Defense for President Clinton. He said:

> The treaty puts no meaningful limits on our antiballistic missile defense program. In fact, it reduces restrictions that existed under the previous START Treaty. I recommend ratification.

Former Senator Sam Nunn said this:

> Delaying ratification of this treaty, or defeating it, would damage United States security interests and United States credibility globally.

He takes the same tack that I am taking. He is someone who supports this. The Joint Chiefs of Staff, former strategic nuclear commanders, and our intelligence community leadership all have stated that the treaty is essential to our Nation's security.

> I am hopeful the Senate will put our Nation's security first by providing its advice and consent to this important treaty.

That was Sam Nunn.

I will close with two more quotes, one from Vice President JOE BIDEN:

> Failure to pass the new START Treaty this year would endanger our national security.

We would have no Americans on the ground to inspect Russia's nuclear activities, no verification regimes to track Russia's nuclear arsenal, less cooperation between two nations that account for 90 percent of the world's nuclear weapons, and no verified nuclear reduction.

We all know Vice President BIDEN was the respected chair of the Foreign Relations Committee, and it was my honor to serve with him.

Finally, Secretary of State Hillary Rodham Clinton said this:

Failing to ratify the treaty would not only undermine our strategic stability, the predictability, and the transparency, but it would severely impact our potential to lead on the important issue of nonproliferation.

I end where I started. What keeps the intelligence community people up at night is the fear that we don't wrap our arms around nuclear proliferation, and that a weapon gets into the hands of a terrorist or rogue nation. New START is—as our chairman has said many times—not a very broad treaty. It is pretty narrow. It is essential, but it doesn't cover that much new ground. It ensures that we are going to have a mutual reduction in these arms that we will be able to verify, and it makes it less likely that we are going to have the type of proliferation that keeps a lot of us up at night, including the American people, I am sure. We need to take steps in this holiday season toward peace. We need to take steps every day to make sure that the threats we face in this difficult world, with all of our challenges, are diminished.

Once again, I say to my chairman, his leadership has been extraordinary on this. I was beginning to give up hope that we would be able to get this done. He constantly said that we don't give up, we keep pursuing this. It is the right thing to do. And he has done it with Senator LUGAR by his side.

This is a good day. I feel good that we are doing this. I feel that the people, particularly at this time of the year, will feel much better when we get this done in a bipartisan way. I know we will.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. BURR. Mr. President, are we working off of already arranged time?

The PRESIDING OFFICER. There is no operating UC for time at this moment.

Mr. BURR. I thank the Chair. I want to make some introductory remarks about the START treaty this afternoon. My real interest lies in the closed session that will take place on a later date. But this is an important debate. I have deep respect for not just the chairman but for the ranking member. But like all Members, I have a passion for this issue. I want to make some general comments at this time about it.

The threat of nuclear engagement between the United States and Russia has diminished greatly since we began arms reduction talks with the Soviets in the 1970s. It is a credit to the agreements of past years that the strategic relationship between the United States and Russia has evolved to a point where Americans and Russians no longer fear a war between NATO and Warsaw powers.

The world has changed in many ways for the better as a result of those bilateral arms reduction efforts. But today, the United States and our allies face emerging and destabilizing nuclear threats from rogue nations and nonstate actors who have shown no willingness to follow or accept international standards or adhere to nonproliferation treaties.

While the new START treaty continues a historic dialog between two great nations, I am concerned that negotiated language in this treaty—especially wording in its preamble about ''existence of the interrelationship between strategic offensive arms and strategic defensive arms''—may in fact signal a subtle yet troubling return to the Cold War linkage between offensive and defensive weapons. Some dismiss this wording as the flowery language of diplomats. But words have meaning. Treaty language is not filler. I can only conclude that this specific commitment reflects the current thinking of the President and his administration, which is a departure from their predecessors in past administrations, and offers the Russians a reason to leverage the treaty to their distinct advantage with respect to our efforts to improve upon our missile defenses.

Even if a treaty such as the New START had a place in today's world, several key issues are lacking in the treaty that this body should and would have to address. One, the treaty does not address Russia's tactical nuclear weapons. Two, this treaty does nothing to address stored warheads. Three, this treaty is silent on rail mobile ICBMs. Four, this treaty allows the Russians to encrypt and hide missile test data for all new nuclear weapons they develop.

This treaty places limits on our nonnuclear conventional global strike weapons—unheard of in the past. This treaty submits and subjects our Nation's objectives in missile defense to the review and approval of the Kremlin. This treaty ignores the nuclear capabilities, desires, ambitions, and plans of nations and non-nation actors who seek to undermine and harm U.S. national security interests.

Many pundits have spoken about the urgent need to get the U.S. inspectors on the ground in Russia to verify the state of their new nuclear weapon systems and verify compliance. But when one examines the inspection protocols within this treaty, it will be clear that we must give such advance notification and jump through so many multiple hoops just to get approval to visit a site, by the time an inspection begins there is a high likelihood we will only see what the Russians want us to see and nothing more.

Other supporters of this treaty contend that by ratifying New START we further enhance our relationship and leverage with the Russians, with respect to the destabilizing threats posed by North Korea and Iran. But the Russians already recognize the problems posed by these two countries, because they are along their borders. The Russians should not require this treaty as an incentive to protect their own regional interests.

For these reasons, I remain concerned that by ratifying New START, the Senate would be allowing an outdated and narrow agenda to constrain our defense flexibilities and capabilities at the very point in history where we need a clear-eyed view of the real threats on the horizon.

There is no urgent need to ratify New START this week, next week, or even next year. Given the numerous flaws in this treaty, to say nothing of the flawed backward-looking process that developed it, it is prudent for the Senate to work on ways to improve upon the treaty and how it has been put forth in order to better ensure the strategic interests of the United States and to make sure it is fully protected.

Mr. President, my colleagues, our Nation does need a new start in our relationship with Russia. It needs a new approach. This treaty represents an old approach, based on Cold War relationships. In my estimation, it should be rejected by this body.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I rise in support of a treaty that I actually think is of vital importance to our national security, to our national interests, and to our international reputation in the nonproliferation of nuclear weapons.

Let me first start off by recognizing Senator KERRY, the chairman of our Foreign Relations Committee, and Senator LUGAR, the ranking member. They have done an extraordinary job. I smile as I listen to some of my colleagues say it has not been reviewed enough, it has not been vetted enough. We have had an incredible number of sessions on the question of what the treaty contains and flushing out all of its points and points of view. In a very bipartisan way, the committee has worked assiduously to bring us to this point so that Members can make an informed decision. So I wish to salute the chairman for his incredible work in that regard.

The original START treaty expired on December 5 of last year, 2009. So as of today, December 16, 2010, it has been 376 days since the United States lost the ability to conduct onsite inspections—lost it—not knowing what has happened with those weapons. It has been 376 days since we lost our ability to monitor and verify Russia's nuclear arsenal.

Now, I know some say our relationship with Russia has gotten a lot better. Yes, but it is their arsenal that we care about. It is about an arsenal that now has a Russian leadership that we are having better relationships with, but we never know what that relationship will be tomorrow. Good relationships are built on firm understandings, and the treaty creates a firm understanding of our respective obligations. That is why we need to move forward and ratify START.

Now, I agree, I have heard some of my colleagues suggest that there are other nations—namely, Iran and North Korea—that presently present maybe a greater threat to our security and the security of our allies, but that is not the point. The point is that the threat of loose nuclear materials anywhere in the world—anywhere in the world, whether in Russia, Iran, or North Korea—is a major concern. The point is that the severity of the threat from those nations does not diminish the threat presented by the Russian nuclear arsenal. Those threats in no way negate the need to continue our nonproliferation regime and conclude a treaty with Russia and then move on to continuing to address the serious threats presented by Iran and North Korea.

Let me just say that on one of those two, on Iran, since my days in the House of Representatives, I have been pursuing Iran, well before some people looked at Iran as a challenge. When I found out the International Atomic Energy Administration was taking voluntary contributions for the United States to help create operational capacity at the Bushehr nuclear facility, I raised those issues and sought to stem the use of U.S. taxpayer dollars going for that purpose. So I understand about Iran and North Korea, but that does not diminish the importance of knowing about this nuclear arsenal.

It is true that political developments in the past two decades have greatly diminished the probability of nuclear war between our nations. But the fact remains that Russia continues to have more than 600 nuclear launch vehicles and more than 2,700 warheads. It is because of those numbers that this Chamber needs to do what is in our national security interests and ratify START now. We need the ability to track and verify Russia's nuclear arsenal. We need onsite inspections. We need the enhanced flexibility of short-notice inspections of deployed and nondeployed systems. We need to be able to verify the numbers of warheads carried on Russian strategic missiles. We need the ability—provided for the first time in this treaty—to track all accountable strategic nuclear delivery systems.

We need a verification regime. Trust, but verify. Trust, but verify. We know those words well. They have been spoken on this floor many times by many of our Republican colleagues, some who are now willing to turn their back on the truth of those words. The truth is that at the heart of this treaty, the ability for this Nation to verify Russia's nuclear arsenal remains paramount to our security. It remains paramount to continued bilateral cooperation between the United States and Russia.

For these reasons, START has broad bipartisan support, including support from the Secretaries of Defense and State and National Security Advisers for a whole host of Presidents—President Nixon, President Ford, Presidents Reagan, George H.W. Bush, Clinton, and George W. Bush. All of those people have come together regardless of their partisan labels or views, and they all believe this is in our national security interest and necessary if we are to show the world that we demand as much of ourselves as we ask of others.

So as we press the Iranian and North Korean Governments to come into compliance, this treaty demonstrates to all nations that have nuclear aspirations that we are willing to live by the rules; that nonproliferation of nuclear weapons is not an empty wish but a national policy that is in our national interest and the interests of the world; that our willingness to accede to oversight and monitoring of our nuclear weapons and facilities, our willingness to reduce our nuclear arsenal in the interest of global security, and our willingness to cooperate with willing partners is part and parcel of American policy. It is what we believe is right, what we will live by, and what we will demand of all nations.

I hope that with respect to global nuclear security, we can see clear to be able to walk and chew gum at the same time. Some have suggested in this Chamber that we can't do that. We certainly can. We can ratify START and continue to press Iran and North Korea.

You know, this is the one issue I would have hoped we—and we certainly do in some respects, certainly in some of our leadership on the committee, Senator LUGAR and others—it is the one place the Senate has always enjoyed a bipartisan effort. Put the country first in the case of all of those in the world and understand that on this there is no division.

It was Senator Vandenberg, a Republican from Michigan, who once famously said:

> To me, bipartisan foreign policy means a mutual effort to unite our official voice at the water's edge . . .

He went on to say:

> It does not invoke the remotest surrender of free debate in determining our position. In a word, it simply seeks national security ahead of partisan advantage.

But, sadly, I believe the efforts by some to derail START are politically motivated, putting partisan advantage ahead of national security. Nothing that protects us from the spread of nuclear weapons should be politically motivated, not in this brave new world.

Let's be clear. This treaty does not in any way diminish our commitment to keeping this Nation safe and strong. It imposes no limits on current or planned ballistic defense programs by the United States. In fact, the President has committed to a 10-year, $80 billion plan to modernize our nuclear infrastructure, which represents a 15-percent increase over current spending levels.

The truth is that the United States retains overwhelming strike capacity under this treaty. Under this treaty, we will retain 700 deployed launchers and 1,550 deployed warheads. Keep in mind the overwhelming strike capacity this represents to assure any adversary of a devastating response to any attack on the United States or our allies, which is at the heart of our deterrent posture. In real terms, just to give us a sense of what this means, we will retain enough strike capacity to end civilization as we know it and destroy the entire ecosystem of the planet—far beyond the destructive power of the weapons used in Hiroshima and Nagasaki.

Let's keep in mind that one standard nuclear warhead has an explosive force equal to 100,000 tons of conventional high explosives. The use of 1,000 nuclear warheads has a destructive power of 100 million tons of dynamite and the ability to darken this planet in a nightmare nuclear winter beyond our imagination.

So any argument to the contrary, any argument that we do not retain an overwhelming nuclear strike capacity, is, in my view, a political argument, and I believe that some who have come and said that we can't do this—and then, in the midst of this discussion, in the midst of this treaty debate, I hear omnibus discussions. I cannot believe that something that is about the national security of the United States, making sure future generations of Americans never face that nuclear winter, somehow gets lumped in with all of the other political conversations.

I know I have heard the leadership on the other side of the aisle say their Number 1 goal is for this President to fail at all costs and to make him a one-term President. But, my God, I thought this had nothing to do with that. I thought this had nothing to do with that. I would hope that on an occasion such as this where we are talking about the Nation's security, the ability to verify, the ability to understand what Russia's nuclear weaponry is all about goes beyond the success or failure of this President. It is about the Nation being able to succeed.

Finally, I have heard a lot of talk about how late this is and that it is almost Christmas. I certainly want to be with my family as much as anybody else, but I have to be honest with you, I want my family and I want the family of every New Jerseyan I represent, of every American for whom I am part of this Senate to have the security that they will never face that nuclear winter.

I cannot accept the statements I have heard here. I was not going to include this in my remarks, but I have heard now several times that we are here so late. Well, you know, this 2-year session of Congress has been so challenging because, time and time again, colleagues—particularly on the other side of the aisle—have used a procedure in the Senate—a right they have, but it is a right that has clearly been abused—to filibuster. What that means is that which we grew up understanding as Americans from the day we were in a classroom and we were taught about a simple majority rule—well, here in the Senate, that simple majority of representing the people of the United States, the 300 million people, is 51. But under the rules of the Senate, when one Senator wants to object to moving forward, ultimately we don't need that simple majority that Americans have come to understand; we end up needing 60. Of course, since neither party possesses those 60 votes, we often end up in a stalemate and are not able to move forward. That has been used time and time again. I would have to do it over 100 times just for the one session of the Congress, for the 2 years of the Congress, to remind people why it is so late in the process—because, time and time again, that process has been used to delay. Even when that process has been broken and the 60 votes have been accomplished, there have been votes that soar in the 80th or 90th percentile of the Members of this body voting to support the proposition. But the time was killed. It is the time not of the Senate but the time of the American people.

Then I have to hear some of my colleagues, in the midst of a debate about a nuclear treaty—understanding that we are trying to prevent and to verify the possibility that weapons get out of the hands of those who have the authority over them, among other reasons to have this treaty—talk about the omnibus. Well, I just find it beyond my imagination, especially when colleagues who are railing about on that are part of asking for hundreds of millions of dollars in earmarks in the omnibus. Then they come and say: Oh, this is a terrible thing, and the treaty is being brought up at the same time, and somehow we should not be able to move to this treaty because of that issue, even though what they rail against is what they have blatantly participated in. This issue is too important—too important to be wound up in that.

In the end, the purpose of this treaty and of U.S. efforts to thwart other nations from going nuclear is to ensure that future generations will not live with the specter of a nuclear winter and the destruction of civilization as we know it.

We have an opportunity to move—and I would hope move quickly—to do what is right, to ratify START, and lead the world by example. By leading the world by example, then we can also make demands on the rest of the world to make sure they obey and agree and ultimately concur and ultimately live by the same example. That is our opportunity, and that is an opportunity we should not lose.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I thank the Senator from New Jersey. He is a valuable member of our committee, diligent and articulate on these issues. I appreciate the comments he made, particularly reinforcing the comments about the delay.

I remind colleagues that earlier the Senator from Arizona mentioned it is sort of unfair to be doing this at the same time we are doing something else. I remind colleagues that he said START I was completed sort of on its own, freestanding. I wish to correct the record. START I did not, in fact, go through freestanding. On the same day the Senate held the cloture vote on the treaty on START I, it voted on two amendments related to the treaty, and it also voted on the final passage of a tax bill. They managed to do two things at the same time.

The following day, the Senate voted on another amendment related to the treaty. It also agreed on that day to the conference report on Interior appropriations. It passed the DC appropriations bill. Those are two separate items. And it debated and held two rollcall votes on the Foreign Operations bill. Those are four separate bills and items dealt with at the same time they were dealing with START I. The following day, it had the final passage on the START treaty, in about 4 days-plus-and-a-half, I think.

Also, I remind my colleagues, as I should have reminded the Senator from Texas, 13 times colleagues came on the other side of the aisle to Senator LUGAR and asked him to slow down the process of the legislation piece of the treaty because of the need to work on modernization. We did that. Again, colleagues came to us. Way back last summer, we were prepared to move the treaty out of committee so we wouldn't wind up in this situation. Guess who came to us and said: No, it would be better if we had a little more time. Our friends on the other side of the aisle said: Please don't do that vote. I think it would be better for the treaty if we took our time. So we provided another 6 weeks to file questions, get answers, work on modernization, pull people together. Frankly, it was a constructive process. I am not suggesting it didn't provide some benefits. But we accommodated a request to slow it down to meet the needs of our friends on the other side of the aisle. Then, subsequently, when there were potential complaints that it would be politicizing the Senate and this treaty to have the vote and this debate before the election—we could have done that, but we didn't want the treaty to get caught up in the election process—we voluntarily delayed the process to meet and accommodate some of the concerns of colleagues on the other side of the aisle. Then, when we come back after the election, all of a sudden, we can't do it in a lameduck. We have to do it down the road.

One colleague came to the floor defending the rights of people who are not even sworn in as Senators to somehow weigh in on this treaty. They are not Senators. They may have been elected in this election, but they haven't taken part in the year-and-a-half-long effort of preparing to deal with this treaty. Every Senator here has. All 100 of us walked up to the well, raised our hands, swore to uphold the Constitution of the United States. That Constitution gives us the specific responsibility of advice and consent on a treaty. That is why we are here at this moment. If I had had my druthers, we would have been here weeks ago, but there was always a filibuster, always a delay, always some longer period that some other piece of legislation was taking.

It is important for colleagues to be honest about that. We have had 125 cloture motions since January of 2009. That is as many cloture motions as had been filed between 1919 and 1974, between World War I and the Vietnam war. That is how many cloture motions we had filed since last year alone. In addition, the Republicans came back to the minority in 2007, and we have had to file 264 cloture motions to end a filibuster since 2007. That averages out to 66 per year. In the first 44 years of the existence of this filibuster rule, it was only used about once a year. For 44 years, it was used once a year. In the last few years, it has been used 66 times a year. That is why we are here. That is why we were delayed.

I, personally, look forward, when we return next year, to seeing us adjust that rule. I respect the rights of the minority because I know that is what the Founding Fathers intended. But nobody intended that we have to vote twice to get to a bill, filibuster on the motion to proceed, filibuster on the substance. It simply doesn't make sense, and the American people do not support it. It negates the fundamental concept of majority rule. I am willing to take my lumps, but I think there is a way to not necessarily undo it completely and still create responsible action in the Senate.

Since President Obama took office last year, the Senate has had rollcall votes on 62 nominations. Of those 62, 27 were confirmed with 90 votes or more; 23 were confirmed with 70 votes or more. That means that of the 62 nominations, fully 60 of them were confirmed with more than 70 votes. Over 80 percent of the nominations we have taken votes on have passed with overwhelming support, and almost all of those votes, many of them anyway, took place only after an extraordinarily lengthy delay. Many of these nominations sat on the calendar for

over 100 days while people waited for the Senate to act.

On average, the Senate has taken more than five times longer to confirm a circuit court nomination after it was favorably reported by the Judiciary and so forth.

I don't want to chew up all our time going through that, but the record should be fundamentally clear that nobody is rushing anything here. The START treaty debate, the original START treaty began on September 28, 1992, and amendments were proposed. As early as the first day of the debate, they were debating amendments. There were two votes on amendments on the second day of debate. On the third day, there were three amendments, and they ratified the treaty. We ought to be able to move here.

I wish to add a couple thoughts quickly on the subject of the tactical nukes. A number of Senators have expressed concern about why this treaty doesn't deal with tactical nuclear weapons. All of us would agree, you have to acknowledge upfront there is an asymmetry, an imbalance between the numbers of tactical weapons that the Russians have and have deployed and what we have. Remember, first, we needed to replace the original START agreement in order to get verification measures back into place in order to take the steps then necessary to go to sort of the next tier. Secretary Clinton and Secretary Gates explained for the record:

> A more ambitious treaty that addressed tactical nuclear weapons would have taken a lot longer to complete, adding significantly to the time before a successor agreement, including the verification measures, could enter into force following START'S expiration in December 2009.

Their fundamental judgment was, yes, we want to get there, but START itself helps you get there. If we sit without those verification measures in place that come with START, we make it much harder to actually reach the agreement we are trying to get to on the tactical. The logic said: Get this agreement back into place. Revitalize the cooperation on arms control. That will empower you subsequently to be able to achieve your goal.

That is not something the Obama administration dreamed up. I emphasize that to our colleagues on the other side of the aisle. The very respected former Secretaries of Defense, Secretary Bill Perry and Secretary Jim Schlesinger, were part of a bipartisan commission. They reported that the first step they thought necessary was to deal with this. They knew nuclear tactical weapons were an issue. But they also knew our military leaders made it clear they didn't need actual parity on those weapons. Secretary Gates and Admiral Mullen both stated, in response to a question:

> Because of the limited range of the tactical weapons and very different roles from those played by strategic nuclear forces, the vast majority of Russian tactical nuclear weapons could not directly influence the strategic nuclear balance between the United States and Russia.

Donald Rumsfeld told the Foreign Relations Committee in 2002:

> I don't know that we would ever want to have symmetry between the United States and Russia. Their circumstance is different and their geography's different.

What he is referring to is the vast gulf of the Atlantic Ocean and then Western Europe that is in between Russia and us and the whole original tactical decision of Russia in terms of the Warsaw Pact versus NATO that existed for so many years in the course of the Cold War.

I don't want to be mistaken by my colleagues on the other side. Yes, we want to limit Russia's nuclear tactical weapons. But a desire to limit those tactical weapons is not a reason to reject the START treaty. Frank Miller, who was a senior NSC staffer in the Bush administration, testified to the Arms Services Committee on July 22:

> I believe this Treaty is properly focused on the strategic forces of both sides. . . . The tactical forces are clearly a political and military threat to our allies. . . . But I think throwing this treaty away because we haven't gotten our hands on the tacticals is not the way to approach this. I think we have to go after the tacticals separately.

That is exactly what President Obama, Vice President BIDEN, Secretary Clinton, and the rest of our military establishment want to do, but they want the START treaty as the foundation on which to build that effort to try to secure something in terms of tactical weapons.

We should pursue a treaty on tactical nuclear weapons, one that can give us adequate transparency about how many Russia has and that ultimately reduces that number.

Let me say to my colleagues on the other side, that is precisely why we put into the resolution of ratification declaration 11, which says:

> The Senate calls upon the President to pursue, following consultation with allies, an agreement with the Russian Federation that would address the disparity between the tactical nuclear weapons stockpiles of the Russian Federation and of the United States and would secure and reduce tactical nuclear weapons in a verifiable manner.

We address the issues of tactical nuclear weapons, and it was not an oversight. It was a calculated, tactical decision to lay the foundation, renew the relationship with Russia, renew our arms control understandings, and lay the foundation to be able to reach an agreement. That is what Secretary Gates said when he testified before the Armed Services Committee on June 17. He said:

> We will never get to that step [of reductions] with the Russians on tactical nukes if this treaty on strategic nuclear weapons is not ratified.

Secretary Gates, appointed by President Bush, said clearly: If we do not ratify this treaty, we do not get to the treaty on tactical nuclear weapons.

So I think the imperative could not be more clear.

The Eastern European leaders see this the same way. And they, after all, are the ones more directly threatened by those weapons. Poland's foreign minister wrote, on November 20, our NATO allies see ''New START is a necessary stepping-stone to future negotiations with Russia about reductions in tactical nuclear arsenals, and a prerequisite for the successful revival of the Treaty on Conventional Forces in Europe.'' The Secretary-General of NATO said the same thing. He said that we need ''transparency and reductions of short-range, tactical nuclear weapons in Europe. . . . This is a key concern for allies. . . . But we cannot address this disparity until the New Start treaty is ratified.''

I hope our colleagues will stand with our allies and stand with common sense and ratify this treaty so we can get to the issue of tactical nuclear weapons.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, first of all, let me say that there are big issues and small issues, some of substantial consequence, others that are of minor importance that are debated here on the floor of the Senate.

This is one of those big issues, one of significant importance, not just to us but to the world. While we get involved in a lot of details in this discussion, the question to be resolved in all of the efforts that are made here dealing with nuclear weapons is, Will we be able to find a way to prevent the explosion of a nuclear weapon in a major city on this planet that will kill hundreds of thousands of people?

The answer to that question comes from efforts about whether we are able to stop the spread of nuclear weapons, to keep nuclear weapons out of the hands of terrorists and rogue nations, and then begin to reduce the number of nuclear weapons.

Let me read, for a moment, from Time magazine in 2002. It refers to something that happened exactly 1 month after 9/11, 2001—the terrible attack that occurred in this country by terrorists that murdered over 3,000 Americans.

One month later, October 11, 2001, something happened. It was described in Time magazine because it was not readily known around the rest of the country what had happened. Let me read it:

> For a few harrowing weeks last fall—

Referring to October 2001—

> a group of U.S. officials believed that the worst nightmare of their lives, something even more horrific than 9/11, was about to come true. In October, an intelligence alert went out to a small number of government agencies, including the Energy Department's top secret Nuclear Emergency Search Team based in Nevada. The report said that terrorists were thought to have obtained a 10-kiloton nuclear weapon from the Russian arsenal and planned to smuggle it into New York City. The source of the report was a mercurial agent code named dragonfire, who intelligence officials believed was of ''undetermined'' reliability. But dragonfire's claim

tracked with a report from a Russian general who believed that his forces were missing a 10-kiloton nuclear device.

Detonated in lower Manhattan, a 10-kiloton nuclear bomb would kill about 100,000 civilians and irradiate 700,000 more, flattening everything—everything—for a half a mile in diameter. And so counterterrorist investigators were on their highest alert.

I continue the quote:

''It was brutal,'' a U.S. official told Time magazine. It was also a highly classified and closely guarded secret. Under the aegis of the White House's Counterterrorism Security Group, part of the National Security Council, news of the suspected nuke was kept secret so as to not panic the people of New York. Senior FBI officials were not even in the loop. Former mayor Rudolph Giuliani said he was never told about the threat. In the end, the investigators found nothing and concluded that dragonfire's information was false. But few of them slept better. They had made a chilling realization: If terrorists had, in fact, managed to smuggle a nuclear weapon into a city, there was almost nothing anyone could have done about it.

Here is the number of nuclear weapons on this planet. The story I just read was about one small nuclear weapon, a Russian 10-kiloton nuclear weapon. There are roughly 25,000 nuclear weapons on this Earth. I just described the apoplectic seizure that occurred over the potential of one 10-kiloton nuclear weapon missing, potentially acquired by a terrorist, smuggled to New York City, to be detonated in one of our largest cities.

Russia has about 15,000 nuclear weapons, the United States about 9,000, China a couple hundred, France several hundred, Britain a couple hundred; and the list goes on.

Now the question is, What do we do about all that? Will we just waltz along forever and believe that somehow, some way, we will be lucky enough to make sure nobody ever explodes a nuclear weapon in the middle of a city on this Earth? Because when they do, all life on this planet is going to change. What do we do about that? My colleagues say, let's ratify the START treaty. I fully agree. And there is so much more that needs to be done beyond that. The work that has been done here on the floor of the Senate by my colleagues Senator KERRY and Senator LUGAR is extraordinary work.

Senator LUGAR is here, and I do not know that he has been here previously when I have done this—and people are tired of my doing it, but it is so important—I have always kept in my desk a small piece of the wing of a Backfire bomber that was given to me. Senator LUGAR is responsible for this. This is the piece of a wing of a Backfire bomber. No, we did not shoot it down. Senator LUGAR did not shoot it down, nor did our Air Force. We sawed it up. We sawed the wings off the bomber.

How did that happen? It was done by a the Nunn-Lugar Cooperative Threat Reduction Program in which we actually paid to destroy a Soviet bomber. It makes a whole lot more sense than being engaged in warfare to shoot down this bomber.

I have—and I will not show it—in my desk a hinge from a missile silo that was in the Ukraine that contained a missile with a nuclear weapon on its tip aimed at the United States of America. It is not there anymore. Sunflower seeds grow where a missile once resided. Because of Nunn-Lugar, the American taxpayers and, especially, importantly, arms negotiations that work. We know this works. This is not a theory. We know it works to reduce the number of nuclear weapons by engaging in negotiations and discussions.

I have heard lots of reasons for us not to do this: too soon; not enough information; not enough detail; more need for consideration—all of those things. I have always talked about Mark Twain who said the negative side of a debate never needs any preparation. So I understand it is easy to come to the floor saying: Do not do this. Do not do this. But it is those who decide to do things who always prevail to make this a safer country when you are talking about weapons policies, nuclear weapons, and arms reduction.

Let me describe why we should do this. First of all, this was negotiated over a long period of time with the interests of our country at heart and with substantial negotiation. I was on the National Security Working Group here in the Senate, and we sat down in secret briefings on many occasions, having the negotiators themselves come back and say to us: Here is what we are doing. Let us explain to you where we are in the negotiations. This treaty did not emerge out of thin air. All of us were involved and had the ability to understand what they were doing.

They negotiated a treaty, and we needed to negotiate that treaty because the circumstances that exist now are that we do not have, given the previous treaties' expiration, the capability to know what the other side is doing—the inspection capability.

Let me describe who supports this treaty. Every former Secretary of State now living, Republican and Democrat: Kissinger, Shultz, Baker, Eagleburger, Christopher, Albright, Powell, Rice—all of them support the treaty. They say it is the right thing for this country, it is important for us to do.

Let me put up especially the comment of Henry Kissinger because he said it this way:

I recommend ratification of this treaty. . . . It should be noted I come from the hawkish side of the debate, so I am not here advocating these measures in the abstract.

He said:

I try to build them into my perception of national interest. I recommend ratification of this treaty.

I just mentioned my colleague Senator LUGAR. He had a partnership with our former colleague, Senator Nunn, and it is properly called Nunn-Lugar, and we have talked a lot about it. I have talked about it many times on the floor of this Senate. It is one of the things we should be so proud of having done. I am sure Senator LUGAR—I have not talked to him about this—but I am sure he regards it as one of the significant accomplishments of his career, the Nunn-Lugar program.

As a result of that program, the Ukraine, Kazakhstan, and Belarus are now free of nuclear weapons. Think of that—free of nuclear weapons. Albania has no more chemical weapons. Madam President, 7,500 nuclear warheads have been deactivated as a result of this program. The weapons of mass destruction that have been eliminated: 32 ballistic missile submarines, 1,400 long-range nuclear missiles, 906 nuclear air-to-surface missiles, 155 bombers that carried nuclear weapons.

It is not hard to see the success of this. I have shown before—and will again—the photographs of what Nunn-Lugar means and its success. You can argue with a lot of things on this floor, but not photographic evidence, it seems to me. Shown in this photograph is the explosion of an SS–18 missile silo that held a missile with a nuclear warhead aimed very likely at an American city.

The silo is gone. The missile is gone. The nuclear warhead is gone. There are now sunflower seeds planted. It is such an important symbol of the success of these kinds of agreements.

This next photograph shows the Nunn-Lugar program eliminating a Typhoon class ballistic missile submarine.

We did not track it in the deep waters of some far away ocean and decide to engage it and succeed in the engagement. We did not do that at all. We paid money to destroy this submarine.

I have the ground-up copper wire in a little vial in this desk from a submarine that used to carry missiles aimed at America.

Here is an example of what happened under Nunn-Lugar, dismantling a Blackjack bomber. We paid to have that bomber destroyed. We did not shoot it down. We did not have to.

Now this START agreement. ADM Michael Mullen, the Chairman of the Joint Chiefs of Staff—I want everybody to understand this because there are some people coming to the floor saying: Well, from a military standpoint, this might leave us vulnerable, short of what we should have. The Chairman of the Joint Chiefs of Staff says:

I, the Vice Chairman, and the Joint Chiefs, as well as our combatant commanders around the world, stand solidly behind this new treaty, having had the opportunity to provide our counsel, to make our recommendations, and to help shape the final agreements.

We stand behind this treaty, representing the best strategic interests of this country.

Finally, with respect to the issue of funding, I want to make some points about that because I chair the subcommittee that funds nuclear weapons here in the Congress. There has been some discussion that there is not ample funding here for modernization of our current weapons programs. That is not the case. It is not true.

Let me describe where we are with respect to funding, and let me predicate that by saying Linton Brooks was the former NNSA Administrator; that is, he ran the program dealing with nuclear weapons, the nuclear weapons complex. Here is what he said:

START, as I now understand it, is a good idea on its own merits, but I think for those who think it is only a good idea if you only have a strong weapons program, this budget ought to take care of that.

He said:

Coupled with the out-year projections, it takes care of the concerns about the complex, and it does very good things about the stockpile, and it should keep the labs [the National Laboratories] healthy.

He says: ''I would have killed for this kind of budget.'' I would have killed for this kind of budget. This is the man who understands the money needed to make sure our stockpile of nuclear weapons is a stockpile you can have confidence in.

So this notion that somehow there is an underfunding or a lack of funding for the nuclear weapons life extension programs and modernization programs is sheer nonsense.

Let me describe what we have done. As I said, I chair the subcommittee that funds these programs. The President in his budget proposed robust funding. While most other things were held constant—very little growth, in many cases no growth at all; in some cases, less funding than in the past—the President said for fiscal year 2011, he wanted $7 billion for the life extension programs and modernization for the current nuclear weapons stock, and that is because people are concerned if we were to use our nuclear weapons, are we assured they work. Well, you know what. I don't mean to minimize that, but the fact is we have so many nuclear weapons, as do the Russians and others, that if one works, unfortunately, it would be a catastrophe for this world. In fact, if they are used, it will be a catastrophe. But having said that, the proposal was $7 billion. That was a 10-percent increase over fiscal year 2010.

So then the President came out with a budget for the fiscal year we are now going to be in and he said, All right, in response to the people in the Senate—there were some who were insisting on much more spending—he said, All right, we did a 10-percent increase for that year on the programs to modernize our existing nuclear weapons stock, and we will go to another 10-percent increase for next year, fiscal year 2012. So we have a 10-percent increase, and another 10-percent increase.

I was out in North Dakota traveling down some county highway one day and was listening to the news and they described how money from my Appropriations Committee was going to be increased by another $4 billion for the next 5 years. I am thinking, that is interesting, because nobody has told me about that: $4 billion added to this; first 10 percent, then 10 percent, now $4 billion more. And we have people coming to the floor who have previously talked about the difficulty of the Federal debt, $13 trillion debt, $1.3 trillion annual budget deficit, choking and smothering this country in debt. They are saying, you know what, we don't have enough money. We are getting 10-percent increases, plus $4 billion; still not enough, we want more. And the people who run the place say, I would have killed to get a budget like that.

Someplace somebody has to sober up here in terms of what these numbers mean. I swear, if you play out the numbers for the next 5 years, the commitment this administration has made for the life extension programs and the modernization programs for our existing nuclear weapons stock—there is no question we have the capability to certify that our nuclear weapons program is workable and that we ought to have confidence in it.

I don't understand how this debate has moved forward with the notion that somehow this is underfunded. It is not at all. In fact, there is funding for buildings that have not yet been designed. We don't ever do that. In fact, the money for the nuclear weapons program was the only thing that was stuck in at the last minute in the continuing resolution. All the other government programs are on a continuing resolution which means they are being funded at last year's level, except the nuclear weapons program. That extra money was put in, in the continuing resolution. Why? To try to satisfy those who apparently have an insatiable appetite for more and more and more spending in these areas. We are spending more than at any other time and so much more than anybody in the world has ever spent on these things. So nobody should stand up here with any credibility and suggest this is underfunded. It is not. It is not. The people who understand and run these programs know it is not, yet some here are trying to shove more money into these programs for buildings that haven't even been designed yet. We have never done that before. People know better than that.

Another issue: They say, Well, this is going to limit our ability with respect to antiballistic missile systems. It does not. That has long been discredited. There is nothing here that is going to limit that. They say, Well, but the Russians, they put a provision in that says that they can withdraw because of missile defense—yes, they put that in the last START agreement as well. It doesn't mean anything to us. It is not part of what was agreed to. There is nothing here that is going to limit us with respect to our antiballistic missile programs to protect this country and to protect others.

It is so difficult to think this is some other issue. It is not. One day somebody is going to wake up if we are not smart and if we don't decide that our highest priority is to reduce the number of nuclear weapons and stop the spread of nuclear weapons, one day we will all wake up and we will read a headline that someone has detonated a nuclear weapon somewhere on this planet and killed hundreds of thousands of people in the name of a terrorist act. When that happens, everything about life on this planet is going to change. That is why it is our responsibility. We are the leading nuclear power on Earth. We must lead in this area. I have been distressed for 10 years at what happened in this Senate on the Comprehensive Test Ban Treaty. This country never should have turned that down. We did. We are not testing, but we still should have been the first to ratify the treaty.

The question now is, Will we decide to not be assertive and aggressive on behalf of arms control treaties we have negotiated carefully that have strong bipartisan support? Will we decide that is not important? I hope not. It falls on our shoulders here in the United States of America to lead the world on these issues. We have to try to prevent the issues of Korea and Iran and rogue nations and the spread of others who want nuclear—we have to keep nuclear weapons out of the hands of those who would use them. Then we have to continue to find ways to reduce the number of nuclear weapons on this Earth. My colleague talked about tactical nuclear weapons. This doesn't involve tactical nuclear weapons. I wish it did, but it doesn't. We have to get through this in order to get to limiting tactical nuclear weapons. The Russians have far more of them than we do, and the quicker we get to that point of negotiating tactical weapons, the better off we are.

In conclusion, I was thinking about how easy it is to come to the floor of the Senate and oppose. The negative side never requires any preparation. That is the case. Mark Twain was right. Abe Lincoln once was in a debate with Douglas and Douglas was propounding a rather strange proposal that Abe Lincoln was discarding and he called it ''as thin as the homeopathic soup that was made by boiling the shadow of a pigeon that had starved to death.''

Well, you know, I come here and I listen to some of these debates. I respect everybody. I do. Everybody comes here with a point. But I will tell you this: Those who believe this is not in the interest of this country, those who believe we are not adequately funding our nuclear weapon stock, those who believe this is going to hinder our ability for an antiballistic missile system that would protect our country, that is as thin as the homeopathic soup described by Abraham Lincoln. It is not accurate.

This is bipartisan. It is important for the country. We ought to do this sooner, not later.

Let me conclude by saying, the work done by my two colleagues is strong, assertive, bipartisan work that builds on some very important work for the

last two decades, Senator KERRY and Senator LUGAR—I don't know whether there will be ever be a Kerry-Lugar, but there was a Nunn-Lugar that has been so important to this country and to the safety and security of this world. I hope this is the next chapter in building block by block by block this country's responsibility to be a world leader in saying, We want a world that is safer by keeping nuclear weapons out of the hands of those who don't have them, and then aggressively negotiating to try to reduce the nuclear weapons that do now exist.

Some months ago I was at a place outside of Moscow where my colleague Senator LUGAR has previously visited, and that facility is devoted to the training and the security of nuclear weapons. I suspect Senator LUGAR, because he knows a lot about this and has worked a lot on it for a long time, thinks a lot about those issues, as do I. Are we certain that these 25,000 nuclear weapons spread around the world are always secure, always safe, will never be subject to theft? The answer to that is no, but we are trying very hard. This treaty is one more step in the attempt we must make to exercise our leadership responsibility that is ours. So my compliments to Senator KERRY and Senator LUGAR and to all of the others who are engaged in this discussion and who have worked so hard and have done so for decades on these nuclear weapons issue and arms reduction issues.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

LEGISLATIVE SESSION

Mr. DORGAN. Madam President, I ask unanimous consent to proceed as if in legislative session and as if in morning business for the purpose of clearing processed legislative language.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. For the information of my colleagues, I will run through these unanimous consent requests and then be completed.

GPRA MODERNIZATION ACT OF 2010

Mr. DORGAN. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 678, H.R. 2142.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 2142) to require quarterly performance assessments of Government programs for purposes of assessing agency performance and improvement, and to establish agency performance improvement officers and the Performance Improvement Council.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''GPRA Modernization Act of 2010''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Strategic planning amendments.
Sec. 3. Performance planning amendments.
Sec. 4. Performance reporting amendments.
Sec. 5. Federal Government and agency priority goals.
Sec. 6. Quarterly priority progress reviews and use of performance information.
Sec. 7. Transparency of Federal Government programs, priority goals, and results.
Sec. 8. Agency Chief Operating Officers.
Sec. 9. Agency Performance Improvement Officers and the Performance Improvement Council.
Sec. 10. Format of performance plans and reports.
Sec. 11. Reducing duplicative and outdated agency reporting.
Sec. 12. Performance management skills and competencies.
Sec. 13. Technical and conforming amendments.
Sec. 14. Implementation of this Act.
Sec. 15. Congressional oversight and legislation.

SEC. 2. STRATEGIC PLANNING AMENDMENTS.

Chapter 3 of title 5, United States Code, is amended by striking section 306 and inserting the following:

''§ 306. Agency strategic plans

''(a) Not later than the first Monday in February of any year following the year in which the term of the President commences under section 101 of title 3, the head of each agency shall make available on the public website of the agency a strategic plan and notify the President and Congress of its availability. Such plan shall contain—

''(1) a comprehensive mission statement covering the major functions and operations of the agency;

''(2) general goals and objectives, including outcome-oriented goals, for the major functions and operations of the agency;

''(3) a description of how any goals and objectives contribute to the Federal Government priority goals required by section 1120(a) of title 31;

''(4) a description of how the goals and objectives are to be achieved, including—

''(A) a description of the operational processes, skills and technology, and the human, capital, information, and other resources required to achieve those goals and objectives; and

''(B) a description of how the agency is working with other agencies to achieve its goals and objectives as well as relevant Federal Government priority goals;

''(5) a description of how the goals and objectives incorporate views and suggestions obtained through congressional consultations required under subsection (d);

''(6) a description of how the performance goals provided in the plan required by section 1115(a) of title 31, including the agency priority goals required by section 1120(b) of title 31, if applicable, contribute to the general goals and objectives in the strategic plan;

''(7) an identification of those key factors external to the agency and beyond its control that could significantly affect the achievement of the general goals and objectives; and

''(8) a description of the program evaluations used in establishing or revising general goals and objectives, with a schedule for future program evaluations to be conducted.

''(b) The strategic plan shall cover a period of not less than 4 years following the fiscal year in which the plan is submitted. As needed, the head of the agency may make adjustments to the strategic plan to reflect significant changes in the environment in which the agency is operating, with appropriate notification of Congress.

''(c) The performance plan required by section 1115(b) of title 31 shall be consistent with the agency's strategic plan. A performance plan may not be submitted for a fiscal year not covered by a current strategic plan under this section.

''(d) When developing or making adjustments to a strategic plan, the agency shall consult periodically with the Congress, including majority and minority views from the appropriate authorizing, appropriations, and oversight committees, and shall solicit and consider the views and suggestions of those entities potentially affected by or interested in such a plan. The agency shall consult with the appropriate committees of Congress at least once every 2 years.

''(e) The functions and activities of this section shall be considered to be inherently governmental functions. The drafting of strategic plans under this section shall be performed only by Federal employees.

''(f) For purposes of this section the term 'agency' means an Executive agency defined under section 105, but does not include the Central Intelligence Agency, the Government Accountability Office, the United States Postal Service, and the Postal Regulatory Commission.''.

SEC. 3. PERFORMANCE PLANNING AMENDMENTS.

Chapter 11 of title 31, United States Code, is amended by striking section 1115 and inserting the following:

''§ 1115. Federal Government and agency performance plans

''(a) FEDERAL GOVERNMENT PERFORMANCE PLANS.—In carrying out the provisions of section 1105(a)(28), the Director of the Office of Management and Budget shall coordinate with agencies to develop the Federal Government performance plan. In addition to the submission of such plan with each budget of the United States Government, the Director of the Office of Management and Budget shall ensure that all information required by this subsection is concurrently made available on the website provided under section 1122 and updated periodically, but no less than annually. The Federal Government performance plan shall—

''(1) establish Federal Government performance goals to define the level of performance to be achieved during the year in which the plan is submitted and the next fiscal year for each of the Federal Government priority goals required under section 1120(a) of this title;

''(2) identify the agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities contributing to each Federal Government performance goal during the current fiscal year;

''(3) for each Federal Government performance goal, identify a lead Government official who shall be responsible for coordinating the efforts to achieve the goal;

''(4) establish common Federal Government performance indicators with quarterly targets to be used in measuring or assessing—

''(A) overall progress toward each Federal Government performance goal; and

''(B) the individual contribution of each agency, organization, program activity, regulation, tax expenditure, policy, and other activity identified under paragraph (2);

''(5) establish clearly defined quarterly milestones; and

''(6) identify major management challenges that are Governmentwide or crosscutting in nature and describe plans to address such challenges, including relevant performance goals, performance indicators, and milestones.

''(b) AGENCY PERFORMANCE PLANS.—Not later than the first Monday in February of each year, the head of each agency shall make available on a public website of the agency, and notify the President and the Congress of its availability, a performance plan covering each program activity set forth in the budget of such agency. Such plan shall—

''(1) establish performance goals to define the level of performance to be achieved during the year in which the plan is submitted and the next fiscal year;

''(2) express such goals in an objective, quantifiable, and measurable form unless authorized to be in an alternative form under subsection (c);

''(3) describe how the performance goals contribute to—

''(A) the general goals and objectives established in the agency's strategic plan required by section 306(a)(2) of title 5; and

''(B) any of the Federal Government performance goals established in the Federal Government performance plan required by subsection (a)(1);

''(4) identify among the performance goals those which are designated as agency priority goals as required by section 1120(b) of this title, if applicable;

''(5) provide a description of how the performance goals are to be achieved, including—

''(A) the operation processes, training, skills and technology, and the human, capital, information, and other resources and strategies required to meet those performance goals;

''(B) clearly defined milestones;

''(C) an identification of the organizations, program activities, regulations, policies, and other activities that contribute to each performance goal, both within and external to the agency;

''(D) a description of how the agency is working with other agencies to achieve its performance goals as well as relevant Federal Government performance goals; and

''(E) an identification of the agency officials responsible for the achievement of each performance goal, who shall be known as goal leaders;

''(6) establish a balanced set of performance indicators to be used in measuring or assessing progress toward each performance goal, including, as appropriate, customer service, efficiency, output, and outcome indicators;

''(7) provide a basis for comparing actual program results with the established performance goals;

''(8) a description of how the agency will ensure the accuracy and reliability of the data used to measure progress towards its performance goals, including an identification of—

''(A) the means to be used to verify and validate measured values;

''(B) the sources for the data;

''(C) the level of accuracy required for the intended use of the data;

''(D) any limitations to the data at the required level of accuracy; and

''(E) how the agency will compensate for such limitations if needed to reach the required level of accuracy;

''(9) describe major management challenges the agency faces and identify—

''(A) planned actions to address such challenges;

''(B) performance goals, performance indicators, and milestones to measure progress toward resolving such challenges; and

''(C) the agency official responsible for resolving such challenges; and

''(10) identify low-priority program activities based on an analysis of their contribution to the mission and goals of the agency and include an evidence-based justification for designating a program activity as low priority.

''(c) ALTERNATIVE FORM.—If an agency, in consultation with the Director of the Office of Management and Budget, determines that it is not feasible to express the performance goals for a particular program activity in an objective, quantifiable, and measurable form, the Director of the Office of Management and Budget may authorize an alternative form. Such alternative form shall—

''(1) include separate descriptive statements of—

''(A)(i) a minimally effective program; and

''(ii) a successful program; or

''(B) such alternative as authorized by the Director of the Office of Management and Budget, with sufficient precision and in such terms that would allow for an accurate, independent determination of whether the program activity's performance meets the criteria of the description; or

''(2) state why it is infeasible or impractical to express a performance goal in any form for the program activity.

''(d) TREATMENT OF PROGRAM ACTIVITIES.—For the purpose of complying with this section, an agency may aggregate, disaggregate, or consolidate program activities, except that any aggregation or consolidation may not omit or minimize the significance of any program activity constituting a major function or operation for the agency.

''(e) APPENDIX.—An agency may submit with an annual performance plan an appendix covering any portion of the plan that—

''(1) is specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy; and

''(2) is properly classified pursuant to such Executive order.

''(f) INHERENTLY GOVERNMENTAL FUNCTIONS.—The functions and activities of this section shall be considered to be inherently governmental functions. The drafting of performance plans under this section shall be performed only by Federal employees.

''(g) CHIEF HUMAN CAPITAL OFFICERS.—With respect to each agency with a Chief Human Capital Officer, the Chief Human Capital Officer shall prepare that portion of the annual performance plan described under subsection (b)(5)(A).

''(h) DEFINITIONS.—For purposes of this section and sections 1116 through 1125, and sections 9703 and 9704, the term—

''(1) 'agency' has the same meaning as such term is defined under section 306(f) of title 5;

''(2) 'crosscutting' means across organizational (such as agency) boundaries;

''(3) 'customer service measure' means an assessment of service delivery to a customer, client, citizen, or other recipient, which can include an assessment of quality, timeliness, and satisfaction among other factors;

''(4) 'efficiency measure' means a ratio of a program activity's inputs (such as costs or hours worked by employees) to its outputs (amount of products or services delivered) or outcomes (the desired results of a program);

''(5) 'major management challenge' means programs or management functions, within or across agencies, that have greater vulnerability to waste, fraud, abuse, and mismanagement (such as issues identified by the Government Accountability Office as high risk or issues identified by an Inspector General) where a failure to perform well could seriously affect the ability of an agency or the Government to achieve its mission or goals;

''(6) 'milestone' means a scheduled event signifying the completion of a major deliverable or a set of related deliverables or a phase of work;

''(7) 'outcome measure' means an assessment of the results of a program activity compared to its intended purpose;

''(8) 'output measure' means the tabulation, calculation, or recording of activity or effort that can be expressed in a quantitative or qualitative manner;

''(9) 'performance goal' means a target level of performance expressed as a tangible, measurable objective, against which actual achievement can be compared, including a goal expressed as a quantitative standard, value, or rate;

''(10) 'performance indicator' means a particular value or characteristic used to measure output or outcome;

''(11) 'program activity' means a specific activity or project as listed in the program and financing schedules of the annual budget of the United States Government; and

''(12) 'program evaluation' means an assessment, through objective measurement and systematic analysis, of the manner and extent to which Federal programs achieve intended objectives.''.

SEC. 4. PERFORMANCE REPORTING AMENDMENTS.

Chapter 11 of title 31, United States Code, is amended by striking section 1116 and inserting the following:

''§ 1116. Agency performance reporting

''(a) The head of each agency shall make available on a public website of the agency and to the Office of Management and Budget an update on agency performance.

''(b)(1) Each update shall compare actual performance achieved with the performance goals established in the agency performance plan under section 1115(b) and shall occur no less than 150 days after the end of each fiscal year, with more frequent updates of actual performance on indicators that provide data of significant value to the Government, Congress, or program partners at a reasonable level of administrative burden.

''(2) If performance goals are specified in an alternative form under section 1115(c), the results shall be described in relation to such specifications, including whether the performance failed to meet the criteria of a minimally effective or successful program.

''(c) Each update shall—

''(1) review the success of achieving the performance goals and include actual results for the 5 preceding fiscal years;

''(2) evaluate the performance plan for the current fiscal year relative to the performance achieved toward the performance goals during the period covered by the update;

''(3) explain and describe where a performance goal has not been met (including when a program activity's performance is determined not to have met the criteria of a successful program activity under section 1115(c)(1)(A)(ii) or a corresponding level of achievement if another alternative form is used)—

''(A) why the goal was not met;

''(B) those plans and schedules for achieving the established performance goal; and

''(C) if the performance goal is impractical or infeasible, why that is the case and what action is recommended;

''(4) describe the use and assess the effectiveness in achieving performance goals of any waiver under section 9703 of this title;

''(5) include a review of the performance goals and evaluation of the performance plan relative to the agency's strategic human capital management;

''(6) describe how the agency ensures the accuracy and reliability of the data used to measure progress towards its performance goals, including an identification of—

''(A) the means used to verify and validate measured values;

''(B) the sources for the data;

''(C) the level of accuracy required for the intended use of the data;

''(D) any limitations to the data at the required level of accuracy; and

''(E) how the agency has compensated for such limitations if needed to reach the required level of accuracy; and

''(7) include the summary findings of those program evaluations completed during the period covered by the update.

''(d) If an agency performance update includes any program activity or information that is specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and is properly classified pursuant to such Executive Order, the head of the agency shall make such information available in the classified appendix provided under section 1115(e).

''(e) The functions and activities of this section shall be considered to be inherently governmental functions. The drafting of agency performance updates under this section shall be performed only by Federal employees.

''(f) Each fiscal year, the Office of Management and Budget shall determine whether the agency programs or activities meet performance goals and objectives outlined in the agency performance plans and submit a report on unmet goals to—

''(1) the head of the agency;

''(2) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(3) the Committee on Oversight and Governmental Reform of the House of Representatives; and

''(4) the Government Accountability Office.

''(g) If an agency's programs or activities have not met performance goals as determined by the Office of Management and Budget for 1 fiscal year, the head of the agency shall submit a performance improvement plan to the Office of Management and Budget to increase program effectiveness for each unmet goal with measurable milestones. The agency shall designate a senior official who shall oversee the performance improvement strategies for each unmet goal.

''(h)(1) If the Office of Management and Budget determines that agency programs or activities have unmet performance goals for 2 consecutive fiscal years, the head of the agency shall—

''(A) submit to Congress a description of the actions the Administration will take to improve performance, including proposed statutory changes or planned executive actions; and

''(B) describe any additional funding the agency will obligate to achieve the goal, if such an action is determined appropriate in consultation with the Director of the Office of Management and Budget, for an amount determined appropriate by the Director.

''(2) In providing additional funding described under paragraph (1)(B), the head of the agency shall use any reprogramming or transfer authority available to the agency. If after exercising such authority additional funding is necessary to achieve the level determined appropriate by the Director of the Office of Management and Budget, the head of the agency shall submit a request to Congress for additional reprogramming or transfer authority.

''(i) If an agency's programs or activities have not met performance goals as determined by the Office of Management and Budget for 3 consecutive fiscal years, the Director of the Office of Management and Budget shall submit recommendations to Congress on actions to improve performance not later than 60 days after that determination, including—

''(1) reauthorization proposals for each program or activity that has not met performance goals;

''(2) proposed statutory changes necessary for the program activities to achieve the proposed level of performance on each performance goal; and

''(3) planned executive actions or identification of the program for termination or reduction in the President's budget.''.

SEC. 5. FEDERAL GOVERNMENT AND AGENCY PRIORITY GOALS.

Chapter 11 of title 31, United States Code, is amended by adding after section 1119 the following:

''§ 1120. Federal Government and agency priority goals

''(a) FEDERAL GOVERNMENT PRIORITY GOALS.—

''(1) The Director of the Office of Management and Budget shall coordinate with agencies to develop priority goals to improve the performance and management of the Federal Government. Such Federal Government priority goals shall include—

''(A) outcome-oriented goals covering a limited number of crosscutting policy areas; and

''(B) goals for management improvements needed across the Federal Government, including—

''(i) financial management;

''(ii) human capital management;

''(iii) information technology management;

''(iv) procurement and acquisition management; and

''(v) real property management;

''(2) The Federal Government priority goals shall be long-term in nature. At a minimum, the Federal Government priority goals shall be updated or revised every 4 years and made publicly available concurrently with the submission of the budget of the United States Government made in the first full fiscal year following any year in which the term of the President commences under section 101 of title 3. As needed, the Director of the Office of Management and Budget may make adjustments to the Federal Government priority goals to reflect significant changes in the environment in which the Federal Government is operating, with appropriate notification of Congress.

''(3) When developing or making adjustments to Federal Government priority goals, the Director of the Office of Management and Budget shall consult periodically with the Congress, including obtaining majority and minority views from—

''(A) the Committees on Appropriations of the Senate and the House of Representatives;

''(B) the Committees on the Budget of the Senate and the House of Representatives;

''(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(D) the Committee on Oversight and Government Reform of the House of Representatives;

''(E) the Committee on Finance of the Senate;

''(F) the Committee on Ways and Means of the House of Representatives; and

''(G) any other committees as determined appropriate;

''(4) The Director of the Office of Management and Budget shall consult with the appropriate committees of Congress at least once every 2 years.

''(5) The Director of the Office of Management and Budget shall make information about the Federal Government priority goals available on the website described under section 1122 of this title.

''(6) The Federal Government performance plan required under section 1115(a) of this title shall be consistent with the Federal Government priority goals.

''(b) AGENCY PRIORITY GOALS.—

''(1) Every 2 years, the head of each agency listed in section 901(b) of this title, or as otherwise determined by the Director of the Office of Management and Budget, shall identify agency priority goals from among the performance goals of the agency. The Director of the Office of Management and Budget shall determine the total number of agency priority goals across the Government, and the number to be developed by each agency. The agency priority goals shall—

''(A) reflect the highest priorities of the agency, as determined by the head of the agency and informed by the Federal Government priority goals provided under subsection (a) and the consultations with Congress and other interested parties required by section 306(d) of title 5;

''(B) have ambitious targets that can be achieved within a 2-year period;

''(C) have a clearly identified agency official, known as a goal leader, who is responsible for the achievement of each agency priority goal;

''(D) have interim quarterly targets for performance indicators if more frequent updates of actual performance provides data of significant value to the Government, Congress, or program partners at a reasonable level of administrative burden; and

''(E) have clearly defined quarterly milestones.

''(2) If an agency priority goal includes any program activity or information that is specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and is properly classified pursuant to such Executive order, the head of the agency shall make such information available in the classified appendix provided under section 1115(e).

''(c) The functions and activities of this section shall be considered to be inherently governmental functions. The development of Federal Government and agency priority goals shall be performed only by Federal employees.''.

SEC. 6. QUARTERLY PRIORITY PROGRESS REVIEWS AND USE OF PERFORMANCE INFORMATION.

Chapter 11 of title 31, United States Code, is amended by adding after section 1120 (as added by section 5 of this Act) the following:

''§ 1121. Quarterly priority progress reviews and use of performance information

''(a) USE OF PERFORMANCE INFORMATION TO ACHIEVE FEDERAL GOVERNMENT PRIORITY GOALS.—Not less than quarterly, the Director of the Office of Management and Budget, with the support of the Performance Improvement Council, shall—

''(1) for each Federal Government priority goal required by section 1120(a) of this title, review with the appropriate lead Government official the progress achieved during the most recent quarter, overall trend data, and the likelihood of meeting the planned level of performance;

''(2) include in such reviews officials from the agencies, organizations, and program activities that contribute to the accomplishment of each Federal Government priority goal;

''(3) assess whether agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities are contributing as planned to each Federal Government priority goal;

''(4) categorize the Federal Government priority goals by risk of not achieving the planned level of performance; and

''(5) for the Federal Government priority goals at greatest risk of not meeting the planned level of performance, identify prospects and strategies for performance improvement, including any needed changes to agencies, organizations, program activities, regulations, tax expenditures, policies or other activities.

''(b) AGENCY USE OF PERFORMANCE INFORMATION TO ACHIEVE AGENCY PRIORITY GOALS.—Not less than quarterly, at each agency required to develop agency priority goals required by section 1120(b) of this title, the head of the agency and Chief Operating Officer, with the support of the agency Performance Improvement Officer, shall—

''(1) for each agency priority goal, review with the appropriate goal leader the progress achieved during the most recent quarter, overall trend data, and the likelihood of meeting the planned level of performance;

''(2) coordinate with relevant personnel within and outside the agency who contribute to the accomplishment of each agency priority goal;

''(3) assess whether relevant organizations, program activities, regulations, policies, and other activities are contributing as planned to the agency priority goals;

''(4) categorize agency priority goals by risk of not achieving the planned level of performance; and

''(5) for agency priority goals at greatest risk of not meeting the planned level of performance, identify prospects and strategies for performance improvement, including any needed changes to agency program activities, regulations, policies, or other activities.''.

SEC. 7. TRANSPARENCY OF FEDERAL GOVERNMENT PROGRAMS, PRIORITY GOALS, AND RESULTS.

Chapter 11 of title 31, United States Code, is amended by adding after section 1121 (as added by section 6 of this Act) the following:

"§ 1122. Transparency of programs, priority goals, and results

''(a) TRANSPARENCY OF AGENCY PROGRAMS.—

''(1) IN GENERAL.—Not later than October 1, 2012, the Office of Management and Budget shall—

''(A) ensure the effective operation of a single website;

''(B) at a minimum, update the website on a quarterly basis; and

''(C) include on the website information about each program identified by the agencies.

''(2) INFORMATION.—Information for each program described under paragraph (1) shall include—

''(A) an identification of how the agency defines the term 'program', consistent with guidance provided by the Director of the Office of Management and Budget, including the program activities that are aggregated, disaggregated, or consolidated to be considered a program by the agency;

''(B) a description of the purposes of the program and the contribution of the program to the mission and goals of the agency; and

''(C) an identification of funding for the current fiscal year and previous 2 fiscal years.

''(b) TRANSPARENCY OF AGENCY PRIORITY GOALS AND RESULTS.—The head of each agency required to develop agency priority goals shall make information about each agency priority goal available to the Office of Management and Budget for publication on the website, with the exception of any information covered by section 1120(b)(2) of this title. In addition to an identification of each agency priority goal, the website shall also consolidate information about each agency priority goal, including—

''(1) a description of how the agency incorporated any views and suggestions obtained through congressional consultations about the agency priority goal;

''(2) an identification of key factors external to the agency and beyond its control that could significantly affect the achievement of the agency priority goal;

''(3) a description of how each agency priority goal will be achieved, including—

''(A) the strategies and resources required to meet the priority goal;

''(B) clearly defined milestones;

''(C) the organizations, program activities, regulations, policies, and other activities that contribute to each goal, both within and external to the agency;

''(D) how the agency is working with other agencies to achieve the goal; and

''(E) an identification of the agency official responsible for achieving the priority goal;

''(4) the performance indicators to be used in measuring or assessing progress;

''(5) a description of how the agency ensures the accuracy and reliability of the data used to measure progress towards the priority goal, including an identification of—

''(A) the means used to verify and validate measured values;

''(B) the sources for the data;

''(C) the level of accuracy required for the intended use of the data;

''(D) any limitations to the data at the required level of accuracy; and

''(E) how the agency has compensated for such limitations if needed to reach the required level of accuracy;

''(6) the results achieved during the most recent quarter and overall trend data compared to the planned level of performance;

''(7) an assessment of whether relevant organizations, program activities, regulations, policies, and other activities are contributing as planned;

''(8) an identification of the agency priority goals at risk of not achieving the planned level of performance; and

''(9) any prospects or strategies for performance improvement.

''(c) TRANSPARENCY OF FEDERAL GOVERNMENT PRIORITY GOALS AND RESULTS.—The Director of the Office of Management and Budget shall also make available on the website—

''(1) a brief description of each of the Federal Government priority goals required by section 1120(a) of this title;

''(2) a description of how the Federal Government priority goals incorporate views and suggestions obtained through congressional consultations;

''(3) the Federal Government performance goals and performance indicators associated with each Federal Government priority goal as required by section 1115(a) of this title;

''(4) an identification of the lead Government official for each Federal Government performance goal;

''(5) the results achieved during the most recent quarter and overall trend data compared to the planned level of performance;

''(6) an identification of the agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities that contribute to each Federal Government priority goal;

''(7) an assessment of whether relevant agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities are contributing as planned;

''(8) an identification of the Federal Government priority goals at risk of not achieving the planned level of performance; and

''(9) any prospects or strategies for performance improvement.

''(d) INFORMATION ON WEBSITE.—The information made available on the website under this section shall be readily accessible and easily found on the Internet by the public and members and committees of Congress. Such information shall also be presented in a searchable, machine-readable format. The Director of the Office of Management and Budget shall issue guidance to ensure that such information is provided in a way that presents a coherent picture of all Federal programs, and the performance of the Federal Government as well as individual agencies.''.

SEC. 8. AGENCY CHIEF OPERATING OFFICERS.

Chapter 11 of title 31, United States Code, is amended by adding after section 1122 (as added by section 7 of this Act) the following:

"§ 1123. Chief Operating Officers

''(a) ESTABLISHMENT.—At each agency, the deputy head of agency, or equivalent, shall be the Chief Operating Officer of the agency.

''(b) FUNCTION.—Each Chief Operating Officer shall be responsible for improving the management and performance of the agency, and shall—

''(1) provide overall organization management to improve agency performance and achieve the mission and goals of the agency through the use of strategic and performance planning, measurement, analysis, regular assessment of progress, and use of performance information to improve the results achieved;

''(2) advise and assist the head of agency in carrying out the requirements of sections 1115 through 1122 of this title and section 306 of title 5;

''(3) oversee agency-specific efforts to improve management functions within the agency and across Government; and

''(4) coordinate and collaborate with relevant personnel within and external to the agency who have a significant role in contributing to and achieving the mission and goals of the agency, such as the Chief Financial Officer, Chief Human Capital Officer, Chief Acquisition Officer/Senior Procurement Executive, Chief Information Officer, and other line of business chiefs at the agency.''.

SEC. 9. AGENCY PERFORMANCE IMPROVEMENT OFFICERS AND THE PERFORMANCE IMPROVEMENT COUNCIL.

Chapter 11 of title 31, United States Code, is amended by adding after section 1123 (as added by section 8 of this Act) the following:

"§ 1124. Performance Improvement Officers and the Performance Improvement Council

''(a) PERFORMANCE IMPROVEMENT OFFICERS.—

''(1) ESTABLISHMENT.—At each agency, the head of the agency, in consultation with the agency Chief Operating Officer, shall designate a senior executive of the agency as the agency Performance Improvement Officer.

''(2) FUNCTION.—Each Performance Improvement Officer shall report directly to the Chief Operating Officer. Subject to the direction of the Chief Operating Officer, each Performance Improvement Officer shall—

''(A) advise and assist the head of the agency and the Chief Operating Officer to ensure that the mission and goals of the agency are achieved through strategic and performance planning, measurement, analysis, regular assessment of progress, and use of performance information to improve the results achieved;

''(B) advise the head of the agency and the Chief Operating Officer on the selection of agency goals, including opportunities to collaborate with other agencies on common goals;

''(C) assist the head of the agency and the Chief Operating Officer in overseeing the implementation of the agency strategic planning, performance planning, and reporting requirements provided under sections 1115 through 1122 of this title and sections 306 of title 5, including the contributions of the agency to the Federal Government priority goals;

''(D) support the head of agency and the Chief Operating Officer in the conduct of regular reviews of agency performance, including at least quarterly reviews of progress achieved toward agency priority goals, if applicable;

''(E) assist the head of the agency and the Chief Operating Officer in the development and use within the agency of performance measures in personnel performance appraisals, and, as appropriate, other agency personnel and planning processes and assessments; and

''(F) ensure that agency progress toward the achievement of all goals is communicated to leaders, managers, and employees in the agency and Congress, and made available on a public website of the agency.

''(b) PERFORMANCE IMPROVEMENT COUNCIL.—

''(1) ESTABLISHMENT.—There is established a Performance Improvement Council, consisting of—

''(A) the Deputy Director for Management of the Office of Management and Budget, who shall act as chairperson of the Council;

''(B) the Performance Improvement Officer from each agency defined in section 901(b) of this title;

''(C) other Performance Improvement Officers as determined appropriate by the chairperson; and

''(D) other individuals as determined appropriate by the chairperson.

''(2) FUNCTION.—The Performance Improvement Council shall—

''(A) be convened by the chairperson or the designee of the chairperson, who shall preside at the meetings of the Performance Improvement Council, determine its agenda, direct its work, and establish and direct subgroups of the Performance Improvement Council, as appropriate, to deal with particular subject matters;

''(B) assist the Director of the Office of Management and Budget to improve the performance of the Federal Government and achieve the Federal Government priority goals;

''(C) assist the Director of the Office of Management and Budget in implementing the planning, reporting, and use of performance information requirements related to the Federal Government priority goals provided under sections 1115, 1120, 1121, and 1122 of this title;

''(D) work to resolve specific Governmentwide or crosscutting performance issues, as necessary;

''(E) facilitate the exchange among agencies of practices that have led to performance improvements within specific programs, agencies, or across agencies;

''(F) coordinate with other interagency management councils;

''(G) seek advice and information as appropriate from nonmember agencies, particularly smaller agencies;

''(H) consider the performance improvement experiences of corporations, nonprofit organizations, foreign, State, and local governments, Government employees, public sector unions, and customers of Government services;

''(I) receive such assistance, information and advice from agencies as the Council may request, which agencies shall provide to the extent permitted by law; and

''(J) develop and submit to the Director of the Office of Management and Budget, or when appropriate to the President through the Director of the Office of Management and Budget, at times and in such formats as the chairperson may specify, recommendations to streamline and improve performance management policies and requirements.

''(3) SUPPORT.—

''(A) IN GENERAL.—The Administrator of General Services shall provide administrative and other support for the Council to implement this section.

''(B) PERSONNEL.—The heads of agencies with Performance Improvement Officers serving on the Council shall, as appropriate and to the extent permitted by law, provide at the request of the chairperson of the Performance Improvement Council up to 2 personnel authorizations to serve at the direction of the chairperson.''.

SEC. 10. FORMAT OF PERFORMANCE PLANS AND REPORTS.

(a) SEARCHABLE, MACHINE-READABLE PLANS AND REPORTS.—For fiscal year 2012 and each fiscal year thereafter, each agency required to produce strategic plans, performance plans, and performance updates in accordance with the amendments made by this Act shall—

(1) not incur expenses for the printing of strategic plans, performance plans, and performance reports for release external to the agency, except when providing such documents to the Congress;

(2) produce such plans and reports in searchable, machine-readable formats; and

(3) make such plans and reports available on the website described under section 1122 of title 31, United States Code.

(b) WEB-BASED PERFORMANCE PLANNING AND REPORTING.—

(1) IN GENERAL.—Not later than June 1, 2012, the Director of the Office of Management and Budget shall issue guidance to agencies to provide concise and timely performance information for publication on the website described under section 1122 of title 31, United States Code, including, at a minimum, all requirements of sections 1115 and 1116 of title 31, United States Code, except for section 1115(e).

(2) HIGH-PRIORITY GOALS.—For agencies required to develop agency priority goals under section 1120(b) of title 31, United States Code, the performance information required under this section shall be merged with the existing information required under section 1122 of title 31, United States Code.

(3) CONSIDERATIONS.—In developing guidance under this subsection, the Director of the Office of Management and Budget shall take into consideration the experiences of agencies in making consolidated performance planning and reporting information available on the website as required under section 1122 of title 31, United States Code.

SEC. 11. REDUCING DUPLICATIVE AND OUTDATED AGENCY REPORTING.

(a) BUDGET CONTENTS.—Section 1105(a) of title 31, United States Code, is amended—

(1) by redesignating second paragraph (33) as paragraph (35); and

(2) by adding at the end the following:

''(37) the list of plans and reports, as provided for under section 1125, that agencies identified for elimination or consolidation because the plans and reports are determined outdated or duplicative of other required plans and reports.''.

(b) ELIMINATION OF UNNECESSARY AGENCY REPORTING.—Chapter 11 of title 31, United States Code, is further amended by adding after section 1124 (as added by section 9 of this Act) the following:

''§ 1125. Elimination of unnecessary agency reporting

''(a) AGENCY IDENTIFICATION OF UNNECESSARY REPORTS.—Annually, based on guidance provided by the Director of the Office of Management and Budget, the Chief Operating Officer at each agency shall—

''(1) compile a list that identifies all plans and reports the agency produces for Congress, in accordance with statutory requirements or as directed in congressional reports;

''(2) analyze the list compiled under paragraph (1), identify which plans and reports are outdated or duplicative of other required plans and reports, and refine the list to include only the plans and reports identified to be outdated or duplicative;

''(3) consult with the congressional committees that receive the plans and reports identified under paragraph (2) to determine whether those plans and reports are no longer useful to the committees and could be eliminated or consolidated with other plans and reports; and

''(4) provide a total count of plans and reports compiled under paragraph (1) and the list of outdated and duplicative reports identified under paragraph (2) to the Director of the Office of Management and Budget.

''(b) PLANS AND REPORTS.—

''(1) FIRST YEAR.—During the first year of implementation of this section, the list of plans and reports identified by each agency as outdated or duplicative shall be not less than 10 percent of all plans and reports identified under subsection (a)(1).

''(2) SUBSEQUENT YEARS.—In each year following the first year described under paragraph (1), the Director of the Office of Management and Budget shall determine the minimum percent of plans and reports to be identified as outdated or duplicative on each list of plans and reports.

''(c) REQUEST FOR ELIMINATION OF UNNECESSARY REPORTS.—In addition to including the list of plans and reports determined to be outdated or duplicative by each agency in the budget of the United States Government, as provided by section 1105(a)(37), the Director of the Office of Management and Budget may concurrently submit to Congress legislation to eliminate or consolidate such plans and reports.''.

SEC. 12. PERFORMANCE MANAGEMENT SKILLS AND COMPETENCIES.

(a) PERFORMANCE MANAGEMENT SKILLS AND COMPETENCIES.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Personnel Management, in consultation with the Performance Improvement Council, shall identify the key skills and competencies needed by Federal Government personnel for developing goals, evaluating programs, and analyzing and using performance information for the purpose of improving Government efficiency and effectiveness.

(b) POSITION CLASSIFICATIONS.—Not later than 2 years after the date of enactment of this Act, based on the identifications under subsection (a), the Director of the Office of Personnel Management shall incorporate, as appropriate, such key skills and competencies into relevant position classifications.

(c) INCORPORATION INTO EXISTING AGENCY TRAINING.—Not later than 2 years after the enactment of this Act, the Director of the Office of Personnel Management shall work with each agency, as defined under section 306(f) of title 5, United States Code, to incorporate the key skills identified under subsection (a) into training for relevant employees at each agency.

SEC. 13. TECHNICAL AND CONFORMING AMENDMENTS.

(a) The table of contents for chapter 3 of title 5, United States Code, is amended by striking the item relating to section 306 and inserting the following:

''306. Agency strategic plans.''.

(b) The table of contents for chapter 11 of title 31, United States Code, is amended by striking the items relating to section 1115 and 1116 and inserting the following:

''1115. Federal Government and agency performance plans.

''1116. Agency performance reporting.''.

(c) The table of contents for chapter 11 of title 31, United States Code, is amended by adding at the end the following:

''1120. Federal Government and agency priority goals.

''1121. Quarterly priority progress reviews and use of performance information.

''1122. Transparency of programs, priority goals, and results.

''1123. Chief Operating Officers.

''1124. Performance Improvement Officers and the Performance Improvement Council.

''1125. Elimination of unnecessary agency reporting.''.

SEC. 14. IMPLEMENTATION OF THIS ACT.

(a) INTERIM PLANNING AND REPORTING.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall coordinate with agencies to develop interim Federal Government priority goals and submit interim Federal Government performance plans consistent with the requirements of this Act beginning with the submission of the fiscal year 2013 Budget of the United States Government.

(2) REQUIREMENTS.—Each agency shall—

(A) not later than February 6, 2012, make adjustments to its strategic plan to make the plan consistent with the requirements of this Act;

(B) prepare and submit performance plans consistent with the requirements of this Act, including the identification of agency priority goals, beginning with the performance plan for fiscal year 2013; and

(C) make performance reporting updates consistent with the requirements of this Act beginning in fiscal year 2012.

(3) QUARTERLY REVIEWS.—The quarterly priority progress reviews required under this Act shall begin—

(A) with the first full quarter beginning on or after the date of enactment of this Act for agencies based on the agency priority goals contained in the Analytical Perspectives volume of the Fiscal Year 2011 Budget of the United States Government; and

(B) with the quarter ending June 30, 2012 for the interim Federal Government priority goals.

(b) GUIDANCE.—The Director of the Office of Management and Budget shall prepare guidance for agencies in carrying out the interim planning and reporting activities required under subsection (a), in addition to other guidance as required for implementation of this Act.

SEC. 15. CONGRESSIONAL OVERSIGHT AND LEGISLATION.

(a) IN GENERAL.—Nothing in this Act shall be construed as limiting the ability of Congress to establish, amend, suspend, or annul a goal of the Federal Government or an agency.

(b) GAO REVIEWS.—

(1) INTERIM PLANNING AND REPORTING EVALUATION.—Not later than June 30, 2013, the Comptroller General shall submit a report to Congress that includes—

(A) an evaluation of the implementation of the interim planning and reporting activities conducted under section 14 of this Act; and

(B) any recommendations for improving implementation of this Act as determined appropriate.

(2) IMPLEMENTATION EVALUATIONS.—

(A) IN GENERAL.—The Comptroller General shall evaluate the implementation of this Act

subsequent to the interim planning and reporting activities evaluated in the report submitted to Congress under paragraph (1).

(B) AGENCY IMPLEMENTATION.—

(i) EVALUATIONS.—The Comptroller General shall evaluate how implementation of this Act is affecting performance management at the agencies described in section 901(b) of title 31, United States Code, including whether performance management is being used by those agencies to improve the efficiency and effectiveness of agency programs.

(ii) REPORTS.—The Comptroller General shall submit to Congress—

(I) an initial report on the evaluation under clause (i), not later than September 30, 2015; and

(II) a subsequent report on the evaluation under clause (i), not later than September 30, 2017.

(C) FEDERAL GOVERNMENT PLANNING AND REPORTING IMPLEMENTATION.—

(i) EVALUATIONS.—The Comptroller General shall evaluate the implementation of the Federal Government priority goals, Federal Government performance plans and related reporting required by this Act.

(ii) REPORTS.—The Comptroller General shall submit to Congress—

(I) an initial report on the evaluation under clause (i), not later than September 30, 2015; and

(II) subsequent reports on the evaluation under clause (i), not later than September 30, 2017 and every 4 years thereafter.

(D) RECOMMENDATIONS.—The Comptroller General shall include in the reports required by subparagraphs (B) and (C) any recommendations for improving implementation of this Act and for streamlining the planning and reporting requirements of the Government Performance and Results Act of 1993.

Mr. DORGAN. Madam President, I ask unanimous consent that the committee-reported substitute amendment be agreed to; the bill, as amended, be read the third time and passed; the motions to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 2142) as amended, was read the third time, and passed.

REDUCTION OF LEAD IN DRINKING WATER ACT

Mr. DORGAN. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 702, S. 3874.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 3874) to amend the Safe Drinking Water Act to reduce lead in drinking water.

There being no objection, the Senate proceeded to consider the bill.

Mr. DORGAN. I ask unanimous consent that the bill be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3874) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3874

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 ''Reduction of Lead in Drinking Water Act''.

SEC. 2. REDUCING LEAD IN DRINKING WATER.

(a) IN GENERAL.—Section 1417 of the Safe Drinking Water Act (42 U.S.C. 300g–6) is amended—

(1) by adding at the end of subsection (a) the following:

''(4) EXEMPTIONS.—The prohibitions in paragraphs (1) and (3) shall not apply to—

''(A) pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for nonpotable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption; or

''(B) toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger.''; and

(2) by amending subsection (d) to read as follows:

''(d) DEFINITION OF LEAD FREE.—

''(1) IN GENERAL.—For the purposes of this section, the term 'lead free' means—

''(A) not containing more than 0.2 percent lead when used with respect to solder and flux; and

''(B) not more than a weighted average of 0.25 percent lead when used with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, and fixtures.

''(2) CALCULATION.—The weighted average lead content of a pipe, pipe fitting, plumbing fitting, or fixture shall be calculated by using the following formula: For each wetted component, the percentage of lead in the component shall be multiplied by the ratio of the wetted surface area of that component to the total wetted surface area of the entire product to arrive at the weighted percentage of lead of the component. The weighted percentage of lead of each wetted component shall be added together, and the sum of these weighted percentages shall constitute the weighted average lead content of the product. The lead content of the material used to produce wetted components shall be used to determine compliance with paragraph (1)(B). For lead content of materials that are provided as a range, the maximum content of the range shall be used.''.

(b) EFFECTIVE DATE.—The provisions of subsections (a)(4) and (d) of section 1417 of the Safe Drinking Water Act, as added by this section, apply beginning on the day that is 36 months after the date of the enactment of this Act.

SAFE DRUG DISPOSAL ACT OF 2010

Mr. DORGAN. I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 5809 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. 5809) to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DORGAN. I ask unanimous consent that the substitute at the desk be agreed to; the bill, as amended, be read a third time and passed; the title amendment be agreed to; the motions to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4818) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment (No. 4819) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: ''An Act to amend the Energy Policy Act of 2005 to reauthorize and modify provisions relating to the diesel emissions reduction program.''.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 5809), as amended, was passed.

CLARIFYING THE NATIONAL CREDIT UNION ADMINISTRATION AUTHORITY

Mr. DORGAN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4036 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 4036) to clarify the National Credit Union Administration authority to make stabilization funding expenditures without borrowing from the Treasury.

There being no objection, the Senate proceeded to consider the bill.

Mr. DORGAN. Madam President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 4036) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4036

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

SECTION 1. STABILIZATION FUND.

(a) ADDITIONAL ADVANCES.—Section 217(c)(3) of the Federal Credit Union Act (12 U.S.C. 1790e(c)(3)) is amended by inserting before the period at the end the following: ''and any additional advances''.

(b) ASSESSMENTS.—Section 217 of the Federal Credit Union Act (12 U.S.C. 1790e) is amended by striking subsection (d) and inserting the following:

''(d) ASSESSMENT AUTHORITY.—

''(1) ASSESSMENTS RELATING TO EXPENDITURES UNDER SUBSECTION (B).—In order to make expenditures, as described in subsection (b), the Board may assess a special premium with respect to each insured credit union in an aggregate amount that is reasonably calculated to make any pending or future expenditure described in subsection (b), which premium shall be due and payable not later than 60 days after the date of the assessment. In setting the amount of any assessment under this subsection, the Board

shall take into consideration any potential impact on credit union earnings that such an assessment may have.

''(2) SPECIAL PREMIUMS RELATING TO REPAYMENTS UNDER SUBSECTION (C)(3).—Not later than 90 days before the scheduled date of each repayment described in subsection (c)(3), the Board shall set the amount of the upcoming repayment and shall determine whether the Stabilization Fund will have sufficient funds to make the repayment. If the Stabilization Fund is not likely to have sufficient funds to make the repayment, the Board shall assess with respect to each insured credit union a special premium, which shall be due and payable not later than 60 days after the date of the assessment, in an aggregate amount calculated to ensure that the Stabilization Fund is able to make the required repayment.

''(3) COMPUTATION.—Any assessment or premium charge for an insured credit union under this subsection shall be stated as a percentage of its insured shares, as represented on the previous call report of that insured credit union. The percentage shall be identical for each insured credit union. Any insured credit union that fails to make timely payment of the assessment or special premium is subject to the procedures and penalties described under subsections (d), (e), and (f) of section 202.''.

SEC. 2. EQUITY RATIO.

Section 202(h)(2) of the Federal Credit Union Act (12 U.S.C. 1782(h)(2)) is amended by striking ''when applied to the Fund,'' and inserting ''which shall be calculated using the financial statements of the Fund alone, without any consolidation or combination with the financial statements of any other fund or entity,''.

SEC. 3. NET WORTH DEFINITION.

Section 216(o)(2) of the Federal Credit Union Act (12 U.S.C. 1790d(o)(2)) is amended to read as follows:

''(2) NET WORTH.—The term 'net worth'—

''(A) with respect to any insured credit union, means the retained earnings balance of the credit union, as determined under generally accepted accounting principles, together with any amounts that were previously retained earnings of any other credit union with which the credit union has combined;

''(B) with respect to any insured credit union, includes, at the Board's discretion and subject to rules and regulations established by the Board, assistance provided under section 208 to facilitate a least-cost resolution consistent with the best interests of the credit union system; and

''(C) with respect to a low-income credit union, includes secondary capital accounts that are—

''(i) uninsured; and

''(ii) subordinate to all other claims against the credit union, including the claims of creditors, shareholders, and the Fund.''.

SEC. 4. STUDY OF NATIONAL CREDIT UNION ADMINISTRATION.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the National Credit Union Administration's supervision of corporate credit unions and implementation of prompt corrective action.

(b) ISSUES TO BE STUDIED.—In conducting the study required under subsection (a), the Comptroller General shall–

(1) determine the reasons for the failure of any corporate credit union since 2008;

(2) evaluate the adequacy of the National Credit Union Administration's response to the failures of corporate credit unions, including with respect to protecting taxpayers, avoiding moral hazard, minimizing the costs of resolving such corporate credit unions, and the ability of insured credit unions to bear any assessments levied to cover such costs;

(3) evaluate the effectiveness of implementation of prompt corrective action by the National Credit Union Administration for both insured credit unions and corporate credit unions; and

(4) examine whether the National Credit Union Administration has effectively implemented each of the recommendations by the Inspector General of the National Credit Union Administration in its Material Loss Review Reports, and, if not, the adequacy of the National Credit Union Administration's reasons for not implementing such recommendation.

(c) REPORT TO COUNCIL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report on the results of the study required under this section to—

(1) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(2) the Committee on Financial Services of the House of Representatives; and

(3) the Financial Stability Oversight Council.

(d) COUNCIL REPORT OF ACTION.—Not later than 6 months after the date of receipt of the report from the Comptroller General under subsection (c), the Financial Stability Oversight Council shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on actions taken in response to the report, including any recommendations issued to the National Credit Union Administration under section 120 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5330).

MEASURES DISCHARGED

Mr. DORGAN. Madam President, I ask unanimous consent that the following postal namings be discharged from the Homeland Security Committee en bloc: S. 3592, H.R. 4602, H.R. 5133, H.R. 5605, H.R. 5606, H.R. 5655, H.R. 5877, and H.R. 6400.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Further, I ask unanimous consent that the Senate proceed to the immediate consideration of these bills and the immediate consideration of H.R. 6392 which was received from the House and is at the desk en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I ask unanimous consent that the bills be read three times and passed en bloc; the motions to reconsider be laid upon the table en bloc, with no intervening action or debate; and any statements relating to the bills be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

FIRST LIEUTENANT ROBERT WILSON COLLINS POST OFFICE BUILDING

The bill (S. 3592) to designate the facility of the United States Postal Service located at 100 Commerce Drive in Tyrone, Georgia, as the ''First Lieutenant Robert Wilson Collins Post Office Building'', was ordered to a third reading, read the third time, and passed, as follows:

S. 3592

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

SECTION 1. FIRST LIEUTENANT ROBERT WILSON COLLINS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 100 Commerce Drive in Tyrone, Georgia, shall be known and designated as the ''First Lieutenant Robert Wilson Collins Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''First Lieutenant Robert Wilson Collins Post Office Building''.

EMIL BOLAS POST OFFICE

The bill (H.R. 4602) to designate the facility of the United States Postal Service located at 1332 Sharon Copley Road in Sharon Center, Ohio, as the ''Emil Bolas Post Office,'' was ordered to a third reading, read the third time, and passed.

STAFF SERGEANT FRANK T. CARVILL AND LANCE CORPORAL MICHAEL A. SCHWARZ POST OFFICE BUILDING

The bill (H.R. 5133) to designate the facility of the United States Postal Service located at 331 1st Street in Carlstadt, New Jersey, as the ''Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz Post Office Building,'' was ordered to a third reading, read the third time, and passed.

GEORGE C. MARSHALL POST OFFICE

The bill (H.R. 5605) to designate the facility of the United States Postal Service located at 47 East Fayette Street in Uniontown, Pennsylvania, as the ''George C. Marshall Post Office,'' was ordered to a third reading, read the third time, and passed.

JAMES M. ''JIMMY'' STEWART POST OFFICE BUILDING

The bill (H.R. 5606) to designate the facility of the United States Postal Service located at 47 South 7th Street in Indiana, Pennsylvania, as the ''James M. 'Jimmy' Stewart Post Office Building,'' was ordered to a third reading, read the third time, and passed.

JESSE J. McCRARY, JR. POST OFFICE

The bill (H.R. 5655) to designate the Little River Branch facility of the United States Postal Service located at 140 NE 84th Street in Miami, Florida, as the ''Jesse J. McCrary, Jr. Post Office,'' was ordered to a third reading, read the third time, and passed.

LANCE CORPORAL ALEXANDER SCOTT ARREDONDO, UNITED STATES MARINE CORPS POST OFFICE BUILDING

The bill (H.R. 5877) to designate the facility of the United States Postal Service located at 655 Centre Street in Jamaica Plain, Massachusetts, as the ''Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building,'' was ordered to a third reading, read the third time, and passed.

EARL WILSON, JR. POST OFFICE

The bill (H.R. 6400) to designate the facility of the United States Postal Service located at 111 North 6th Street in St. Louis, Missouri, as the ''Earl Wilson, Jr. Post Office,'' was ordered to a third reading, read the third time, and passed.

COLONEL GEORGE JUSKALIAN POST OFFICE BUILDING

The bill (H.R. 6392) to designate the facility of the United States Postal Service located at 5003 Westfields Boulevard in Centreville, Virginia, as the ''Colonel George Juskalian Post Office Building,'' was ordered to a third reading, was read the third time, and passed.

Mr. WARNER. Madam President, I rise today to express my support for the passage of H.R. 6392, a bill to designate the facility of the U.S. Postal Service located at 5003 Westfields Boulevard in Centreville, VA, as the Colonel George Juskalian Post Office Building.

Colonel Juskalian passed away this past Fourth of July, at the age of 96, having served our nation for nearly 30 years on active duty, including campaigns during World War II, Korea, and Vietnam. After growing up in Massachusetts, he joined the U.S. Army in 1939 and was called to active duty as a first lieutenant in 1940. He served with distinction in World War II, during which time he was captured by the Germans in Tunisia and spent 27 months in prisoner of war camps in Italy, Germany and Poland.

Upon his return home, Colonel Juskalian served in General Eisenhower's secretariat in the Pentagon between 1945 and 1948, and continued to serve our nation with distinction until his retirement with the rank of colonel in 1967. He received the Army's highest award for noncombat service, the Legion of Merit, as well as four Silver Stars, three Bronze Stars, and the Army Commendation Medal, among others.

Apart from his military service, the colonel was a longtime resident of Centreville and was actively involved in his community. He was an active participant in organizations such as the Armenian Assembly of America, American Legion Post 1995, and the Blue and Grey Veterans of Foreign Wars Post 8469 up until his death earlier this year. Many knew the colonel through his volunteer work at local schools, where he shared his strong belief in giving back to our communities and our nation, through military service or otherwise.

By passing this bill and naming the Centreville Post Office facility after Colonel George Juskalian, we will be honoring both Colonel Juskalian's many years of service as well as the sacrifices made by all members of the United States Armed Services. H.R. 6392 has the strong support of the Virginia American Legion, Post 1995, as well as the local division of Veterans of Foreign Wars, Post 8469. I have letters of support from both organizations and, without objection, would like to submit them for the record.

I applaud the efforts of my friend and colleague in the House, Congressman FRANK WOLF, who united the Virginia delegation as co-sponsors of this bill and effectively ushered it through the House of Representatives by a unanimous vote. Now it is time for the Senate to act. I urge my colleagues to join me in supporting swift passage of this bill to honor such a courageous, admirable veteran and proud Virginian.

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

AMERICAN LEGION POST 1995,
Centreville, VA, August 16, 2010.

Hon. MARK R. WARNER,
U.S. Senate,
Washington, DC.
Hon. FRANK R. WOLF,
U.S. Congress,
Washington, DC.

DEAR SENATOR WARNER/CONGRESSMAN WOLF, It is with great honor and privilege, and on behalf of American Legion Post 1995, Centreville, Virginia that I submit to you a proposal for designating the United States Postal Facility located at 5003 Westfields Boulevard, Centreville, VA as the ''Colonel George Juskalian Post Office.'' Sadly, Col Juskalian passed away on 4 July 2010.

As Congressman Wolf so eloquently stated in the chambers of the House of Representatives on 26 July, Col Juskalian, U.S. Army (Ret.), served the United States with high distinction for nearly 30 years, including service in WWII, Korea, and Vietnam.

Colonel Juskalian survived the hardships of being a German Prisoner of War, enduring nearly three years harsh treatment in Nazi POW camps. Throughout his ordeal, and in later service in our nation's wars, he upheld the highest ideals of American servicemen. In so doing; he earned two Silver Stars and four Bronze Stars for actions in combat.

Upon leaving the military, he remained a long time resident of the Commonwealth of Virginia and continued to serve his community until his death at age 96. He volunteered and educated our youth in local schools, mainly with a message of the importance of one's giving back to our community and nation. He shared a strong belief in serving—in the military or in other ways—in appreciation for the freedoms and rights enjoyed by all and paid for by few.

Although Centreville, Virginia has many residents that have served our nation with distinction, there is no monument, plaque or memorial dedicated to the men and women of the U.S. Armed Forces. Naming the Centreville Postal Facility for Colonel Juskalian would represent a constant reminder to patrons of the service and sacrifices made by military veterans in their community.

By placing Colonel Juskalian's name and a small memorial in the Centreville Post Office, we honor him and all veterans within our community, past, present, and future.

For God and Country,

PETER F. DEFREECE,
Commander.

BLUE AND GRAY
VETERANS OF FOREIGN WAR POST 8469,
Fairfax Station, VA, August 16, 2010.

Hon. MARK R. WARNER,
U.S. Senate,
Washington, DC.
Hon. FRANK R. WOLF,
U.S. Congress,
Washington, DC.

DEAR SENATOR WARNER AND CONGRESSMAN WOLF: I am writing on behalf of our VFW Post, of which the late Colonel George Juskalian US Army retired was a member, to endorse the recommendation to designate the United States Post Office at 5003 Westfields Blvd, Centreville, VA as the ''Colonel George Juskalian Post Office.''

This is what Colonel Juskalian looked like in recent years. He always sported a smile and he had a quick wit and he was both an active member of our Post, but he was also the recent Commander of the local chapter of American Ex-Prisoners of War. Here is what he looked like after he came home as a hero of World War II. On 28 January 1943, George rushed forward of friendly lines to help rescue a reconnaissance patrol which had been discovered by an overwhelming German force. Although George was captured and spent the next 27 months in various prison camps, his valor was recognized by the Army and he was awarded the Silver Star Medal, our nation's third highest battlefield award for heroism. While imprisoned with the British for 3 of his 27 months of captivity, George overcame continuing claustrophobia and helped dig an escape tunnel but was transferred to a camp of only US prisoners in Poland before he could escape. During the bleak late winter of 1945 George and his fellow prisoners were force marched westward to Hammelburg, Germany just in time to see the ill-fated Baum rescue force enter their POW camp without enough force to make it back. George forced an escape anyway and was ultimately recaptured. He was bombed by US planes near Nuremburg and watched as 40 of his comrades died, but he was ultimately liberated by the US 45th Infantry Division.

Upon return to the United States, the scrappy little officer volunteered to undergo refresher infantry training and join in the invasion of Japan but the war ended first. After the war George worked for General of the Army Eisenhower in the Pentagon and must have done an impressive job because he was offered a Regular Army commission during a period when the Army was reduced in size dramatically. During the Korean conflict, George was offered a plum assignment away from the fighting but asked instead to be assigned to Korea. There, George was assigned to command the 1st Battalion, 32nd Infantry Regiment of the 7th Infantry Division, then in combat as part of X Corps. George was ordered to re-take a key hilltop which had just been captured by the Chinese, called ''Old Baldy.'' Because high explosives had denuded the peak, the only covered approach to the objective was across a minefield, through which a path was cleared at the point of a bayonet. The battalion's attack was pressed with such ferocity that much of the hill was re-taken, but the battalion was decimated and withdrawn under

orders from higher headquarters. George was awarded a Silver Star for heroism during the action.

After Korea, George had assignments literally around the world but not surprisingly, fate found George, now a full Colonel, in Vietnam during 1963–4 assigned initially as a deputy Corps Advisor in the Mekong Delta, and later as the Inspector General of Military Assistance Command, Vietnam, working directly under General William Westmoreland. George was subsequently assigned as the Deputy Chief of Staff for Operations and Training for the Military District of Washington and retired on 30 April 1967. George's awards include: the Silver Star with Oak Leaf Cluster, the Legion of Merit, the Bronze Star Medal with three Oak Leaf Clusters, the Air Medal, the Army Commendation Medal, the POW Medal, numerous campaign medals; the Combat Infantryman Badge with star, the War Department General Staff Device, and the Parachutist Badge.

Following retirement, George did volunteer work with numerous benevolent and veterans groups. From 1974–80, George was the Director of Graduate Admissions at Southeastern University while he concurrently studied for his Masters in Business and Public Administration. He served a three year appointment to the Veterans Administration Advisory Committee for Former Prisoners of War. He was active with the scouts and served in Armenian community relief and religious organizations and was most recently the Commander of the local chapter of American Ex-Prisoners of War.

In 1838 a young Abraham Lincoln spoke of ''the generation just gone to rest,'' and the War for Independence by saying:

''At the close of that struggle, nearly every adult male had been a participator in some of its scenes. The consequence was, that of those scenes, in the form of a husband, a father, a son or a brother, a living history was to be found in every family—a history bearing the indubitable testimonies of its own authenticity, in the limbs mangled, in the scars of wounds received, in the midst of the very scenes related—a history, too, that could be read and understood alike by all, the wise and the ignorant, the learned and the unlearned. But those histories are gone. They can be read no more forever. They were a fortress of strength; but what invading foemen could never do the silent artillery of time has done; the leveling of its walls. They are gone. . . .''

Thousands of our World War II heroes are leaving us every day. Centreville needs a lasting reminder of their service and sacrifice for all the generations to come. Please lend your support to designate the United States Post Office at 5003 Westfields Blvd, Centreville, VA as the ''Colonel George Juskalian Post Office.'' Thank you for your consideration.

Very respectfully submitted,

FLOYD D. HOUSTON,
Commander.

RECOGNIZING THE WORK AND IMPORTANCE OF SPECIAL EDUCATION TEACHERS

Mr. DORGAN. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 702 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 702) recognizing the work and importance of special education teachers.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DORGAN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The resolution (S. Res. 702) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, read as follows:

S. RES. 702

Whereas, in 1972, the Supreme Court ruled that children with disabilities have the same right to receive a quality education in the public schools as their nondisabled peers and, in 1975, the Congress passed Public Law 94–142 guaranteeing students with disabilities the right to a free appropriate public education;

Whereas, according to the Department of Education, approximately 6,600,000 children (roughly 13 percent of all school-aged children) receive special education services;

Whereas there are over 370,000 highly qualified special education teachers in the United States;

Whereas the work of special education teachers requires special education teachers to be able to interact and teach students with specific learning disabilities, hearing impairments, speech or language impairments, orthopedic impairments, visual impairments, autism, combined deafness and blindness, traumatic brain injury, and other health impairments;

Whereas special education teachers—

(1) are dedicated;

(2) possess the ability to understand the needs of a diverse group of students;

(3) have the capacity to use innovative teaching methods tailored to a unique group of students; and

(4) understand the differences of the children in their care;

Whereas special education teachers must have the ability to interact and coordinate with a child's parents or legal guardians, social workers, school psychologists, occupational and physical therapists, and school administrators, as well as other educators to provide the best quality education for their students;

Whereas special education teachers help to develop an individualized education program for every special education student based on the needs and abilities of the student; and

Whereas special education teachers dedicate themselves to preparing special education students for success in school and beyond: Now, therefore, be it

Resolved, That Congress—

(1) recognizes the amount of work required to be a special education teacher; and

(2) commends special education teachers for their sacrifices and dedication to preparing individuals with special needs for high school graduation, college success, and rewarding careers.

MEASURE READ FIRST TIME—S.J. RES. 42

Mr. DORGAN. Madam President, I understand there is a joint resolution at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the joint resolution for the first time.

The bill clerk read as follows:

A joint resolution (S.J. Res. 42) to extend the continuing resolution until February 18, 2011.

Mr. DORGAN. Madam President, I now ask for its second reading, and in order to place the joint resolution on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The joint resolution will receive its second reading on the next legislative day.

Mr. DORGAN. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

EXECUTIVE SESSION

TREATY WITH RUSSIA ON MEASURES FOR FURTHER REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE WEAPONS—Continued

Mr. WICKER. Madam President, America had an election on November 2. Let me begin by reminding my colleagues that the American people spoke loudly and clearly in November and chose a far different team to serve in Washington. A vastly different leadership will soon take over in the House of Representatives, and a substantially different group of Senators was chosen by the American people in the election on November 2.

It seems the leadership of this lame-duck Senate is determined, in the waning days of 2010, to pack quite a bit of legislation that normally is debated over a considerable amount of time into just a few days—not only the START treaty that we are on now but also don't ask, don't tell and supposedly the majority leader has not given up on the DREAM Act, which would provide amnesty to many illegal immigrants, and also there is the massive Omnibus appropriations bill with 2,000-plus pages.

So we are here at this time, realizing that if the Congress doesn't act, the government will run out of money on Saturday. I assume a short-term CR will be done to address that. But certainly, it would be much easier if we passed what the minority leader suggested today; that is, a reasonable short-term resolution, so the government can be funded and the lights can stay on until mid-February, and the newly elected Congress—the people's choice—can best decide these great issues that are facing our country.

I did find it interesting, a few moments ago, to hear the chairman of the Foreign Relations Committee scold the Senate about the number of filibusters we have supposedly had in this term of Congress. I believe the statement was made that we have had more filibusters in the last 2 years than we have had in decades or since World War II or words to that effect. Here is why that statement is only true in a very technical sense.

It has been the practice of the majority, during the 3 years I have been in the Senate—and from what I understand much longer before that—to

bring a bill to the floor of the Senate. He immediately fills the amendment tree; that is, he offers all the amendments that are allowed under the parliamentary rules of the Senate. That is called filling the tree. It is so nobody else has an opportunity to file an amendment. Then, the majority leader files cloture on that bill. Technically, yes, that is considered a filibuster. But I do not believe that is what most of the American people consider a filibuster and a delaying tactic, with excessive speechifying, when they hear the term ''filibuster.''

So let's be clear that there has been an unusual practice—at least in the last 3 or 4 years—of calling up a bill, filling the tree, filing for cloture, and then that goes down in history as a filibuster. With all we have to do and all our leadership has determined we must consider during these waning days of December 2010, we must divide our attention between an expensive 2,000-page omnibus bill and the consideration of a very complicated arms control agreement. It is that agreement I will discuss.

It is hard to imagine a more important, more serious issue than our nuclear weapons stockpile. In my view, such a debate deserves our undivided attention. But we will pivot in a few moments and move to the omnibus bill.

I wish to take what time I have at this point to begin sharing my concerns over this treaty and the effect it might have on national security.

Article II of the Constitution requires that the Senate ratify any treaty the President signs with a two-thirds vote. I take this responsibility very seriously, as I am sure all my colleagues do. This responsibility requires us to review any proposed treaty to ensure it is in the national interest of the United States of America.

As a member of the Senate Armed Services Committee and a member of the Foreign Relations Committee, I have participated in the review of this treaty to date. While I appreciate the efforts of my chairman and my ranking member, I am not convinced that the treaty, in its current form, is in the national interests of the United States of America.

I might add I am not alone in this view. To hear debate on the floor from time to time today, one would think all the learned authorities, all the collective wisdom of the United States of America, present and past, are in favor of the hasty ratification of this treaty. I simply point out that there is a wide variety of information and opinion out there that should be brought to the attention of Members of the Senate and the American people.

First of all, I point out to my colleagues an op-ed by former Secretary of State Condoleezza Rice, which appeared in the December 7, 2010, issue of the Wall Street Journal, entitled ''New Start: Ratify, with Caveats.'' Secretary Rice is generally in favor of the direction we are headed in the ratification of the START treaty. But she does say we need two caveats before ratification takes place. First, she states that smaller forces make the modernization of our nuclear infrastructure even more urgent. She commends the valiant efforts of Members of the Senate, including Senator JON KYL, to gain more robust modernization of our nuclear weapons. Secondly, the former Secretary of State says the Senate must make absolutely clear that in ratifying this treaty, the United States is not reestablishing the Cold War link between offensive forces and missile defenses. She says it is troubling that New START's preamble is unclear in this respect.

I wonder, if we do decide as a Senate to move toward consideration of this treaty, if we will be allowed to offer amendments to the preamble to address the concerns of our immediate past Secretary of State.

Further, I commend to my colleagues a Wall Street Journal op-ed, dated November 15, 2010, by R. James Woolsey. As my colleagues know, and many Americans know, Mr. Woolsey has a distinguished record as a delegate at large to the START and defense-based negotiations, back during the mid-1980s, as ambassador and chief negotiator for the Conventional Armed Forces of Europe Treaty from 1989 to 1991, and was President Clinton's Director of Central Intelligence from 1993 to 1995. So this bipartisan, experienced, former government official lists four concerns that he has with regard to the New START treaty. No. 1, he wonders about this administration's commitment to modernization. No. 2, he says it needs to be made clear that the United States, in ratifying New START, will not be limited at all in its missile defense, and he does not believe that has been taken care of. No. 3, Director Woolsey, President Clinton's Director of Central Intelligence, says this treaty represents a step backward in the verification process between the United States and Russia. Finally, Mr. Woolsey cites the need for a binding resolution on Russian submarine-launched cruise missiles. So I think there is information Members of the Senate need to hear about and need to consider.

Further, I will mention two opinion pieces. One is by Stephen Rademaker, an Assistant Secretary of State from 2002 to 2006. It is a Washington Post op-ed on Friday, August 20, 2010. Secretary Rademaker authored an opinion piece saying this is no way to approve the New START treaty. In his opinion piece, Mr. Rademaker said Senate critics of New START have largely been cut out of the process.

I know this from personal experience as a member of the Foreign Relations Committee. He goes on to say that all but two Republicans on the Foreign Relations Committee formally asked the administration to share with them the negotiating record of the treaty. They were told no, even though there is precedent for accommodating such requests.

A simple request—had it been accommodated—perhaps could have allayed some of the concerns we have.

In another op-ed, Mr. Rademaker, on December 10 of this year, said START will not stop nuclear proliferation. He points out that the claim that progress in United States-Russian arms control will help stop countries such as Iran from getting nuclear weapons isn't just an argument offered in support of New START, it is also one of the key premises underlying President Obama's embrace of global nuclear disarmament. There is just one problem. He said the notion that faster disarmament will lead to greater progress against nuclear proliferation has never added up.

Then, further, I will quote from a September 8, 2010, Wall Street Journal piece by John Bolton, a senior fellow at the American Enterprise Institute and former Under Secretary of State for Arms Control and International Security from 2001 to 2005. Secretary Bolton observes that the treaty's return to outmoded Cold War limits on weapons launchers, which will require the United States but not Russia to dismantle existing delivery systems, is a problem. He goes on to say this could cripple America's long-range conventional warhead delivery capabilities, while also severely constraining our nuclear flexibility. He said: ''We will pay for this mistake in future conflicts entirely unrelated to Russia.''

I say to my colleagues that the jury is still out on this issue. These are experienced public servants, experts, and current observers of the international scene and the nuclear negotiation process. They have given us words that give me pause. It makes me think there is no reason to rush into a hasty ratification of this treaty.

With regard to the process, hearings first started in May of this year. I was one of the Foreign Relations Committee members to request nine witnesses we believed were important and necessary to cover the extent of our concerns.

This request was denied. There is no reason such a request would have been denied. In 12 hearings, there were two witnesses who spoke in opposition to this treaty. Members of the minority party requested others, but it nowhere came anywhere near the normal precedent given to the minority to have at least one witness on each panel. I was concerned that no former National Lab Directors were invited to testify.

It is essential that an appropriate amount of time be spent on the Senate floor considering this treaty. Members who have serious concerns must be permitted the opportunity to offer amendments that would address the full range of problems.

I would simply point out, this is the last quote of this speech today. In endorsing the START treaty, the Washington Post, on November 19, said:

> Positive steps had been made and the treaty ought to be approved.

But it went on to say, the Editorial Board of the Washington Post went on to say:

But no calamity will befall the United States if the Senate does not act this year.

I could not agree more with the Washington Post. It will not be a calamity if we are given adequate time to fully discuss, to fully examine, to fully debate all of the ramifications about an issue so profound as our nuclear weapons capability. The worst thing this body could do is shirk our constitutional responsibility by rushing this through in the final days of this lameduck session simply to check the box before the new team, the newly elected team comes to Washington and takes office in January.

I ask unanimous consent that the Wall Street Journal article I referenced be printed in the RECORD.

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

[From the Wall Street Journal, Dec. 7, 2010]

NEW START: RATIFY, WITH CAVEATS

(By Condoleezza Rice)

When U.S. President Bush and Russian President Putin signed the Moscow Treaty in 2002, they addressed the nuclear threat by reducing offensive weapons, as their predecessors had. But the Moscow Treaty was different. It came in the wake of America's 2001 withdrawal from the Anti-Ballistic Missile Treaty of 1972, and for the first time the United States and Russia reduced their offensive nuclear weapons with no agreement in place that constrained missile defenses.

Breaking the link between offensive force reductions and limits on defense marked a key moment in the establishment of a new nuclear agenda no longer focused on the Cold War face-off between the Warsaw Pact and NATO. The real threat was that the world's most dangerous weapons could end up in the hands of the world's most dangerous regimes—or of terrorists who would launch attacks more devastating than 9/11. And since those very rogue states also pursued ballistic missiles, defenses would (alongside offensive weapons) be integral to the security of the United States and our allies.

It is in this context that we should consider the potential contribution of the New Start treaty to U.S. national security. The treaty is modest, reducing offensive nuclear weapons to 1,550 on each side—more than enough for deterrence. While the treaty puts limits on launchers, U.S. military commanders have testified that we will be able to maintain a triad of bombers, submarine-based delivery vehicles and land-based delivery vehicles. Moreover, the treaty helpfully reinstates on-site verification of Russian nuclear forces, which lapsed with the expiration of the original Start treaty last year. Meaningful verification was a significant achievement of Presidents Reagan and George H.W. Bush, and its reinstatement is crucial.

Still, there are legitimate concerns about New Start that must and can be addressed in the ratification process and, if the treaty is ratified, in future monitoring of the Obama administration's commitments.

First, smaller forces make the modernization of our nuclear infrastructure even more urgent. Sen Jon Kyl of Arizona has led a valiant effort in this regard. Thanks to his efforts, roughly $84 billion is being allocated to the Department of Energy's nuclear weapons complex. Ratifying the treaty will help cement these commitments, and Congress should fully fund the president's program. Congress should also support the Defense Department in modernizing our launchers as suggested in the recent defense strategy study coauthored by former Secretary of Defense Bill Perry and former National Security Adviser Stephen Hadley.

Second, the Senate must make absolutely clear that in ratifying this treaty, the U.S. is not re-establishing the Cold War link between offensive forces and missile defenses. New Start's preamble is worrying in this regard, as it recognizes the ''interrelationship'' of the two. Administration officials have testified that there is no link, and that the treaty will not limit U.S. missile defenses. But Congress should ensure that future Defense Department budgets reflect this.

Moscow contends that only current U.S. missile-defense plans are acceptable under the treaty. But the U.S. must remain fully free to explore and then deploy the best defenses—not just those imagined today. That includes pursuing both potential qualitative breakthroughs and quantitative increases.

I have personally witnessed Moscow's tendency to interpret every utterance as a binding commitment. The Russians need to understand that the U.S. will use the full-range of American technology and talent to improve our ability to intercept and destroy the ballistic missiles of hostile countries.

Russia should be reassured by the fact that its nuclear arsenal is far too sophisticated and large to be degraded by our missile defenses. In addition, the welcome agreements on missile-defense cooperation reached in Lisbon recently between NATO and Russia can improve transparency and allow Moscow and Washington to work together in this field. After all, a North Korean or Iranian missile is not a threat only to the United States, but to international stability broadly.

Ratification of the treaty also should not be sold as a way to buy Moscow's cooperation on other issues. The men in the Kremlin know that loose nukes in the hands of terrorists—some who operate in Russia's unstable south—are dangerous. That alone should give our governments a reason to work together beyond New Start and address the threat from tactical nuclear weapons, which are smaller and more dispersed, and therefore harder to monitor and control. Russia knows too that a nuclear Iran in the volatile Middle East or the further development of North Korea's arsenal is not in its interest. Russia lives in those neighborhoods. That helps explain Moscow's toughening stance toward Tehran and its longstanding concern about Pyongyang.

The issue before the Senate is the place of New Start in America's future security. Nuclear weapons will be with us for a long time. After this treaty, our focus must be on stopping dangerous proliferators—not on further reductions in the U.S. and Russian strategic arsenals, which are really no threat to each other or to international stability.

A modern but smaller nuclear arsenal and increasingly sophisticated defenses are the right bases for U.S. nuclear security (and that of our allies) going forward. With the right commitments and understandings, ratification of the New Start treaty can contribute to this goal. If the Senate enters those commitments and understandings into a record of ratification, New Start deserves bipartisan support, whether in the lame duck session or next year.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, as we take up the consideration of the New START, we not only have the opportunity, but also an obligation to provide consent on the ratification of this treaty. It is long overdue. We need to regain our ability to provide boots-on-the-ground verification of the Russian nuclear complex.

Over the past 8 months, we have all had ample opportunity to review the documents and reports related to the New START. We have conducted 20 hearings, taken over 900 questions. They were questions asked by Members of the Senate, mainly to the administration, in which those answers have been provided; 900 questions, over 900 for the record.

In short, we have given significant consideration to the ratification of New START. I know my colleagues on both sides of the aisle are committed to guaranteeing the security of our country and also recognize the obligation to ratify this arms control agreement immediately.

I want to take you back a little bit because I hear my colleagues talking about not having enough time. I want to take you back to a hot day this summer in the Foreign Relations Committee, where—Madam President, you were at that meeting in which those who are now saying we do not have enough time, asked for just a little bit more time, during the impending recess, so we could orderly consider the ratification process.

That was a hot summer day. It is now a snowy day in December, and they are still saying the same thing: Just give us more time. We have had plenty of time.

I compliment Senator KERRY and Senator LUGAR for the manner in which they have considered this treaty. This is a very important treaty for America, and they have made sure that the Senate has had, and each Senator has had, ample opportunity to get all of the information we need—all of the information we need from administration individuals or from experts or from anyone. They have been very open in this process.

They have also given every Member of the Senate ample time to get every question answered, to get all of the material they need, and it is now time for us to take on our responsibility; that is, to take up this treaty for ratification and vote it up or down.

I certainly hope my colleagues will vote to ratify this treaty. I think it is critically important to our national security. In addition to its contributions to American security, one of the most compelling reasons we should ratify this treaty, and do so before we recess, is to regain our insight into Russia's strategic offensive arms.

Since START I expired over a year ago, we have had no comprehensive verification regime in place in order to help us understand Russia's strategic nuclear force. We need the transparency to know what Russia is doing to provide confidence and stability, and we need that confidence and stability to contribute to a safer world. We will

only regain that transparency by ratifying this treaty, and we are in dangerous territory without it.

Let me repeat. We need this treaty for verification. We need this treaty to know what Russia is doing, so we can verify what Russia tells us, to make sure, in fact, that it is true. Not only will this treaty enhance the national security of the United States, it will serve as a significant step forward in our relationship with Russia, a key partner in the overall U.S. strategy to reduce the spread of nuclear weapons worldwide.

Let's be perfectly clear about this. There are still two nations that have the majority of the nuclear weapon capacity in this world; it is Russia and the United States. Working together, we can make this world safer. Working together, we can move forward with reductions in strategic arms around the world. Working together, we provide the leadership so we can move forward against proliferation of nuclear weapons. In fact, we have done that.

But the failure to ratify this treaty could have a major negative impact on the leadership of the United States in this area. The U.S. relationship with the Russian Federation is key in our efforts to curtail Iran's nuclear ambitions. In June, Russia voted for the latest U.N. Security Council sanctions on Iran and later canceled the sale of an advanced arms defensive missile system.

The ratification of New START is essential in reinitiating verification inspections and, more importantly, for the United States and Russia to lead the way in reducing the world's nuclear arms stockpile. This is for leadership. We all talk about making sure Iran does not become a nuclear weapons state. Ratifying the New START treaty will help us in making sure Iran does not become a nuclear weapons state. It keeps the United States and Russia focused on strategic arms reduction and focused on nonproliferation.

The failure to ratify this treaty is a setback in our ability to effectively stop Iran from becoming a nuclear weapons state. New START, the first treaty with Russia in almost a decade, calls for both sides to reduce their deployed warheads modestly from 2,200 to 1,550. The new treaty would restore verification, inspections, and other exchanges of information about the American and Russian arsenals. New START could pay dividends not only by improving nuclear security but by paving the way to greater cooperation between the two powers in dealing with such hot spots as Iran and Afghanistan.

Let me just point out one other part, if I might; that is, previous arms treaties have been ratified with overwhelming bipartisan support. START I was passed 93 to 6 in 1994. The Moscow Treaty passed 95 to 0 in 2003. Legislators recognized then that arms control agreements between Russia and the United States are not just good for the security of our two nations but can lead the way to the world to reduce proliferation of nuclear weapons.

During last month's NATO Summit in Lisbon, the NATO Secretary General stated:

> The New START treaty would also pave the way for arms control and disarmament initiatives and other areas that are vital to Euro-Atlantic security.

So I think this is a key moment in the history of the Senate. I know there are many important votes that we take in the Senate. There are many votes we take that have very significant consequences. The ratification of this treaty is just one of those moments. It keeps us on path and enhances our credibility to make the world safer, and does it in a way that enhances the security of the people of the United States of America.

This is a treaty that needs to be ratified and needs to be ratified now. I urge my colleagues to vote in the interests of national security, to move swiftly, and pass this treaty.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I understand Senator THUNE is the next to speak on the Republican side. I ask unanimous consent to follow him after he has spoken, and Senator CHAMBLISS would then follow me.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Dakota.

Mr. THUNE. I thank the Senator from Illinois for locking in the time. I want to start by saying here we are, jammed against the Christmas break with the majority using Christmas as a backstop to rush through an arms control treaty with the Russians and a trillion-dollar spending bill on a dual-track basis.

What that means is that we are considering, at the same time, two documents encompassing thousands of pages with very little ability to offer meaningful amendments or devote meaningful time to consider the full impact of these documents that will have a far-reaching and long-term impact on our Nation.

As I wrote recently in an op-ed that appeared in National Review Online:

> New START misses one opportunity after another to maintain a stable nuclear relationship between our two countries. To remedy this will require significant time on the floor of the Senate. Trying to force it through without ample time for debate and amendments would amount to a Christmas gift to the Russians.

I ask unanimous consent that the op-ed I wrote for National Review Online entitled ''Don't Force New START,'' dated December 9, 2010, be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1)

Mr. THUNE. Madam President, the Nation's attention is fixed firmly on this travesty of an omnibus trillion-dollar appropriations bill which we should be debating now because the current funding resolution for the government ends tomorrow. We should not be debating a significant arms control treaty at this late date and trying to dual-track what I said earlier are thousands of pages of documents that need appropriate time on the floor of the Senate.

I want to speak, if I might, briefly today to the substance of the START agreement and my concerns about that agreement in its current form. First of all, I want to speak to the issue of missile defense.

The New START treaty not only contains specific limitations on missile defense in article V but also reestablishes an unwise linkage in the preamble to the treaty between offense and defense that was broken when the ABM treaty came to an end.

Moreover, Russia's unilateral statement that the treaty ''can operate and be viable only if the United States of America refrains from developing its missile defense capabilities, quantitatively or qualitatively'' is extremely troubling.

When viewed together, the New START treaty's preamble and Russia's unilateral statement amount to a Russian attempt to find a leverage point and exert political pressure upon the United States to forestall deploying a robust missile defense capability, by threatening to withdraw from the treaty if we seek to increase our missile defense capabilities.

The remedy for this concern is for the Senate to strike the offensive preamble language. That is why I would wholeheartedly support an effort to strike the preamble as well as an amendment to strike paragraph 3 of article V of the treaty.

Now, with regard to delivery vehicle modernization, and I want to speak specifically in that regard to bombers, nearly 2 years ago I began to have serious concerns about the administration's commitment to developing a follow-on bomber aircraft and its overall commitment to the triad of nuclear delivery vehicles. These concerns were aggravated by the administration's decision to terminate the development program for a new bomber and reexamine the need, the requirement, and the technology.

I was also troubled by Secretary Gates's statement on April 6, 2009, that we will examine all of our strategic requirements in light of post-START arms control negotiations, which leads me to be concerned that this administration would allow the Russians to have a say in whether we would develop a new bomber.

I was gratified to see that the Nuclear Posture Review determined that the United States should sustain the nuclear triad for decades.

However, as the Center for Strategic and Budgetary Assessments recently stated in a report entitled, ''Sustaining America's Strategic Advantage in Long-Range Strike,'' the triad is in

danger of becoming a dyad by default because nearly half of the bomber inventory of the United States, 47 percent, predates the Cuban missile crisis, and the only aircraft the United States possesses today with reach and survivability to have a chance of successfully executing missions more than 1,000 nautical miles into enemy territory from the last air-to-air refueling are 16 combat-ready B–2 bombers.

Madam President, the B–2 was designed in the 1980s and achieved initial operational capability over a decade ago, and they will eventually lose their ability to penetrate advanced air defense systems. The need, the requirement, and the technology for the next-generation bomber is well understood. The need for a new long-range strike capability is urgent because the conflicts of the future will likely feature heavily defended airspace due in large part to the proliferation of relatively inexpensive but extremely sophisticated and deadly air defense systems. We have heard testimony before the Armed Services Committee from intelligence officials that Russia is the developer of most of these advanced air defense systems and is exporting those systems both to China and to other countries in the world.

Various past and present combatant commanders of the Pacific Command, Strategic Command, and Joint Forces Command have each testified in support of the capability the next-generation bomber will provide.

As Senator MCCAIN summarized in his letter to the Foreign Relations Committee on the treaty, the 1251 plan and even the updated plan lack critical details about decisions related to the follow-on ICBM, the next-generation bomber, or a follow-on air-launched cruise missile.

General Chilton, the most recent STRATCOM commander, has spoken about how conversations about these matters need to start now.

Development of replacement delivery vehicles for all three legs of the triad need to begin during the life of New START. Decisions need to be made and development needs to begin within the next 10 years or replacement systems will not be available when current systems reach the end of their service lives. There is no assurance that the next long-range bomber will be nuclear capable. Therefore, I plan to offer an amendment which will require the administration to certify that the President has made a commitment to develop a replacement heavy bomber that is both nuclear and conventionally capable.

With regard to delivery vehicle numbers, on July 9, 2009, at an Armed Services Committee hearing, I asked GEN James Cartwright, the Vice Chairman of the Joint Chiefs, about the administration's commitment at that time to reduce our strategic delivery vehicles to somewhere in the range of 500 to 1,100 systems and to specify at what point in this range would he become concerned that delivery vehicle reductions would necessitate making our nuclear triad into a dyad. General Cartwright responded, ''I would be very concerned if we got down below those levels about midpoint,'' meaning he would be concerned if the negotiated number fell below 800 delivery vehicles. This treaty caps delivery vehicles at 700—substantially below the number General Cartwright stated a year and a half ago.

The administration makes this odd distinction between deployed and nondeployed delivery vehicles and points out that the total cap for the treaty is 800 deployed and nondeployed systems. Of course, there is a letter from General Cartwright in the RECORD stating he is comfortable with the distinction between deployed and nondeployed delivery vehicles and the overall limits to delivery vehicles. But the real number we are working with here is 700.

I think it is worth noting that former Defense Secretary Schlesinger testified to the Foreign Relations Committee on April 29, 2010, that, ''as to the stated context of strategic nuclear weapons, the numbers specified are adequate, though barely so.''

With regard to this limit of 700 deployed delivery vehicles, I find it very troubling that the administration has yet to articulate how it will deploy a nuclear force conforming to the number of 700. The administration has informed the Senate how it might field a force of 720 delivery vehicles, which Secretary Gates and Admiral Mullen acknowledged in a hearing before the Senate Armed Services Committee on June 17, 2010, would still require further reductions to meet the treaty's central limits.

They went on to argue that because the United States will have 7 years to reduce its forces to these limits, they did not find it necessary to identify a final force structure at this point, meaning the Senate will commit the United States to a delivery vehicle force of 700 without knowing how that force will be composed. This problem is compounded by the fact that the treaty was so poorly negotiated, that for every ICBM or SLBM deployed with a conventional warhead, one less nuclear vehicle will be available to the United States.

The treaty essentially requires the United States to make unilateral reductions in delivery vehicles, as Russia is already well below the delivery vehicle limits and would drastically reduce its arsenal with or without this treaty. As the Congressional Research Service writes:

> Russia currently has only 620 launchers, and this number may decline to around 400 deployed and 444 total launchers. This would likely be true whether or not the treaty enters into force because Russia is eliminating older missiles as they age and deploying newer missiles at a far slower pace than that needed to retain 700 deployed launchers.

Therefore, in light of all these facts, I will seek to offer an amendment or two regarding the delivery vehicle numbers in this treaty. I am also working on several other amendments that I may seek to offer regarding prompt global strike and other issues.

Ultimately, this is a very significant treaty that deserves full and fair consideration, and we should not be jamming the consideration of this treaty up against the Christmas break. As I have indicated, there are substantial issues here that need to be fully vetted, and we obviously do not have the time to consider these issues this year. We should wait until next year to fully consider this treaty and have a full, free, and wide-open debate on this matter, with no restrictions on amendments.

EXHIBIT 1

[From the National Review, Dec. 9, 2010]

DON'T FORCE NEW START

THE TREATY SHOULD NOT BE A CHRISTMAS PRESENT FOR RUSSIA

Twenty-four years ago, Pres. Ronald Reagan traveled to Reykjavik, Iceland, to negotiate an arms control treaty with the Soviet Union. When the Soviets insisted that the treaty must limit America's missile defense program, which was designed to guard against intercontinental ballistic missiles, Reagan walked away. He later explained, ''We prefer no agreement than to bring home a bad agreement to the United States.''

Apparently times have changed. President Obama wants to jam a deeply flawed arms-control treaty with Russia, known as New START, through a lame-duck session of the Senate just to rack up an accomplishment before the end of the year.

New START misses one opportunity after another to maintain a stable nuclear relationship between our two countries. To remedy this will require significant time on the floor of the Senate. Trying to force it through without ample time for debate and amendments would amount to a Christmas gift to the Russians.

First and foremost, missile defense remains a major point of disagreement between the United States and Russia, and this treaty only makes the situation worse. Russia has threatened to withdraw from the treaty if we expand our missile-defense capabilities. It made a similar threat when the original START was completed under the first President Bush. At that time, President Bush said directly that our missile-defense activities have no bearing on Russia's arms-control obligations. I am concerned that President Obama's response to the Russian threat this time is weaker.

Moreover, the treaty contains a direct limitation on U.S. missile-defense-system deployments. Why does a treaty ostensibly about offensive weapons mention missile defense at all? It appears to have been included only to appease Russia.

Treaty proponents argue that New START furthers the legacy of Ronald Reagan's vision of a world without nuclear weapons. Let's be clear about one thing: President Reagan never would have sacrificed missile defense on the altar of arms control.

Second, Russia has an estimated ten-to-one advantage over the United States in tactical nuclear weapons, a situation that was not addressed at all by New START. These are the kinds of weapons that are most susceptible to theft or diversion to emerging threats, including terrorists and rogue nations such as North Korea and Iran. They are the weapons Russia has reportedly moved closer to our NATO allies. One of our top

goals going into negotiations on this treaty should have been to close that gap, so why wasn't it mentioned? Because the Russians didn't want to talk about it.

Third, treaty proponents argue that the Senate must rush consideration of New START because we now lack the ability to verify what Russia is doing. This would make sense if the verification provisions in the treaty were something to be celebrated and worth rushing into place.

However, New START's verification provisions are much weaker than what we had under the previous treaty. This is a serious concern, because experts say Russia has essentially cheated in one way or another on pretty much every major arms-control treaty to which it is a party.

What's more, as the expiration date of the previous START approached last year, the administration promised it would come up with some sort of ''bridging agreement'' to keep verification efforts going until the new treaty could be ratified. The parties never finished that agreement, and so any verification gap has been created by the administration.

The Senate has a responsibility to consider treaties thoroughly to ensure they are in our country's best interest. It should not rush its duty now to make up for the Obama administration's mistakes. We lose nothing by postponing consideration of this treaty until the new Congress convenes in a few weeks.

This flawed treaty has too great an impact on America's national security to be taken lightly or rushed for the sake of political pride.

Mr. THUNE. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, before the Senate at this moment is the New START treaty, an agreement between the United States and Russia. This is an effort to try to make this a safer world, to make certain that the nuclear weapons that are in this world are carefully monitored, that they are watched and inspected, and that we reduce any urge to expand nuclear weaponry. It is an attempt to make this is a safer world.

The President worked long and hard on this. He brought it for consideration months ago, almost 7 months ago, and we have had hundreds—at least 200 hearings. I am sorry, let me restate that. We have had many Senate hearings—I don't have the exact number before me, but I will get it—on this matter. We have had many efforts at every level to bring experts from across America and from around the world to support our effort and bring this matter before us.

What troubles me, Madam President, is the same thing we discussed earlier at a press conference. We brought this matter to the floor of the Senate over 24 hours ago. Yet speaker after speaker on the Republican side has used this time on the floor of the Senate to come and complain that they do not have any time to speak on the floor of the Senate. They can't have it both ways. They can't come and give a speech about the treaty, yet say the reason we shouldn't take it up is they don't have an opportunity to speak on the treaty. They do have an opportunity to speak on the treaty, and they have had it for more than 24 hours.

I asked Senator KERRY, as he left the floor: I know the Republicans want to offer amendments to this treaty. How many amendments have been filed?

He said: I will check, but I think only one amendment has been filed.

His staff has said that is the current situation—one amendment by Senator MCCAIN. Here we are, 26 hours into this debate, and one amendment has been filed and no amendments have been called. Yet speaker after speaker comes from the Republican side of the aisle and says: The problem with this treaty is we don't have time to speak—as they speak—and we don't have time to offer amendments—as they fail to offer amendments.

So one has to step back and say that maybe the problem is not a problem of time; maybe the problem is they just don't want to see this treaty passed.

Thank goodness for Senator LUGAR of Indiana, who has spoken up in favor of this treaty. I said earlier at the press conference and would say again with him on the floor that there aren't a handful of people in America who are as expert as he is on this issue of nuclear arms and the safety of those that currently exist. There was a time when people across America thought his name was Senator Nunn-Lugar because they kept hearing Nunn-Lugar, Nunn-Lugar. It was a time when Senator Sam Nunn, a Democrat from Georgia, and Senator LUGAR, a Republican from Indiana, really led this Nation and this world in taking an honest look at nuclear weapons to see how we can make sure they are safe and don't threaten our future. Senator LUGAR knows—because he said as much publicly—that this treaty moves us in the direction of a safer world.

During the height of the Cold War, there were enough nuclear weapons on our planet to destroy all life many times over. Thank goodness the Soviet Union is gone and we are in a new era, a more peaceful era. Still, 20 years later, both Russia and the United States have thousands of nuclear weapons in their arsenals—far more than either side needs for maintaining security.

In an era of terrorist threats, we are faced with new challenges, including a nuclear-armed Pakistan with al-Qaida operating within its borders and countries such as Iran and North Korea pursuing their own nuclear programs.

This week, we have a chance to make a difference—to reduce the number of U.S. and Russian nuclear weapons in a way that not only makes us safer but also strengthens America's authority in persuading other nations around the world to halt their destabilizing practices.

Senator LUGAR said:

START would strengthen our nonproliferation diplomacy worldwide, limit potential arms competition, and help us focus our defense resources effectively.

What a succinct description of a critically important measure before us. Yet day after day—2 days now—hour after hour, Senate Republicans come to the floor and say we just don't have time to do this.

Efforts to reduce the number of nuclear weapons have always been bipartisan in the past, and they should be bipartisan today. As they say, partisanship should end at the water's edge whether the President is a Democrat or a Republican. If it is good for America, if it makes us safer; if it moves us forward in the goal of a more peaceful world, we should stand together with both parties working on it. Unfortunately, the opposition we have heard over and over on the floor has been from the other side.

I thank Senator JOHN KERRY. I tell you, this man is a dogged and determined legislator, and he has been working this issue harder than I have ever seen him work anything in my life, for the last several weeks, to get to this moment where we bring it up on the floor. He understands that last December when the START I treaty expired, it left the United States without key inspectors in Russia and reduced important security transparency.

I would say to Senator KERRY, the modern patron saint of the Republican Party is Ronald Reagan, and Ronald Reagan, in a few words, summarized his view when it came to negotiating: Trust, but verify. For 376 days, we have been unable to verify what is going on in Russia with their nuclear weapons. We don't know if they are being held safely—treaty compliant. We just don't know. How can we be safer as a nation in blissful ignorance of what is happening?

This New START treaty President Obama brings to us will put inspectors on the ground in Russia and in the United States to make certain both sides live up to the treaty obligations. That is essential. It is something Russian President Medvedev called a ''truly historic event.'' President Obama said at the signing that this is ''an important milestone for nuclear security and nonproliferation, and for U.S.-Russia relations.'' I couldn't agree with them more.

Here is the number I was searching for earlier. The Senate has conducted 21 hearings and briefings on the New START treaty—a significant number of opportunities to debate and assess the treaty.

In September, the Senate Committee on Foreign Relations overwhelmingly approved the treaty on a bipartisan basis. The people supporting this treaty across the board, Democrats and Republicans, represent the best minds in America in recent history on the subject. They include current administration officials, Secretary of State Hillary Clinton, Secretary of Defense Robert Gates, the Chairman of the Joint Chiefs of Staff, Admiral Mike Mullen, as well as Madeleine Albright, former Senator Chuck Hagel, Henry Kissinger, Sam Nunn, Colin Powell, James Schlesinger, George Shultz, Brent

Scowcroft, and John Warner. At least seven generals and admirals who commanded our nuclear forces feel the same way.

This does not restrict the United States when it comes to missile defense. It is very clear it does not. It is one of the things that has been said, but the people who say it ignore the obvious. It was several weeks ago when we had a NATO meeting on missile defense moving forward to make our Nation safer, and the Russians were engaged in that dialog. It was a historic breakthrough. They ignored that when they raised that issue.

As Secretary of Defense Bob Gates has said, the new treaty will impose ''no limits on us'' when it comes to missile defense.

There is a concern, as well, expressed that the treaty does nothing to address the issue of tactical nuclear weapons, where the Russians apparently outnumber us. I agree it is a serious issue that needs to be addressed, especially from a nonproliferation viewpoint, since many of these weapons are deployed in undisclosed locations. However, this treaty, like the Moscow Treaty and the original START agreement, deliberately and rightly focuses on strategic nuclear weapons.

Bipartisanship on issues of national security has been the hallmark of our Nation. Even in the toughest of times and in the most desperate political circumstances we have come together.

For example, in 1992, just after the Cold War came to an end, the Senate ratified the first strategic arms reduction treaty by an overwhelming vote of 93 to 6. Of my Republican Senators who are still here today who were in attendance for the vote—Senators BOND, COCHRAN, GRASSLEY, HATCH, LUGAR, MCCAIN, MCCONNELL, and SHELBY—all voted in support.

In 1996, the Senate voted 87 to 4 in support of START II, including the votes of Republican Senators BENNETT, BOND, COCHRAN, GRASSLEY, GREGG, HATCH, HUTCHISON, LUGAR, MCCAIN, MCCONNELL, and SNOWE.

In 2002, the Senate voted 95 to 0—that is right, 95 to 0—in support of the Moscow Treaty, and 26 of the 27 Republicans there at the time are still here today and they voted in support of that treaty.

At the peak of the Cold War, the stockpile of nuclear weapons held by all nuclear weapons states was some 70,000 warheads, 1.6 million times the power of the bomb at Hiroshima. We have reduced the number of those weapons by more than two-thirds. Yet today the combined nuclear weapon capability is still equal to 150,000 of the nuclear bombs used in World War II.

Today we have an opportunity to further reduce this threat in a responsible bipartisan way. I do not know when this session will end tonight, but I will say to my colleagues on the other side of the aisle: You have ample opportunity to debate. You have ample opportunity to offer amendments.

Time is not a good excuse. We have been in session now, this day and yesterday—we started at about 3:30. Only one amendment has been filed on the Republican side. If they truly want to engage us in an important debate about this treaty issue, do it now. Don't put it off. We have to reach the point where we can verify what is being done in Russia to make this a safer nation and to move us toward a more peaceful world.

EXECUTIVE CALENDAR

Mr. DURBIN. Madam President, I ask unanimous consent the Senate proceed en bloc to Executive Calendar Nos. 885, 886, 917, and 935; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table; that any statements relating to the nominations be printed in the RECORD, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Catherine C. Eagles, of North Carolina, to be United States District Judge for the Middle District of North Carolina, vice Norwood Carlton Tilley, Jr., retired.

Kimberly J. Mueller, of California, to be United States District Judge for the Eastern District of California, vice Frank C. Damrell, Jr., retired.

John A. Gibney, Jr., of Virginia, to be United States District Judge for the Eastern District of Virginia, vice Robert E. Payne, retired.

James Kelleher Bredar, of Maryland, to be United States District Judge for the District of Maryland, vice J. Frederick Motz, retiring.

TREATY WITH RUSSIA ON MEASURES FOR FURTHER REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS—Continued

The PRESIDING OFFICER. The Senator from Georgia.

THE OMNIBUS

Mr. CHAMBLISS. Madam President, I want to speak for a few minutes about the START treaty. Before I do, there is another issue that has been debated on this floor that we are going to continue debating over the next several days, and that is the issue of the funding of the Federal Government. There is an omnibus bill that has been laid out there now, which is something that happens from time to time that is simply not the way business ought to be done in this body.

As we move into the debate on the omnibus bill, there are a lot of us who want to see, obviously, the government remaining open and running at full speed. All of us within this body want to make sure as we do that, we do it the right way.

Frankly, to run in an omnibus bill at the last minute out here that has thousands of earmarks—some of which folks like me requested months and months ago, and until 2 or 3 days ago had no idea those requests would be honored and are now included in there, amounting to billions of dollars. With the issues we have now, including the election that took place on November 2 where the American people spoke loudly and clearly about the way Washington spends money, this is not the way to do business.

I intend to vote against the omnibus bill. I will speak more about that at a later date.

THE NEW START TREATY

I want to speak for a minute on the START treaty, and I want to start off by commending both Senator KERRY and Senator LUGAR who, as the chairman and ranking member on the Foreign Relations Committee, have worked long and hard on this particular measure.

This treaty was signed by the President after negotiations were completed back in the spring. By the time we got the text, and then the additions to the text, I would say it was probably into April or May, whenever it was.

Since that time, I know both Senator KERRY and Senator LUGAR have worked very hard. They have been open for discussion. I have had several discussions with Senator LUGAR about it and have explained my problems with it early on to him. He has been very receptive. I received another letter from him today further explaining some of the issues that are out there.

But that is an indication of how complex this issue is. As a member of the Armed Services Committee and the Intelligence Committee, I have had the opportunity to have any number of briefings. I have been in hearing after hearing. I have been in meeting after meeting with members of the administration as well as outside experts who believe this is right, and those who believe it is wrong. I have been involved in phone calls. I have traveled abroad to visit with our friends in both France and Great Britain to learn about what they are doing with respect to their nuclear inventory.

It is not like folks like me who have to make a decision whether to support this have not been working on it and trying to understand the complexities of this treaty. Gosh, those Members of the Senate who do not serve on Foreign Relations, Armed Services, or Intelligence do not have the benefit of the extensive briefings those who serve on those committees have had, and they have been trying to understand the operatives that are involved in this treaty also.

My concerns were laid out to Senator LUGAR early on in a letter. I have been very clear in conversations and hearings, including in an extensive conversation that I had with my longtime good friend, Senator Sam Nunn, who, along with Senator LUGAR, in my mind are the two godfathers of the Russia-United States nuclear issue.

The issues that are out there are in the process of being dealt with and resolved—but we are not there, in my mind. I cannot speak for the other 59 folks here, but I can tell you this: There are five major issues I have been concerned with from day one.

First is missile defense and what impact this treaty is going to have on missile defense. I will be honest, I expressed concern about it, including in a hearing in the Armed Services Committee with Secretary Gates, who is an individual for whom I have such great admiration and respect—we can have a difference of opinion on policy from time to time, but I know where Secretary Gates stands when it comes to the national security interests of the United States.

In response to a question I asked him in an Armed Services hearing, he satisfied me with respect to the missile defense issue. Then, like happens with so many other issues when there is a complex treaty like this, we have comments that were made in Portugal in recent weeks about phase 4 of our missile defense plan that all of a sudden raises another issue, or at least a potential issue, that has to be addressed and has to be resolved, in my mind, before I can vote for a treaty I want to support. I continue to work through that particular issue.

The second issue is the issue of modernization of the weapons in the United States. We can look ourselves in the eye, Members of this body and Members of the House, and take part of the blame. We have not funded a modernization program for the updating of nuclear weapons of the United States. Now we have called on the administration to make a commitment, and that commitment is going to have to be a financial commitment as well as a policy commitment. To the credit of the administration, they have worked in a very diligent way—I know with the prodding of Senator KERRY and Senator LUGAR—to address this issue both from a budgetary standpoint as well as a policy standpoint. Again, it is not just this administration that has to be involved. It is future administrations as well as future Congresses that are going to have to address that issue.

As we decide whether to vote for or against this treaty, we have to satisfy ourselves that future Congresses, future administrations are going to do that. How do we resolve that? I do not yet know. But it is another issue that we have to go through in our minds and satisfy ourselves on the issue of modernization before we can vote for it.

Third is an issue of verification. This is probably the major issue, at least in my mind. The Senator from Illinois just spoke about the fact that we have gone for a year or so now without having the opportunity, under the treaty that expired in 2009, to look at what the Russians are doing and likewise to give the Russians the opportunity to look at what we are doing.

It is important when there is a complex issue like this, and an issue where you have to trust the other side to do certain things, that you have the opportunity to verify after you enter into that trusting relationship with them.

The verification process that is set forth in this New START treaty is frankly significantly different from the verification process that was in the treaty that just expired. There are reasons it needed to be different, and I understand that. But there still is an issue relative to: Do we have the right kind of verification measures in place in this treaty to be able to satisfy our community, both the defense community and the intelligence community, that this treaty gives us everything we need to have to be sure that the Russians are doing what they are supposed to do?

In that vein, one way we are going about the issue of making sure the verification requirements that are set forth in here are adequate is to look at the National Intelligence Estimate that was put out 2 months ago, 6 weeks ago—whenever it was. When it did come out, I sat down and read through it. It is a rather detailed document that sets forth each of the issues in the minds of the intelligence community. And those concerns are dealt with in an appropriate way. There are still some questions in my mind with the classified portion of this treaty that I have to be satisfied with.

I started going through the NIE again, and over the weekend, when it looks like we are going to have plenty of hours to sit down with not much going on, I am going to do that. Hopefully, I am going to satisfy myself on the classified portions.

Last, what is not in this treaty is just as much of concern to me as what is in the treaty; that is, a total lack of addressing the issue of tactical weapons. I understand, because I have asked the question to the State Department, to the intelligence community, the Defense Department—about this issue of tactical weapons. Their rationale is, look, we cannot deal with tactical weapons until we get this treaty agreed to and signed and deal with the strategic side. Then we can deal with the tactical side.

I don't buy that. I think there was an opportunity that was missed. We are dealing with a country that has fewer strategic weapons than we have. They are going to be huge beneficiaries under this bill from the standpoint of the sheer numbers. On the other hand, they have hundreds and hundreds, perhaps even thousands—we really don't know—more tactical weapons than what we have. It is the tactical weapons that bother me just as much as the strategic weapons because the tactical weapon can be put in a suitcase and delivered to a location that could destroy something domestically, or U.S. assets somewhere else around the world, or people.

The lack of addressing the tactical weapons issue is a problem. Is it enough to say we should not do this? Maybe not. But there are those of us who are wrestling with the issue and trying to do it in the right way. I will have to say that in concluding my eighth year here, I have never had to vote in favor of a treaty that was this complex, this important, and had this much influence on what is going to happen with respect to the safety and security of our country for my children and grandchildren.

I commend Senator KERRY and Senator LUGAR and their staffs for a tremendous amount of work and their openness. We have never asked a question they have not attempted to respond to. I am hopeful, over the next couple days, a week, however long we are going to be here, if we conclude it or if we conclude it next year, that we will be able to ultimately come together as a body and address this issue in a right and positive way.

I yield the floor.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am here to join my colleagues who believe that now is the time to ratify the New START treaty. The New START treaty is a continuation of a long history of bipartisan arms control cooperation and it is the culmination of President Ronald Reagan's consistent appeal, as mentioned in previous remarks, to trust, but verify when we are dealing with Russia. At a time when much of America is fed up with this body's inability to work in a bipartisan fashion, I hope we can still work across the aisle to strengthen America's national security and deal with the threat that is posed by nuclear weapons. I certainly applaud the leadership of Senator KERRY and Senator LUGAR and the work they have done on this issue heading the Foreign Relations Committee.

Much like previous arms control treaties, including the old START treaty signed by President George H.W. Bush and the SORT treaty signed by President George W. Bush, the New START treaty is squarely in the national security interests of the United States. The New START treaty will reduce the limit of strategic nuclear arms aimed at the United States. The United States and Russia will be bound to a lower number of nuclear weapons, which will be 30 percent fewer than the current limits under the SORT treaty. The treaty's new rules allow us to count Russia's nuclear weapons more accurately. That is a critical piece as we listened to the concerns of Senator CHAMBLISS about whether we can verify what is going on. These new counting rules give us the ability to more accurately figure out what is happening with Russia's nuclear arsenal.

In addition, New START leaves us the flexibility to determine our own force structure and maintain a robust deterrent capable of protecting us and our allies.

Despite all the concerns raised, this treaty does nothing—let me repeat

that, this treaty does nothing—to constrain our missile defense plans. Further, it allows for the modernization of our nuclear weapons complex. We have already heard from the three directors of our nuclear labs that they are happy with the commitment this administration has provided to modernization of our nuclear arsenal. The treaty restores a critical verification regime that was lost when the old START treaty expired. We have gone over a year without important intelligence from these on-the-ground inspections. This gap hinders our insight into Russia's program.

Much like previous agreements, this treaty deserves broad bipartisan backing in the Senate. Past treaties have benefited from overwhelming support in this body. The original START treaty was ratified by a vote of 93 to 6. We can see that on this chart. START II was ratified 87 to 4. The SORT treaty, negotiated by George W. Bush, was ratified by a vote of 95 to 0. That is incredible—no opposition to that treaty. New START has earned the backing of an overwhelming number of foreign policy experts and national security officials across a broad political spectrum, both Republican and Democratic. New START has the unanimous backing of our Nation's military and its leadership, including Secretary Gates, the Chairman of the Joint Chiefs, the commander of America's Strategic Command, and the Director of the Missile Defense Agency. America's military establishment is joined by the support of every living Secretary of State from Secretary Jim Baker to Secretary Condoleezza Rice, as well as five former Secretaries of Defense, nine former National Security Advisers, and former Presidents Clinton and George H.W. Bush. I know people cannot read this because the writing is so small, but this is the column of former Presidents and Cabinet-rank officials who support New START. Look how long the list is. This is the list of those Cabinet-rank officials who oppose it.

America's intelligence community also strongly supports the New START treaty. It has now been 376 days since we last had inspection teams on the ground in Russia monitoring its nuclear program. Every day we go without this critical intelligence is another day that erodes our understanding of Russia's intentions, plans, and capabilities. New START gives us on-the-ground intelligence we currently do not have and also, for the first time, includes a new unique identifier system which allows us to better track Russia's missiles and delivery systems.

I heard the Senator from Georgia expressing a question about whether this gives us the ability we need to verify what Russia is doing. New START gives us more inspections per facility per year than the old START treaty did. Without this critical information, our intelligence community is hindered from an accurate assessment and our military is forced to engage in costly worst-case-scenario planning.

Our NATO allies also support New START. As chair of the subcommittee responsible for NATO, I am mindful of the defense and security of our NATO alliance members living in Eastern Europe. I was pleased that at the recent NATO Lisbon summit, all 28 NATO allies gave their strong unanimous support for ratification of the New START treaty. In fact, some of the treaty's strongest backers are those countries that are our allies along Russia's borders. The NATO Secretary General said: ''A delay in the ratification of the START treaty would be damaging to security in Europe.''

Finally, ratification of this treaty should be important to those who are concerned with the nuclear threats posed by Iran and North Korea or who are worried about the threat that is posed by terrorists around the world who are seeking a nuclear weapon or nuclear materials.

I know some critics look at the New START treaty in isolation and say this arms agreement has nothing to do with these proliferation threats. I couldn't disagree more. What does it say to our allies and partners around the globe if we turn our back on a long history of bipartisan support for working with Russia to reduce the nuclear threat? Delaying ratification of a treaty with so much bipartisan support from our military and the national security and foreign policy establishments, a treaty that is so obviously in our national interest, tells the world we are not serious about the nuclear threat. It says we are not serious about our responsibilities under the nonproliferation treaty. I know my colleagues on both sides of the aisle agree we should do everything in our power to make sure Iran and North Korea and al-Qaida do not have nuclear weapons. If we abdicate our position as a leader on nuclear arms control, we risk losing the authority to build international consensus and stopping rogue nations and ending nuclear proliferation around the globe.

Earlier this year, Brent Scowcroft, former National Security Adviser under President George H.W. Bush, testified to the Foreign Relations Committee that ''the principal result of non-ratification would be to throw the whole nuclear negotiating situation into a state of chaos.'' It is much too dangerous to gamble with nuclear weapons or our national security at a time when we are working with our international partners to press Iran and North Korea on their nuclear weapons programs.

In testimony before the Foreign Relations Committee, former Defense Secretary James Schlesinger said that a failure to ratify this treaty would ''have a detrimental effect on our ability to influence others with regard to, particularly, the nonproliferation issue.''

That sentiment was echoed by five former Republican Secretaries of State in an op-ed written for the Washington Post a couple weeks ago.

One of the arguments we have heard this afternoon is that we are rushing consideration of this treaty. This is not true.

This chart is an outline that shows how much time has been spent in the past as treaties have come to the floor. The fact is, the Senate has thoroughly considered the New START agreement. We have had plenty of time to review the treaty. Since it was signed in April, the treaty text has been available for everyone to read. It has not changed. We have had over 250 days to examine the treaty and ask questions of the administration. The Senate Foreign Relations Committee held 12 hearings on the treaty.

There were another nine held by other committees. In contrast, there were only four committee hearings held on the SORT treaty and only eight held on START II. The Foreign Relations Committee also accommodated some Members' concerns earlier this year by delaying a vote on the treaty during the August recess. The Obama administration has answered over 900 questions for the record on New START. Nearly every major foreign policy or national security expert has weighed in on the treaty, either in testimony, briefings or in the press.

The history of treaties such as New START shows that the concern that there isn't enough time on the floor to consider this treaty is not accurate. In general, arms control agreements take an average of 2 to 5 days of floor time. The original START treaty, which was much more complicated and complex and the first of its kind, took only 5 days of floor debate. START II took 2 days of floor consideration. The most recent SORT treaty took 2 days of floor debate. We have already had almost 2 days of floor debate. Other arms control agreements, such as the Treaty on Conventional Armed Forces in Europe and the Chemical Weapons Convention, took 2 days of floor time. We have had more than enough time to consider this treaty on the floor.

Finally, some have expressed concerns that the Senate should not be forced to work so close to their holiday vacations. I think it is important to repeat what retired BG John Adams said in response to that concern. He said:

> We have 150,000 U.S. warriors doing their job over Christmas and the New Year. The U.S. Senate should do its job—and ratify this treaty.

I could not agree more with Brigadier General Adams. The Senate should get its work done. We should ratify New START. We should do it before the holidays, before we go home, in this session of Congress. It is time to vote on this critical national security concern.

I yield the floor.

Mr. KERRY. Mr. President, I ask unanimous consent that the order to return to legislative session be delayed and occur at 7 p.m., with the order then

for recognition of the majority leader still in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Thank you, Mr. President. It is a delight to see you in the chair.

Mr. President, let me make a brief comment on the last comment from my colleague about the work schedule of the Senate because I have been one of those folks who have decried the fact that we are dual-tracking the START treaty and the Omnibus appropriations bill here with just a week left before Christmas.

I do think it is an imposition on our families and our staff that we need to be working during this period of time. I do not think there is anybody in this body who works any harder than I do. I do not claim to be the hardest working, but I am no stranger to hard work, and I am happy to be here right up to Christmas Eve if that is what it takes.

But my complaint is that this is a problem that has been brought on by the Democratic leadership. All year long, we had the opportunity to do a budget. Did we ever do a budget? No. All year long, we had the opportunity to pass appropriations bills. This is the first time in my memory that the Senate never passed a single appropriations bill—not one.

So now here we are, with a week to go before Christmas, trying to cram everything into the same short period of time. We have to pass a bill to fund the operations of government which will cease on Saturday at midnight. We could have done that in the last 300 days of this year, but, no, we wait until the very last minute. We wait until the last minute to do the tax legislation that just passed out of the Senate and the House is considering this afternoon. In addition to that, we are trying to consider the START treaty. That is the concern a lot of us have.

But let me return to where I was earlier today when I was talking about some of my concerns about the treaty, laying the predicate for some of the amendments we will have as soon as we are done with our comments, our opening statements about the treaty itself.

I had last talked about the modernization program, and Senator KERRY and I had a brief conversation about that, agreeing that this was a very important part of the ability of the United States to have a credible nuclear deterrent. We were talking about the nuclear weapons part of that.

There is a second part of our nuclear deterrent, and that is the delivery vehicles—the missiles, the submarines, the long-range bombers, the cruise missiles—those components of our so-called nuclear triad that enable us to effectively deliver the warheads in the event that should ever be required.

The problem with this part of the modernization package is that we do not have the degree of certainty that I think we need to have the assurance that moving forward with an even lower number of warheads is a safe thing to do. Specifically, we have asked the administration for but have not received assurances with respect to the long-range bomber, the ICBM, and the Minuteman III. Let me just mention those two things.

With regard to the long-range bomber, we have repeatedly asked: Will we have a nuclear capable long-range bomber? That is what the bomber leg of the triad is—a nuclear-capable bomber. Now, it could be a penetrating bomber, it could be a manned bomber, it could be a bomber that carries cruise missiles to get to the target, but it needs to be nuclear capable. We have no assurance. So while everybody in the administration continues to say: ''We believe in our nuclear triad, we must have a nuclear triad,'' we are not getting any satisfaction on the question, What about the bomber leg of the triad?

Our current long-range bomber cruise missiles are due to be retired in 2025. Will there be a follow-on? Again, no reassurance. No funding has been provided in the 1251 plan that I spoke of earlier for replacement of an ICBM Minuteman III.

There is some very troubling language in the 1251 update on a follow-on assessment study. I am going to quote what this assessment study will be predicated on. This is for the ICBM. It is a study that—and I am quoting—''will consider a range of deployment options, with the objective of defining a cost-effective approach for an ICBM follow-on that supports continued reductions in U.S. nuclear weapons while promoting stable deterrence.''

That supports continued reductions in the U.S. nuclear weapons. So the key criteria here is not to carry whatever weapons we think are necessary but, rather, an ICBM force that will be determined and sized in order to achieve those reductions. What I am wondering is whether that suggests that the administration might not maintain an ICBM capability so that it can pursue further reductions or that the ICBM follow-on system will be based on plans for reductions.

Mr. KERRY. Will the Senator—

Mr. KYL. Let me just complete this thought, if I could.

The administration's arms control agenda—my belief—should not be the key factor in determining the level of our ICBM capability.

I will make a note here and allow my colleague to interrupt.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Senator very much. I just thought it would be helpful if we can talk about a few of these things as we go along.

What I want to ask the Senator is what he thinks is inadequate in the resolution of ratification. Declaration 13 makes it clear that the United States is committed to accomplishing the modernization and replacement of the strategic delivery vehicles.

The service lives of the existing strategic delivery vehicles run well past the 10-year life of this treaty. So my question would be, since the DOD has already scheduled study and decision deadlines, timelines, for the replacement of all of these systems—so since that is outside of the four corners of the treaty, so to speak, why would declaration 13 not state that we are committed to proceeding to the full modernization and replacement of the adequate delivery vehicles?

Mr. KYL. Mr. President, I will be happy to respond to that.

Let me respond first by quoting two key officials from the Obama administration: Secretary Gates and Under Secretary of Defense Jim Miller. This is what I gather their decision is going to be based on.

First, Secretary Gates:

> There are placeholders for each of the modernization programs because no decision has been made. They are basically to be decided, and along the lines that Admiral Mullen is just describing, those are decisions we are going to have to make over the next few years in terms of we are going to have to modernize these systems and we are going to have to figure out what we can afford.

Deputy Under Secretary of Defense Jim Miller:

> We think the current ICBMs are extremely stable and stabilizing, particularly as we de-MIRV to one warhead each.

I would interject, remember, we are doing that while the Russians are MIRVing, which, of course, creates more instability under this treaty.

But to go on with the quotation:

> But we will look at concepts that would make them even more survivable over time, which would allow them to be part of a reserve force.

My point in reading these two quotations is to suggest to my colleague that it is troubling that the administration is not willing to commit to making a decision, is not willing to commit to having a nuclear-capable bomber force, is not willing to say that the ICBM force will support the delivery of the warheads required for that leg of the triad but, rather, will be based on what we can afford and be based on our desire to continue to reduce U.S. nuclear weapons, and that perhaps we are developing them in order to be part of a reserve force.

All of this suggests that the one quotation that was read by my colleague is a nice statement but does not reflect the reality of what the administration is actually planning on.

Mr. KERRY. Will the Senator yield further?

Mr. KYL. Yes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. As the Senator knows, a legitimate certain amount of analysis has to be made by DOD in order to be able to submit to the Congress a plan that is realistic both in cost and judgment about what the size will be.

Every single testimony, from the Joint Chiefs of Staff through Secretary Gates, has committed to the maintenance of a viable triad. That could not be more clear in this record.

Mr. KYL. If I could just interrupt my colleague, who interrupted me.

Mr. KERRY. Absolutely.

Mr. KYL. A viable triad at a minimum, per se, has to include nuclear capability or it is not part of our nuclear triad, right? And what I am saying here is that the administration is not assuring us that the long-range bomber will be nuclear capable. So maybe we have a dyad now, not a triad.

Mr. KERRY. Mr. President, again—

Mr. KYL. Go ahead. I will yield to my colleague.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. This is very important to the sort of understanding of where we are here and what the real differences are.

All of these systems, all three—DOD has scheduled and put out a timeline. Now, they have to go through that process. The fact is, they have stated in the 1251 report that they are going to replace the Ohio class submarine when it commences scheduled retirement in 2027. I do not think President Obama is going to be there in 2027, unless there is some extraordinary transition in America. So this goes way beyond this administration in terms of a decision and in terms of a Congress. The Navy is going to sustain the existing Trident II through at least 2042. That is on the books right now with the robust life extension program. The current Minuteman life extension program will keep the fleet in service through 2030. And DOD has already begun the preparatory studies on replacement options, which will begin in 2012. And the soon-to-be-completed long-range bomber issue the Senator just raised is only on what type of new bomber is needed, not whether there will be a new bomber.

So the future Congresses and future administrations are really going to make this decision. So to suggest that somehow the Obama administration can right now have this treaty held accountable to decisions where every one of those delivery platforms is going to be in existence well beyond the life and public service of any of us here I think is a completely inappropriate standard.

I would ask my colleague, why a 2027 date and a 2042 date and a 2030 date and a commitment to a bomber, even though they do not know what kind of bomber, why that is not satisfactory?

Mr. KYL. Let me answer a question with a question.

First of all, given the fact that I think we are taking 30-minute segments each and we are having a debate here, can we agree that we will debate until 7 o'clock, and you can have half the time and I will have half the time? Either that or I am going to have to quit yielding to make my points.

Mr. KERRY. No, no, no. I appreciate that. And the Senator is always good about engaging in this.

Mr. KYL. And I am happy to do it either way.

Mr. KERRY. I just think it is important to get it out. I do not need that time. I think it is important. I want Senator KYL to have his time—

Mr. KYL. Let me respond to this question.

Mr. KERRY. And I will not interrupt him, but I wanted to try to see if we could not engage a little in what the Senate does, which is debate.

Mr. KYL. Mr. President, first of all, this is the kind of engagement we need on this treaty and on so many other issues in this body. Too many times it is a Senator coming down and giving a speech, and half of us or more are not listening. And this kind of colloquy can develop more useful material for our colleagues and for the record than anything else. So I am very happy to engage in it. I just want to make sure I do not run out of my time with my colleague's questions.

But here is how it relates, and here is the importance.

We are being told that even though the delivery systems—and remember, this treaty deals with warheads and delivery systems. Let's leave the warheads off to the side for a moment. The delivery systems—which are the submarines with their missiles, the long-range bombers, with cruise missiles in some cases, and our ICBM force and the Russian counterparts—those delivery systems are constrained in this treaty. The numbers are brought down to 700 deployable systems. So the question we have asked, naturally enough is, Is that enough? Will that work to cover all of the targets we need to cover?

I talked this morning about—and the answer to that question depends in part on what our future plans are because—take the B–52. Most of the pilots who are flying B–52s—I think we are two generations beyond the time these B–52s were built. These are old, aging aircraft. And everybody realizes even the B–1s and to some extent the B–2s need to be replaced. So the decisions to do that need to be made very soon.

Whether 700 is a good number will depend on whether we have an adequate triad to deliver these weapons when the time comes. So naturally we ask the question, What is our triad going to look like? It is true that some of these systems—the new systems that replace what we currently have—will not be available until outside the 10-year limit of the treaty.

But it is also true that every one takes an inordinate amount of time. How do they take so much time? I don't know. It seems as though in World War II we had all kinds of weapons systems come together to be built and fight the war and it is over in 5 or 6 years, but nowadays it takes 5 or 6 years just to get something ready to go, and then it takes them that long to deploy. So these are long timeframes for development and deployment.

It is true the Navy has already made the basic decision for the submarine, but I haven't mentioned the Navy. That is not my concern. But my concern is the IBM force and the bomber force.

I will leave the point with this: What is troubling to me is that on the bomber force, our administration is unwilling to commit we will have a bomber triad nuclear capable. That is an important decision, because if we are talking about 700 delivery vehicles that will not include nuclear-capable bombers, I have a problem. The reason is, because when you get briefed on how we are going to deliver these weapons if, God forbid, they ever have to be delivered or how we are going to deal with a potential Russian breakout, for example, or how we are going to deal with a problem if, let's say, we have an issue with one of our submarine or ICBM components to the triad, if we don't have a bomb-carrying or cruise missile-carrying nuclear capability with our bombers, then it is quite obvious the viability of our triad is implicated.

So we have to know these things. It is not some esoteric question. We are talking about delivery systems being brought down to 700 and is that too low. It is not too low if we have a very viable triad, but it becomes too low if our triad is not viable.

In the time remaining, let me talk about missile defense. This is something a lot of my colleagues have talked about. It is kind of core to the concerns a lot of us have with the treaty and, frankly, my ultimate support or not will depend, to some extent, on how we resolve this issue, whether it is by amendment to the preamble or the treaty or the resolution of the ratification or a combination of things. But, clearly, this treaty implicates U.S. missile defense, and that is wrong.

One of the chief achievements of the Bush administration was to finally decouple missile defense and strategic offensive weapons and the treaties that deal with strategic offensive weapons. It was somewhat limited in the START treaty, but in the Moscow Treaty of 2002 we said: We are going to reduce our weapons. If the Russians want to do the same, that is fine with us. We don't need a treaty to deal with that. The Russians essentially said: We want a treaty, and we want you to limit your missile defenses. We said no, and they eventually relented and said OK.

I have spoken with Secretary Rice and Under Secretary Feith and other people in the administration who count it as one of their achievements, the fact that we finally decoupled those two issues. In this treaty, they are right back together again and in a way that is inimicable to other defenses by the United States. That is what I want to focus on. We don't think there should be any limitations on U.S. missile defense. Yet the New START treaty not only contains specific limitations, though we were told there wouldn't be any, but it also reestablishes this unwise linkage I talked about in the preamble.

Let me quote three things that Under Secretary Tauscher said as of March 29 of this year:

The treaty does nothing to constrain missile defense . . . this treaty is about strategic weapons. There is no limit on what the United States can do with its missile defense systems.

The third quote:

There are no constraints to missile defense.

Those three statements are not true because it turns out there are limitations and constraints specifically in the treaty. Article V, section 3 specifically constrains a particular kind of missile defense, the United States using a strategic offensive silo, for example, to use for defense. We have done that before. Our current plans are not to do it again because it is expensive. We might not do it in the future. This administration says it doesn't want to, but it is certainly constraining. How can you say those three statements by Under Secretary Tauscher are true? They are false. The administration simply says: Well, yes, there are limits, but we don't intend to do that anyway, so it is kind of a theoretical limit.

Well, in the first place, why is there a limitation on any missile defense capability in this treaty? We thought this was about, as Secretary Tauscher said, strategic weapons. Well, it turns out the Russians, of course, want to make it also about missile defense. One way they make it about missile defense is by article V, section 3 or paragraph 3, specifically constraining a particular way we would develop missile defense.

That is what we object to, that linkage. Why is that important? Because the Russians have always wanted to limit U.S. missile defenses, and this now gets the foot in the door for them to argue that under the treaty, they would have a right to withdraw if we improve our missile defenses. That gets to the real issue, and that is the preamble to the treaty.

I wish to quote from Richard Perle and Ed Meese, both of whom served in the Reagan administration. Richard Perle was with President Reagan at Reykjavik, a seminal moment in arms control history and for the Reagan administration. It was a time when President Reagan decided missile defenses for the United States were so important that he would walk away from a major strategic offensive weapon proposal that had been made to him by President Gorbachev. Here is what they write:

With this unfortunate paragraph, New START returns to the old Cold War 'balance of terror' and assumes that attempts to defend the U.S. and its allies with missile defenses against strategic attack are threatening to Russia and thus destabilizing. Limiting missile defenses to preserve U.S. vulnerability to Russian strategic nuclear strikes (as defined by the Russians) will result in less effective defenses against any and all countries, including Iran and North Korea.

That is the problem.

How does that problem arise? Because of the language in the preamble. This is the language followed by two signing statements from Russia and the United States that define the intentions of the two countries with respect to this issue of missile defense. Here is what the preamble states:

The current strategic defensive arms do not undermine the viability and effectiveness of the strategic arms of the parties.

That is what it says, in part.

Quote:

Current strategic defensive arms do not undermine the viability and effectiveness of the strategic arms of the parties.

''Current,'' that is new language. That was not in the START I treaty. So what they are doing is defining the current systems. Why is that important? Because later they talk about any additions that would qualitatively or quantitatively improve our system would allow the Russians to withdraw.

Here is what—well, let me just make one point before I quote that. The administration says the preamble is not important because you can always walk away from a treaty, and even though the Russians say this preamble language gives them the right to walk away from the treaty, they can do it anyway, so what is the big deal?

Well, you can't just do it on a whim. We agree that if there is a matter that is so important to either country that it constitutes an exceptional circumstance referred to in article XIV which is the withdraw clause, then a party could withdraw. So, yes, it is true, that either party can define anything as an exceptional circumstance and therefore withdraw, but that is bad faith and it clearly is something that would be very difficult for a country to do, unless a country had built into the treaty the very excuse that they are talking about as grounds for leaving the treaty. What would that extraordinary event be? Well, it would be the improvement of U.S. missile defense systems.

Here is what Foreign Minister Lavrov said on March 28:

[T]he treaty and all obligations it contains are valid only within the context of the levels which are now present in the sphere of strategic defensive systems.

That is their position. That is their legal position. That is what they mean by ''current'' in the preamble. The reason that legal opinion is important is because the United States does intend—if you believe Secretary Gates and I certainly do—does intend to develop missile defense capabilities that could qualitatively advance our protection against a missile coming from Russia. It is not necessarily designed for that purpose. It may be designed to thwart an ICBM from Iran or from North Korea, but it has that capability and the Russians can easily define it as such.

Here is the Russian legal opinion:

The treaty between the Russian Federation and the United States of America on the reduction and limitation of strategic offensive arms signed in Prague on April 8, 2010, can operate and be viable only if the United States of America refrains from developing its missile defense capabilities, quantitatively or qualitatively.

Well, we will develop our missile defense capabilities quantitatively and certainly qualitatively. That is what the phased adaptive approach Secretary Gates has announced is all about: a qualitative improvement of our missile defense capabilities. So how would the Russians treat that? Their statement, their signing statement, signed at the time that the treaty was signed, says the exceptional circumstances referred to in article XIV, the withdrawal clause of the treaty, include increasing the capabilities of the U.S. missile defense system in such a way that threatens the potential of the strategic nuclear forces of the Russian Federation.

That is why this preamble is so important. They treat it as the legal basis for their withdrawal if we improve our missile defenses qualitatively, which we most certainly will, and potentially quantitatively.

They have already built this into the record. From my point of view and a lot of my colleagues, this can only be read as an attempt to exert political pressure on the United States to forestall continued development and deployment of our missile defenses, and there is evidence it has already worked. First of all, we have pulled back from the deployment of the ground-based interceptor system that the Bush administration had developed and was prepared to deploy in Poland with the radars associated in Czechoslovakia, and we have also said now that with respect to our NATO deployment of the so-called phased adaptive approach, the first three phases will be deployed, but the fourth phase, the one that is most effective against an ICBM coming from long range, which could include a country such as Russia, is available—not deployed but available—by 2020.

Instead of having a firm rebuttal in response to what the Russians said in the preamble and in their signing statement accompanying the signing of the treaty, what was our response? It was not a firm rebuttal. We didn't say: No, that is not correct. That is not our understanding. That is not what we did, even though we had done that, by the way, with the START treaty. We pushed back very firmly on the Russians' signing statement. But instead, the State Department response to the Russian unilateral statement is as follows:

The United States of America takes note of the statement on missile defense by the Russian Federation. Defense. The United States missile defense systems are not intended to affect the strategic balance with Russia. The United States missile defense systems would be employed to defend the United States against limited missile launches, and to defend its deployed forces, allies and partners against regional threats. The United States intends to continue improving and deploying its missile defense systems in order to defend itself against limited attack and as part of our collaborative

approach to strengthening stability in key regions.

In other words, don't worry, Russia. We are not going to develop missile defenses that could thwart your strategic offensive capabilities. We are only developing missile defenses that would be effective against regional threats, against limited missile launches, against limited attack.

So it appears to me that while the Russians have built into this treaty and into the preamble the perfect argument for withdrawal and they have directly said it constitutes exceptional circumstances under their interpretation of article XIV, the United States has not responded with a negative but rather with a statement that says: Don't worry.

Might I inquire, is the original 30 minutes which this side was allotted consumed?

The PRESIDING OFFICER. The Senator from Arizona has no time limitation right now because there is no one following.

Mr. KYL. Let me do this, since I do see Senator CASEY on the floor, and Senator KERRY may have something more to say. Let me try to sum up what I am saying about missile defense, although there is much more to talk about, and this will very definitely be the subject of maybe even the first amendment that is offered on our side because there has been such a cavalier attitude about this on the other side: We don't need any amendments. We don't need any missile defenses. This is serious business. You would never enter into a contract to buy a car or a house, for example, with a degree of uncertainty or disagreement between the parties as to what the terms mean. Think about this treaty. This is a very serious proposition that starts with a fundamental disagreement between the parties and clearly could create enormous complications in our relationships in the future.

If I could just finish this point. Instead of creating a more stable relationship, a relationship built on the reset, a relationship which is built on very clear, transparent views of things on how we are moving forward together, built into this treaty is an inherent conflict that can cause nothing but trouble in the future unless the United States says: Fine. We will not develop any missile defenses that could conceivably be effective against Russia, which then means that they couldn't be effective against an ICBM from Iran or an ICBM from Korea.

This is the dilemma presented by this treaty and its preamble terms. This is what causes us such great concern. I am happy at this point to yield to my colleague, and if he would like to engage in a colloquy, that would be fine.

Mr. KERRY. Mr. President, I thank the Senator from Arizona. I want to take a moment, though, to address this point he made—I think it is central—and then we can talk about it. Then I want to give Senator CASEY an opportunity to speak.

I say to my colleague from Arizona that a lot of us are scratching our heads trying to figure out what we have to do to get the Senator from Arizona to accept yes for an answer—yes on modernization, yes on our willingness to go forward and build a missile defense.

It has been said again and again and again by the highest officials of our government—and I think the President will make some further statement about this, hopefully, within the next hours or the next day—that can indicate the absolute total commitment to proceed forward and the irrelevance of what the Senator is referring to in the context of a statement that is not within the four corners of the agreement, that has no legal binding authority at all—none.

Don't accept my word for it. Secretary of Defense Robert Gates, whom I know the Senator respects enormously, said the following on May 25:

> So you know the Russians can say what they want. But as Secretary Clinton said, these unilateral statements are totally outside the treaty, and they have no standing. They are not binding. They never have been.

That is one statement.

LTG Patrick O'Reilly is the Director of the Missile Defense Agency. He testified on June 16, and this is a yes:

> I have briefed the Russian officials in Moscow, a rather large group of them, in October of 2009. I went through all 4 phases of the phased adaptive approach, especially phase 4. And while the missiles that we have selected, as far as the interceptors in phase 4, as Dr. Miller says, provide a very effective defense for a regional-type threat, they are not of the size that have a long-range to be able to reach strategic missile fields.

He says:

> It's a very verifiable property of these missiles, given their size, and so forth. It was not a very controversial topic of the fact that a missile given the size of the payload, could not reach their strategic fields. I have briefed the Russians personally in Moscow on every aspect of our missile defense development. I believe they understand what it is and that those plans for development are not limited by this treaty.

So in the treaty ratification resolution—here I will make the Senator from Arizona happy, but I will also not please him. The happy part: If we want to be purely technical and sort of be kind of literal as to technical writing of some particular thing, can we say that article V has a limitation on strategic defense? Yes, in the most limited technical way we can say there is a limitation. The limitation is that we can't take intercontinental ballistic missile silos, other than the four already grandfathered—the new ones—and convert them into an interceptor missile silo.

In that sense, we have limited something, but have we limited missile defense? As we think about it in its larger strategic context, the answer is, no, not one iota. Why? Because those particular silos cost more money, and in a deficit-conscious age, where we are trying to cut spending, it is a heck-of-a-lot smarter to dig a new hole, build a new silo that is more effective, more efficient, less costly, and does the same thing. That is our plan.

So there is no limitation on the ability to actually deploy missile defense. So if we want to play a technical game on the floor and run away and say: Oh, there is a limitation here; that is terrible, well, you can do that, but it doesn't make sense. It doesn't actually limit the plans of this administration to go forward with real missile defense and with a system that allows us to intercept missiles fired from a silo in a missile field in the United States.

What is more, if we do convert those other silos, we don't have a mechanism for determining what kind of missile is coming out of there. Is it an ICBM or an interceptor? What happens if we are firing one of those missiles to intercept a rogue missile from North Korea or wherever, and the Russians happen to misinterpret it and they don't know what it is—there is no plan or anything that says we can do that.

In fact, we are safer, given the way the administration has decided to deploy this. Here is what the resolution of ratification says: It says in understanding No. 1, missile defense—and this is what we will vote on. It says it is the understanding of the United States that the New START treaty does not impose any limitations on the deployment of missile defenses other than the requirements of paragraph 3 of article V that I just referred to about the silos that we don't want to do anyway, which costs the American people more and will make us less safe. We don't want to do that. So that is in there. That is all that is in there.

It then goes on to say that this provision shall not apply to ICBM launchers that were converted prior to the signature of the treaty. Then paragraph (b) says any additional New START treaty limitation on the deployment of missile defense, beyond that one I just referred to that we are talking about, including any limitations that come out of the Bilateral Consultative Commission, those would require an amendment to the New START treaty which could only enter into force with the advice and consent of the United States Senate. That is it. We have control over whatever might happen beyond that one simple silo issue.

I respectfully suggest we ought to listen to the folks who are telling us what they have accomplished. The Secretary of Defense said, from the very beginning of this process more than 40 years ago, the Russians have hated missile defense. It is because we can afford it and they can't; and we are going to be able to build a good one and are building a good one, and they probably aren't. They don't want to devote the resources to it, so they try to stop us from doing it through political means.

This treaty doesn't accomplish that for them. That is what Secretary Gates has said. This treaty doesn't accomplish it. I believe Secretary of Defense

Gates. I believe GEN Patrick O'Reilly, who serves our country with one purpose. He is not a member of a party or here for politics. He believes he is defending the Nation. He says he told the Russians in full that we are doing phase 4. We are going forward.

Finally, Secretary Clinton said to the Foreign Relations Committee that the Obama administration has consistently informed Russia that, while we seek to establish a framework for U.S.-Russian BMD cooperation, the United States cannot agree to constrain or limit U.S. BMD abilities operationally, numerically, qualitatively, geographically, or in other ways. I don't know how much more ''yes'' you can have in statements.

One last thing with respect to the comment about how they can withdraw: Mr. President, they can withdraw for any reason they want, at any point in time, just by noticing us that they are going to do that. Guess what. So can we. Both parties have the right to withdraw. So this isn't some new component they can withdraw from. The point I make to my colleague—and he is very intelligent and knows these issues very well—the Senator from Arizona knows we can't unilaterally get another country to change its perception of how they may feel threatened. That is what drove the arms race for 50 years.

If the United States of America has an ability to knock down their missiles that they think defend them, and all of a sudden they no longer believe those missiles can defend them because we can knock them down, what do you think they are going to do? They are going to scratch their heads and say: Wow, we ought to develop some method to guarantee that they can't knock them down, or that we have enough of them so that we can overwhelm whatever system they have that knocks them down.

We went through this with President Reagan, and we have spent billions trying to pursue this. We understand that.

The fact is, they are just stating a truism. Those are not my words; those are Dr. Henry Kissinger's words, who said all the preamble does is acknowledge that they believe there is a connection. We have stated simultaneously that we don't care if they believe there is a connection. We stated that. Secretary Clinton stated it, Secretary Gates stated it, and the President has said we are going forward with our phase 4.

Now, it is not connected. There is no legal, binding connection whatsoever in this treaty. This treaty does not constrain America's capacity to develop a robust, qualitatively superior, improved system. If we do, we are going to make a decision, when we deploy it, to accept whatever consequences come with whatever shape and form we do deploy. But there is no restraint on our ability to do it.

In fact, my colleagues on the other side of the aisle ought to be leaping at this opportunity because it, in effect, codifies America's intent and codifies our independence and capacity to go off and do what we are going to do. I wish I could get the Senator from Arizona to accept yes.

Mr. KYL. I have a brief response. There are concerns by a lot of colleagues on my side of the aisle, so it is not just a matter of satisfying JOHN KYL. Let's understand that. I would be happy to take yes for an answer—if that were the answer.

My colleague confuses two things. First, the preamble has been agreed to by both parties. This is not just a Russian statement of intent. The preamble is part of the treaty that we have agreed to. For the first time, it connects missile defense with strategic offensive limitations by saying the current strategic defensive arms do not undermine the viability and effectiveness of the strategic arms of the parties.

Secondly, my colleague says it is a technical argument that the treaty otherwise constrains missile defenses. It is more than a technical argument. It specifically does—and there was no place in this treaty for any limitation on missile defenses or how important or unimportant they are. Why would the Russians insist on putting that in there except to establish the beachhead? The point is that, yes, a strategic arms control treaty will deal with missile defense. It does, and the preamble does too by linking the two.

Why is this important? There is not a technical statement in the treaty that says the United States will limit its missile defenses. That is true. But because the Russians interpret the extraordinary events—the technical term under article IV that would permit a country to withdraw—as specifically including the U.S. development of missile defenses that are qualitatively better than we have now, better than current policy, because that is their interpretation, whether or not we agree with that interpretation, we have created a dichotomy between the two parties to a very important contract. They interpret it one way and we interpret it another. What will the inevitable result be? Disagreement between our countries about a fundamental point, one which, according to the Russians, will require them to engage in a new round of the arms race that will begin, according to President Medvedev.

They are saying: If you don't agree with this, under the circumstances we are going to engage in another round of strategic offense weapon building.

What we on our side are concerned about is that President Obama, who has already backed off the deployment of the GBI system, which was the most robust American missile defense system, and has qualified, it appears, the deployment of the fourth phase of the phased adaptive approach, and who other people in the administration speak in terms of that—I am talking about the State Department and our signing statement—they suggest we would only develop a missile defense against a limited or regional threat.

Those are reasons to believe this position of Russia is already working to cause the United States to back away from what would have otherwise been a much more robust development of missile defenses to protect the people of the United States.

So that is the argument we are making. We can say that, technically, anybody can withdraw from the treaty all they want to and the preamble doesn't mean anything or so on. Well, it appears to have already had a significant meaning within this administration is the point we are trying to make.

Mr. KERRY. Well, Mr. President, I want the Senator from Pennsylvania to be able to have his chance, and we are running out of time, but I disagree with the Senator with respect to the judgment he has made with regard to what it does or does not do, and we will have an opportunity to be able to further discuss that component of it.

But let me remind the Senator of what Secretary Gates said this May. He said, under the last administration as well as under this one, it has been the U.S. policy not to build a missile defense that would render useless Russia's nuclear capabilities. It has been a missile defense intended to protect against rogue nations, such as North Korea and Iran or countries that have very limited capabilities. He went on to talk about the expense and capacity we have today.

We are going to continue to develop whatever the best system is we are able to develop that could protect the United States of America. We support that. The administration could not be more clear in its determination to continue to do that, including phase IV. I will submit, when we get time and come back, further statements and further clarification to the Senator that hopefully can give him a comfort level that there is no dichotomy, that we are proceeding forward, and the Russians understand what we are doing.

We should not misinterpret. Preambles have historically incorporated statements that one side or the other need for domestic consumption for their politics. There is no misinterpretation here about where we are headed, what we are committed to do, and I would think the recent announcement by the administration in Lisbon and the embrace of this effort through the European countries, our allies, would be strong testimony to the direction we are moving with respect to this missile defense.

We will continue this. I look forward to doing that with my colleague. I thank him for his courtesy, and I look forward to further discussion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I am grateful for the work our chairman, Chairman KERRY, has put into this

treaty over many months now—in fact, many years when you consider his work as a member and now chair of the Foreign Relations Committee.

We are grateful for the debate we have just heard. These are critically important issues we are talking about, and that is one of the reasons why it is critically important we make sure the American people know what the stakes are. Without ratification of this treaty, we are, in fact, less safe than we should be. I think the American people understand that. I also believe the American people want to make sure that even upon ratification of this treaty, the New START treaty, that in no way will our security be undermined as relates to our nuclear arsenal. We can say, without qualification and without hesitation, that ratification of the New START treaty doesn't in any way undermine the safety, security and effectiveness and even the reliability of our nuclear arsenal.

So these are critically important issues. We know there has been kind of a side debate about time and timing. We know that in addition to all the living Secretaries of State who have supported ratification, former President George Herbert Walker Bush, Secretary Gates, and Admiral Mullen, our leading national security team—but also I think the American people—want to tell us in a very direct way that we are going to continue to work up to and through the holidays, if that is necessary, because I think a lot of Americans agree with what BG John Adams recently said:

> We have 150,000 United States warriors doing their job over Christmas and the new year. The U.S. Senate should do its job and ratify this treaty.

That is not a comment by a public official, that is from BG John Adams.

We know similar treaties in the past have been overwhelmingly bipartisan. I think when we finally get to the vote, this will be as well, and there is evidence of that both in the Foreign Relations Committee—a committee I am proud to be a member of, working with Chairman KERRY on this treaty ratification and the work done in the committee—but also we are seeing a lot of bipartisanship as well in the Senate as we are discussing the eventual ratification.

I wished to talk about two or three issues but, first of all, ratification as it relates to verification.

I think in our own lives, no matter who we are, when we are making an important decision and we are reaching conclusions, we want proof. We want information that is conclusive so we can make important decisions in our own lives. The same is true, and certainly even more urgent, when we are talking about nuclear weapons. When we talk about a treaty that we are working to ratify, we are talking about a couple of basic issues. One of them is verification.

What does verification mean? Well, it means that, for example, the American people hope we have in place—and they know we will upon ratification—a verification and tracking system that will give us the assurance that will allow us to be secure in the knowledge we are going to be able to do everything humanly possible to verify. The treaty contemplates ways to do that, and there are four or five I will mention.

First of all, invasive onsite inspections, as you would want in any situation in your own life. You would want to make sure you can be onsite. The problem right now is, we have gone all these months without verification in place. So we want to have boots on the ground and experts trained to verify what the situation is when they are reviewing the Russian nuclear weapons.

Second, it allows us to use the wonders of American technology to help us on this—the so-called national technical means.

Third, what is referred to as ''unique identifiers'' placed on each weapon so you can track each weapon because of that identifier. That is a critically important part of this.

The data exchanges between our two countries and certainly the prompt notification of the movement of weapons.

This treaty permits up to 18 short-notice, onsite inspections each year to determine the accuracy of Russia's data and to verify compliance. We will talk more about that later.

But of course when the American people talk to us, they tell us they expect us to get this right. They want to make sure there is a very strong verification structure in place as we go forward. Without ratification, we would not have that verification in place, and I think a lot of people in the country expect us to ratify for that reason alone, in addition to the other reasons.

We had a good debate today about missile defense—a second issue I will address—and I know we are short on time, but the Senate Foreign Relations Committee made it absolutely clear in the resolution of ratification of the treaty that the treaty itself would not constrain missile defense. Two understandings within that—understandings No. 1 and No. 2—as well as declarations No. 1 and No. 2 specifically address and reiterate the U.S. commitment to developing and deploying missile defenses.

Nothing in this treaty will prevent us from having a safe, secure, and reliable nuclear arsenal and nothing will constrain our ability to have missile defense. In fact, as Chairman KERRY noted—and it is important to repeat this—the committee's resolution that brought the treaty to the floor goes to great lengths to reaffirm and further clarify the treaty's preamble, and Russia's unilateral statement imposes no limits on our ability to develop and deploy these missile defense systems.

I would note also, in connection with missile defense, that our military and civilian leaders—the ones who have studied the treaty, who have vast experience with national security and, in fact, experience with nuclear weapons treaties of the past—have stated that neither the language in the preamble referencing any interrelationship between strategic offensive and defensive forces nor this unilateral statement by the Russians places legally binding obligations on the United States.

In fact, that summary of their position appeared in the Wall Street Journal on April 20, 2010. So that is not just a statement by people on this floor, it is cited in the Wall Street Journal.

I think when you step back from this, especially on missile defense, in order to reach the conclusion that some have reached and the determination they have made against the treaty—I guess on missile defense grounds alone—you would have to believe it is a logical conclusion that Secretary Gates doesn't seem to be too concerned about missile defense. But apparently he is, and he has spoken to this. You would have to conclude Admiral Mullen, who has said we should ratify this, hasn't made a determination about missile defense. I think he has and I think that is why we can rely upon that support and certainly the support of the Missile Defense Agency Director, LTG Patrick O'Reilly, someone whose job it is to be concerned about this and someone who has experience with and involvement in what missile defense means and what it means to our security.

So I think there is ample evidence and ample testimony on the record before our committee and otherwise that indicates in no way does this treaty constrain our ability to develop and deploy missile defense.

I know we are short on time, and I will wrap up, and I will have more to say as we go forward. But when you consider the implications for our security that this treaty involves and also think in a larger sense in terms of how people view this debate in Washington, there are a lot of people who are concerned about our economy. They are concerned about their own jobs and concerned about their own family's economic or financial security. That is a chief source of their anxiety. But I think they also worry about our national defense. They are worried about terrorism and they are worried about attacks and they are worried about national security and their own security. We need to give them assurances that at least as it relates to nuclear weapons pointed at the American people, that we are taking a significant step here—a historic step—that will ensure we have both a safe, secure, and effective nuclear arsenal to go at any nation that would cause us harm, but at the same time we are taking steps to reduce nuclear weapons across the world to make us, in fact, safer.

We all believe this. Both sides of the aisle believe this. We want a strong national defense and we want to be safe. What we have to do in the next couple days—after thousands and thousands of questions being asked of and answered

by the administration, after 15 or so hearings just in the Foreign Relations Committee, after months and months of debate, months and months of testimony, after all that—is complete our work. We have to ratify this treaty, give the American people some peace of mind in this holiday season that our defense is strong, that our nuclear arsenal is strong, and that we can come together and ratify a treaty that has been endorsed across the board by experts in national defense, people who care deeply about our security.

Mr. LEAHY. Mr. President, I support the New Strategic Arms Reduction Treaty, also called the New START Treaty. New START, if ratified, will have several major and positive impacts on our national security and on global nonproliferation. I must express my deep disappointment that the Senate has not yet ratified this treaty, and I join my friends Chairman KERRY and Senator LUGAR in appealing to all Senators for their cooperation and support in ratifying this treaty. The New START treaty is the right move for our country and for our world.

New START builds on a long history of strategic nuclear arms treaties between the United States and Russia and Russia's predecessor, the Soviet Union. Beginning with the Strategic Arms Limitation Talks ratified in 1972, we have entered into three strategic arms control treaties with the Soviet Union and Russia. This number does not include START II, which was ratified by the Senate in 1996 but never entered into force due to subsequent treaty mandates from the Russian Duma. The most recent arms control treaty, the Strategic Offensive Reductions Treaty, or SORT, was ratified unanimously in March 2003.

Unfortunately, both the SALT and original START treaties have expired, with START concluding last December. The expiration of these treaties means that the United States presently has no fully implemented arms control treaty governing the nuclear weapons stockpiles of the United States and Russia. This circumstance is dangerous to our national security and needs to be rectified as soon as possible.

I am not alone in holding that position. A bevy of experts have strongly urged support for the New START treaty, from all points on the political spectrum. Every senior leader and expert in the current administration supports the quick ratification of New START, from Secretaries Gates and Clinton to a whole range of uniformed leaders such as Admiral Mullen, the Chairman of the Joint Chiefs; General O'Reilly, the Director of the Missile Defense Agency; and General Klotz, the Commander of the Air Force Global Strike Command. General Klotz is joined by many of his predecessors who commanded the Strategic Command and Strategic Air Command, including General Welch, General Chain, General Butler, Admiral Ellis, General Davis, and more. Former Secretaries of Defense have come out in support of New START, including James Schlesinger, William Perry, Frank Carlucci, and Harold Brown. Former Secretaries of State of both parties are also advocating Senate ratification: Colin Powell, Madeleine Albright, George Shultz, James Baker, and Henry Kissinger. The list of distinguished, trusted and experienced advocates goes on and on, reading like a ''Who's Who'' of the U.S. diplomatic and military communities.

One of the biggest reasons why so many experts are arguing for ratification of this treaty is because it will do a great deal to control Russian nuclear arms and resume verifiable inspections. New START would reduce Russia's deployment of strategic nuclear warheads by about 25 percent. U.S. inspectors have not held an inspection of Russia's nuclear arsenal for a year; New START would resume inspections. Specifically, U.S. inspectors will have 18 annual inspections of Russian delivery vehicles and warheads. No previous treaty has allowed direct U.S. monitoring of Russian warheads for verification purposes. In fact, the close perspective that U.S. inspections would allow under this treaty will eliminate the need to share information about missile flight testing since that information, also called telemetry, was used to determine the number of warheads that a missile carried. New START will let us determine that by counting the warheads themselves, not by evaluating missile flight data. Secretary Gates has confirmed that New START is sufficiently verifiable that the United States could determine if Russia made any attempts to cheat on our break out of the treaty.

Perhaps one of the greatest benefits of New START is its contribution to global nonproliferation, which all of us can agree would be strongly beneficial to our national security interests. The United States will never convince other states to forgo a nuclear program if we do not show our own commitment to ending the nuclear scourge. More importantly, we will not be able to reach agreement with our partners about punitive nonproliferation measures without ratifying New START.

It is difficult to discuss this subject without raising the issue of Iran's nuclear program. Today the international community has put in place deservedly harsh sanctions against Iran's governing regime. These sanctions are so tough that Kenneth Pollack quotes former Iranian President Ayatollah Rafsanjani as calling them ''no joke'' and warning ''that [Iran's] situation is dire.'' These sanctions required patient international cooperation that cannot survive American preventive attacks. And without sanctions we should give up any hope of ending Iran's nuclear program.

Instead, we must continue to isolate Iran by garnering international support for further escalating sanctions. The United States, not Iran, is the indispensable nation, and to gather support for punitive non-proliferation we must lead by example. New START demonstrates our commitment to limiting the threat of nuclear weapons—even those in our own arsenal. And it bolsters our further requests to other countries to squeeze Iran in ways that the ayatollahs cannot tolerate.

Even while New START will renew our leadership in nuclear nonproliferation, the treaty reserves our right to pursue missile defense options and maintain an effective nuclear deterrent. A nuclear weapon in the hands of a terrorist is extremely unlikely to arrive on the tip of a missile. Even so, the most ardent supporters of spending billions more on strategic missile defense must acknowledge that New START's provisions were so well negotiated as to bar limitations on American defensive technologies. Similarly, the treaty will not prevent us from deterring other nuclear powers. New START allows the United States to maintain a highly credible deterrent.

Expansive and unchecked Russian and American nuclear arsenals are dangerous, expensive, and unnecessary. Eliminating the threat of stolen or illegally purchased nuclear weapons must be among the very gravest threats that the United States faces today. New START will help us diminish and contain that threat. At a time when leaders of both parties are seeking ways to cut the budget deficit, our nuclear program seems like an unnecessary and burdensome vestige of the Cold War. It is difficult if not impossible to credibly argue today that the massive nuclear arsenal we built to deter the Soviet Union serves our needs in today's changed world, where terrorism and the support of terrorism loom so large as threats to our security.

The time has come to do the right thing for the right reasons. Both parties should cooperate, as we have in the past, on issues that will make our country safer. No one should doubt that the New START treaty will do exactly that. Especially on an issue so vitally important to our security, and to the security of our children and grandchildren, the American people want and deserve a fair and straightforward debate. Partisan point-scoring should be checked at the door. Let us vote to ratify New START.

Mr. REID. Mr. President, we have done a lot of important work this year. We have reformed our health care system to give families more options and more control. We have brought accountability to Wall Street; and reigned in the reckless behavior that led to the economic crisis. We have given relief to millions of Americans hurting because of the economy. Now, it is time for us to protect the national security of the United States.

First of all I want to say that I was pleased that we were able to move forward and start debate on the treaty today. I hope we can continue to have a process that allows for real discussion and debate.

This treaty is critical to the national security of the United States. We know that one of the greatest security threats America faces is a nuclear weapon in the hands of a terrorist. A nuclear-armed terrorist would not be constrained by doctrines of deterrence or mutually assured destruction but could attack and destroy one of our cities without warning. By ratifying this treaty, we can help stop that tragedy from happening.

This treaty would secure nuclear stockpiles by taking nearly 1,500 U.S. and Russian nuclear weapons—weapons that now sit pointed at cities like Washington and Moscow, Chicago and St. Petersburg—and put them on ice. It has been more than a year since American inspectors were on the ground monitoring the Russian nuclear weapons arsenal. It is critical that we ratify this treaty so we can get that window into exactly what the Russians are, or are not, doing.

This treaty preserves a strong U.S. nuclear arsenal. As treaty negotiations were underway, U.S. Military leaders provided analysis and determined the number of nuclear weapons we needed to retain to keep us safe here at home.

With the United States and Russia controlling over 90 percent of the world's nuclear weapons, we need the stability and transparency this treaty would provide.

We aren't ratifying this treaty because we want to be Russia's best friend. But we do need to work together with Russia to stop the most dangerous nuclear threats from around the world, including Iran and North Korea.

By ratifying the START treaty, we will increase our ability to work with other countries to reduce nuclear weapons around the world and to make sure that those weapons are kept safe and secure.

Given the obvious advantages of this treaty to our national security, I hope we will be able to continue this institution's tradition of bipartisan support for arms control. The START treaty builds on a long history of bipartisan support for treaties which limit the strategic offensive weapons of the United States and Russia.

The Senate, as well, has a long history of broad bipartisan support for these types of treaties.

Continuing that tradition, the Senate Foreign Relations Committee overwhelmingly approved the resolution of ratification of the START treaty with a bipartisan vote of 14 to 4.

The U.S. military leadership unanimously supports the treaty, and Secretary of Defense Robert Gates and Chairman of the Joint Chiefs of Staff Admiral Mullen have spoken in favor of the treaty in their testimony before the Senate.

Secretaries of State from the last five Republican Presidents support the treaty because they know, in their words, the world is safer today because of the decades-long effort to reduce its supply of nuclear weapons.

A wide range of Republican and Democratic national security leaders have come out in support of the treaty, including former President George H.W. Bush, Colin L. Powell, Madeleine K. Albright, LTG Brent Scowcroft, James Schlesinger, Stephen Hadley, Sam Senator Nunn, and Senator JOHN WARNER.

As we enter this historic debate, we want to ensure that all voices are heard. We plan to allow our Republican colleagues the opportunity to express their views and concerns about the treaty and to have a reasonable number of germane and relevant amendments.

Republicans have been included in the process from the beginning—the resolution recommended by the Foreign Relations Committee that we will debate was, at the urging of Senator KERRY, crafted by Senator LUGAR to reflect the views of Republican colleagues, and the Foreign Relations Committee then adopted in its markup two additional Republican amendments.

Senator KYL raised legitimate concerns about the state of the U.S. nuclear weapons complex, and the administration responded with a commitment of $85 billion to upgrade that complex over the next 10 years.

But there is a difference between legitimate policy concerns and those who simply wish to use procedural tricks to keep the treaty moving forward.

We can easily complete this treaty with a reasonable amount of time, as the Senate has in the past. We can continue our institution's long history of bipartisan support for arms control. And we can take 1,500 nuclear weapons off their launchpads and make the future far safer for the children of America and the world.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I think we have had a good opportunity throughout today and yesterday to open some of the issues and give colleagues a sense of what is in the treaty, the resolution of ratification, and how it addresses many of the concerns. My hope is, perhaps, as we go out of executive session and into legislative session for a period of time, it will give some of us an opportunity to sit down and work together to see if we can find some of the clarifications that might resolve some of those issues for people.

Senator LUGAR and I are both prepared to sit with our colleagues and try to do that, and obviously we look forward to being able to get back to begin the process of legislating on whatever understandings, declarations, and clarifications Senators may have. I would ask my colleagues to carefully read the resolution and look at the many places in which rail-mobile missile defense and all these other issues have been addressed by that resolution.

I see the hour of 7 has arrived, and I yield the floor.

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. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FUNDING THE GOVERNMENT

Mr. REID. Mr. President, Members on both sides anticipated my filing cloture tonight on the spending bill that would take us through next year. Everyone knows we are operating under a continuing resolution that expires Saturday night at midnight. Senator INOUYE has worked so very hard for the entire year, working on a bipartisan agreement and in a bipartisan manner, to put together a bill that will responsibly fund the government for the next fiscal year. He has not done this as king. He has done it working with Democrats and Republicans. Senator COCHRAN has been in on all the efforts Senator INOUYE has made. The product was filed a few days ago. The overall spending level was supported by 40 Republicans earlier this year.

In addition, the bill contains priorities for Members, Democrats and Republicans. Although some of my Republican colleagues in recent days have publicly distanced themselves from the idea that Members have a role to play in the appropriations process, all of them did nothing privately to withdraw their priorities from this bill.

I will not take a long time tonight, but I will say a few things about this. It is no surprise because I have said it before. I, like everyone here, support the Constitution of the United States. I don't carry this with me every day but nearly every day. I don't read it every day, but I have a pretty good idea what is in it. One of the things I understand and support is that the Founding Fathers decided we should have a unique form of government, with three separate and equal branches. I believe, as one of the legislators here in the framework of the government set up by the Founding Fathers, that I have a number of responsibilities. One of those responsibilities set forth in that Constitution is to make sure that the executive branch of government does not take power away from us. Three separate, equal branches of government, not three branches of government with one stronger than the other. I think my Republican friends are giving up so much to the executive branch of government in doing away with congressionally directed spending.

It wouldn't matter if George Bush the first, George Bush the second, Jimmy Carter, Ronald Reagan, President Clinton, or Barack Obama were President. I don't like this grab of power. That is what it is. I don't know why people in this branch of government are willing to give that power up.

This bill, put together by Senator INOUYE and Senator COCHRAN, is a good bill. It is an important piece of legislation. It has priorities that are so vitally important to children.

Mr. President, 300,000 children in America, as a result of our not moving forward, are going to be treated much differently. The Head Start Program has been proven to be something that is vital to the country, and 300,000 children will not be eligible for Head Start because of this. Programs in our schools will be much less than they should be. Senior citizens will be significantly harmed. We have in this legislation programs that will create jobs, jobs through developing infrastructure that is so desperately needed. This action taken by my friends on the other side of the aisle is going to cause people to lose their jobs.

Military construction. I have important bases vital to the security of this Nation in Nevada. They are all going to be damaged as a result of what has happened here. One reason I feel so put upon, which is probably a word that people don't much care whether I am put upon, but I tried to make this something that was good for the Congress. I was elated that one of my Republican friends said: Here is who is going to support you. Here is who is going to support you, up to nine.

I have talked to a number of those Senators. I will not identify them. I know who they are. I have it right here. I won't tonight or any time publicly ever say anything about who they are, but they know who they are. In the last 24 hours they have walked away from the ability for us to complete this legislation. I was told within the last 24 hours that we had bipartisan support to pass this bill. ''Many'' is a word that is too large, but a number of Republican Senators told me they would like to see it passed, and they couldn't vote for it.

Those nine Senators—I have called some of them tonight and visited with them—will not support this legislation. We now have a simple choice. Are we going to help the people in America—I have listed some of the people who desperately need this help, and it appears that the answer will be no—or will we wind up passing a short-term CR to keep government running. In reality, we only have one choice, and that is a short-term CR.

I asked my friend Senator MCCONNELL if I should file cloture on the CR we got from the House. He said no. And one thing about Senator MCCONNELL, I have found that he levels with me on issues. There is no need to go through that procedure. It is not worth it to anybody. We will not get a vote on that.

So in the next 24 hours or so, Senator MCCONNELL and I will work to try to come up with a CR to fund the government for a certain period of time. That is where we are right now. I am sorry and disappointed.

Mr. MCCONNELL. Mr. President, may I make a few observations about where we are?

Mr. REID. Yes. I am going to file cloture tonight on the DREAM Act. We will have a cloture vote on that Saturday morning fairly early. I am going to file cloture on don't ask, don't tell tonight. So those will be sequenced for Saturday or whenever we get to them. But we have to move this along. Following that I was told by a number of Republican Senators that they needed 6 or 7 days to debate and offer amendments on the START treaty. That will certainly be available. We will finish, if the math works out the way I believe it will, early Monday morning.

First of all, tomorrow we can debate START to everyone's heart's content. They can offer as many amendments as they want, and then Monday we can go to that again. This would be 3 days already completed on that, 3 or 4 days, whatever is appropriate next week to complete the START treaty. We would wind this up by taking care of the nominations that Senator MCCONNELL and I have been working on. That is the range of things we have to do. I have told the two Senators from New York that I will move to reconsider their vote at some time, but that is going to happen fairly quickly.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, let me respond briefly to the majority leader. I too want to commend the members of the Appropriations Committee for all the work they have done, particularly Republican members of the Appropriations Committee who did spend an enormous amount of time crafting and developing the 12 different appropriations bills that we should have been acting on all year long. This is the first time in modern history that not a single appropriations bill went across the floor of the Senate—not a one. So the Appropriations Committee members on a bipartisan basis did indeed do their job. The problem was the full Senate didn't do its job. What we ended up with was this, this almost 2,000-page Omnibus appropriations bill which we only got yesterday.

The point is, the work the Appropriations Committee did in many respects was squandered because the full Senate didn't do its job. This is precisely the kind of thing the American people have gotten tired of.

The message we ought to take out of this is that next year, we are going to listen to the American people. We are going to do our work, do it in a timely fashion. There is no more basic work than the funding of the government. That is the first thing we ought to be doing.

Here we are trying to do it right at the end, as an old Congress goes out of office and a new Congress comes in. The message is, let's don't do this anymore. Let's make a bipartisan decision at the beginning of the next session that the basic work of government is going to be done in a timely fashion for an opportunity out here on the floor of the Senate for Members of both parties to offer amendments, make suggestions, and improve the bill.

I too respect the work the Appropriations Committee has done. I don't agree with the priorities we have had here in the Senate about what things are important. As a result of not doing the basic work of government, here we are at the end struggling with this issue. There is only one reason why cloture is not being filed and the majority leader, to his credit, has already said it. He doesn't have the votes. The reason he doesn't have the votes is because Members on this side of the aisle increasingly felt concerned about the way we do business. For many of our Members it was not so much the substance of the bill but the process. Let's learn from this. We will get together, as the majority leader said, and determine what appropriate time for a continuing resolution makes sense to offer to govern on an interim basis, and let's come back here after the holidays with a renewed desire to do our business in a timely fashion and avoid this kind of thing in the future.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, it doesn't take a person with a PhD to understand that I differ with what my friend, the senior Senator from Kentucky, said, things that don't indicate what history is in the Senate. We have been facing 87 filibusters this Congress. For anyone to suggest that the reason the work of Senators INOUYE and COCHRAN was not completed is because we didn't do the appropriations bills is far-fetched. Senators INOUYE and COCHRAN, in good faith, worked toward what they were told the Democrats and Republicans wanted to do; that is, have a bill that took in the priorities of Democrats and Republicans. The bill that we are talking about isn't a bill that is a Democratic bill. It is a Democratic and Republican bill.

Mr. MCCONNELL. Will my good friend yield for a question?

Mr. DURBIN. Will the majority leader yield for a question?

Mr. REID. I yield to the Senator from Illinois.

Mr. DURBIN. I wish to ask the majority leader, does he recall the time I returned from the Appropriations Committee and said Senator MCCONNELL had come to the committee and said he was going to establish the maximum amount that he would vote for in all the appropriations bills, the 203(b) allocation of $1.108 trillion? And I said to the majority leader, I think ultimately that is what we are going to be voting for, Senator MCCONNELL's number. Is the Senator from Nevada aware of the fact that the bill we were going to consider was at that number that was asked for by Senator MCCONNELL in the Appropriations Committee?

Mr. REID. Yes, and it satisfied what we had debated here on a number of occasions and voted on, the so-called Sessions-McCaskill number. So we did that. This is not a big balloon that we just threw up to see how it would work out. Senator MCCONNELL, who has had a longstanding association with the Appropriations Committee, that was a number he told us we should work with.

Mr. DURBIN. Will the Senator yield for a further question?

Mr. REID. I am happy to.

Mr. DURBIN. As a former member of the Appropriations Committee, is the Senator aware of the process in that committee, a bipartisan process where the ranking Republican member and the Democratic chairman of each subcommittee sit down to literally have a hearing, mark up a bill, and accept earmarks from both sides of the aisle? That is the common practice and has been followed with the bills that are currently sitting in front of the minority leader?

Mr. REID. Yes. To Senator COCHRAN's credit, there were things he thought should not be in the bill that Senator INOUYE was putting together. Senator INOUYE, to his credit, said: OK, it does not go in. Everything people wanted in this bill—in addition to the work that went on on the subcommittee level, the full committee level—anything that was added at a later time had to be approved by both Senator INOUYE and Senator COCHRAN.

Mr. DURBIN. On a bipartisan basis.

Mr. REID. That is right.

Mr. DURBIN. In every subcommittee.

Mr. REID. Yes. And things that Senator COCHRAN did not want in, Senator INOUYE, being the gentleman he is, said: OK. That is what I will tell my caucus.

Mrs. MURRAY. Will the Senator yield for a question?

Mr. MCCONNELL. Will the Senator yield for a question?

Mr. REID. Yes, I will yield for a question, and, of course, I maintain the floor.

Go ahead.

Mrs. MURRAY. Mr. President, I ask the Senator to yield for a question.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I would ask the leader through the Chair, is he aware that the bill that is before us, that apparently we do not have enough votes for now, has gone through a very long committee process? The transportation and housing bill that I worked with my Republican colleague on, I did not agree with all of his requests, but I gave him a lot in this bill, as we worked our way through it and passed it out of subcommittee, passed it out of the full committee, a committee of which the minority leader is a member.

All of the bills that are involved in this omnibus bill—every one of them—went through a long, long process of committee hearings, subcommittee markups and passage, and full committee markups and passage.

The changes to this bill that have come to the floor have come as a result not of a change in policy, but because we all were told that in order to get an omnibus passed, we had to reduce the amount of that bill that passed out of committee—each of those bills a significant amount—to meet the McCaskill-Sessions level. So we went back and cut a significant amount out of each one of our bills. The result is the omnibus bill before us.

So the 2,000 pages that we are referring to have worked their way through a process. I would ask the leader if he knows this. And the difference is, we had to cut money to meet the level of Sessions-McCaskill. That is what we have before us. And that is what we are being told, after a year's worth of work, that somehow we do not have the capability of knowing what is in the bill. Is the leader aware of that?

Mr. REID. I am aware of it. But my friend, the Republican leader, wants to ask a question or make some statement. But I would say this to my friend from Washington, remember, this bill, which is 1,900 pages long, consists of the work of 12 subcommittees.

Mrs. MURRAY. Right.

Mr. REID. It is work that has been done over the last year, or more in some instances, to come up with a product. So if you break it down per subcommittee, it is certainly a reasonable number of pages on each subcommittee. Remember, there are 12 subcommittees that are a part of it.

I would be happy to yield, without losing the floor, to my friend, the Republican leader.

Mr. MCCONNELL. I was just going to ask my friend—it is hard to ask a question without making something of a statement in connection with it, if that is OK.

Mr. REID. That is fine.

Mr. MCCONNELL. I was not talking about the process by which the bill was developed in committee. And I started off, I would say to my friend from Nevada, commending the committee for its work. What I was commenting upon was the lack of taking the bill up on the floor of the Senate—over $1 trillion, the basic work of government.

And so, Mr. President, I would ask my friend, why, if these bills enjoy bipartisan support—and they did—why were they not brought before the full Senate and passed? I think I would say to my friend, I expect it is because you had other priorities. And this is the basic work of government. Why did we not bring any of these bills before the Senate floor?

Mr. REID. I hope the court reporter will take down the smile I have on my face because the answer to the question is kind of easy. We have had to file cloture 87 times in this Congress because, on everything we have tried to do, we have been obstructed. So that is the reason.

Everyone knows we have had some very big issues. When President Obama was elected, we found ourselves in a deep, deep hole. It was so deep, so deep. During the prior administration, we lost 8 million jobs. The month that President Obama and President Bush shared the Presidency, in January—that month—we lost 800,000 jobs. So we had a lot to do.

Now, I know people criticize our doing health care for various reasons. There is criticism we did the bank reform bill, Wall Street reform. We did housing reform. We had a very, very busy Congress to try to dig ourselves out of the hole.

So I say to my friend, who, like me, has been on the Appropriations Committee—I am not on it now but he is—the Appropriations Committee is a wonderful committee. Everyone here knows why we did not have the individual appropriations bills. I say to my friend, I hope next year we can get them done. But I think there is more of a chance next year because we have gotten a lot done to help get ourselves out of the hole we found ourselves in because of the previous 8 years which created the big hole we had to kind of dig out of.

Mr. REID. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 5281.

The PRESIDING OFFICER. Will the Senator withhold for a second?

Mr. REID. Yes, I will.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate returns to legislative session.

Mr. REID. Thank you, Mr. President.

The PRESIDING OFFICER. The majority leader.

REMOVAL CLARIFICATION ACT OF 2010

Mr. REID. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect the H.R. 5281.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments numbered 1 and 2 of the Senate to the bill (H.R. 5281) entitled ''An Act 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 be it further

Resolved, That the House agree to the amendment numbered 3 of the Senate with a House amendment to the Senate amendment.

MOTION TO CONCUR

CLOTURE MOTION

Mr. REID. Mr. President, I move to concur in the House amendment to the Senate amendment No. 3, and I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment No. 3 to H.R. 5281, the Removal Clarification Act [DREAM Act].

Joseph I. Lieberman, John D. Rockefeller, IV, Byron L. Dorgan, Sheldon Whitehouse, Jack Reed, Robert Menendez, Mark Begich, Benjamin L. Cardin, Bill Nelson, Michael F. Bennet, Amy Klobuchar, Patty Murray, Barbara A. Mikulski, Christopher J. Dodd, Richard Durbin, John F. Kerry.

MOTION TO CONCUR WITH AMENDMENT NO. 4822

Mr. REID. Mr. President, I move to concur in the House amendment to the Senate amendment No. 3, with an amendment which is at the desk.

The PRESIDING OFFICER. 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. 3, with an amendment numbered 4822.

The amendment is as follows:

At the end, insert the following:

The provisions of this Act shall become effective 6 days after enactment.

Mr. REID. Mr. President, 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. 4823 TO AMENDMENT NO. 4822

Mr. REID. Mr. President, I have a second-degree amendment at the desk and ask the clerk to report it.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4823 to amendment No. 4822.

The amendment is as follows:

In the amendment, strike ''6'' and insert ''5''.

MOTION TO REFER WITH AMENDMENT NO. 4824

Mr. REID. Mr. President, I move to refer the House message to the Senate Judiciary Committee with instructions to report back forthwith, with the following amendment. I ask the clerk to state that motion.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to refer the House message on H.R. 5281 to the Senate Committee on the Judiciary with instructions to report back forthwith, with the following amendment numbered 4824.

The amendment is as follows:

At the end, insert the following:

The Senate Judiciary Committee is requested to conduct a study, nationwide, on the impact of any delay in implementing the provisions of this Act.

Mr. REID. Mr. President, 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. 4825

Mr. REID. Mr. President, I have an amendment to my instructions, which is at the desk. I ask it be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4825 to the instructions of the motion to refer H.R. 5281.

The amendment is as follows:

At the end, insert the following:

''and include specific data on the impact of families who would benefit from the act, and submit the data within 5 days of enactment.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4826 TO AMENDMENT NO. 4825

Mr. REID. Mr. President, I have a second-degree amendment to my instructions.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4826 to amendment No. 4825.

The amendment is as follows:

In the amendment, strike ''5'' and insert ''2''.

Mr. REID. Mr. President, that was the DREAM Act.

SBIR/STTR REAUTHORIZATION ACT OF 1999

Mr. REID. Mr. President, I now ask the Chair to lay before the Senate a message from the House with respect to H.R. 2965, which is the don't ask, don't tell legislation.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2965) entitled ''An Act to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes.'', with a House amendment to the Senate amendment.

MOTION TO CONCUR

CLOTURE MOTION

Mr. REID. Mr. President, I move to concur in the House amendment to the Senate amendment to H.R. 2965, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 2965, the SBIR/STTR Reauthorization Act.

Joseph I. Lieberman, Barbara Boxer, Ron Wyden, Michael F. Bennet, Robert Menendez, Robert P. Casey, Jr., Frank R. Lautenberg, Debbie Stabenow, Mark R. Warner, Tom Udall, Jeff Merkley, Benjamin L. Cardin, Amy Klobuchar, Christopher J. Dodd, Tom Carper, Al Franken.

MOTION TO CONCUR WITH AMENDMENT NO. 4827

Mr. REID. Mr. President, I move to concur in the House amendment to the Senate amendment to H.R. 2965, with an amendment which is at the desk.

The PRESIDING OFFICER. 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 to H.R. 2965 with an amendment numbered 4827.

The amendment is as follows:

At the end, insert the following:

The provisions of this Act shall become effective immediately.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4828 TO AMENDMENT NO. 4827

Mr. REID. Mr. President, 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 4828 to amendment No. 4827.

The amendment is as follows:

In the amendment, strike ''immediately'' and insert 5 days.

MOTION TO REFER WITH AMENDMENT NO. 4829

Mr. REID. Mr. President, I have a motion to refer the House message to the Senate Armed Services Committee with instructions to report back forthwith, with the following amendment. And I ask the clerk to state that motion.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to refer the House message to the Committee on Armed Services with instructions to report back forthwith, with the following amendment numbered 4829.

The amendment is as follows:

At the end, insert the following:

The Senate Armed Services Committee is requested to conduct a study on the impact of implementing these provisions on the family of military members.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4830

Mr. REID. Mr. President, I have an amendment to my instructions which is at the desk. I ask the clerk to report that.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4830 to the instructions of the motion to refer H.R. 2965.

The amendment is as follows:

At the end, add the following:
''and that the study should focus attention on the dependent's children''.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4831 TO AMENDMENT NO. 4830

Mr. REID. Mr. President, I have a second-degree amendment to my instructions.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4831 to amendment No. 4830.

The amendment is as follows:

At the end, add the following:
''include any data which might impact local communities''.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorums required under rule XXII be waived with respect to the cloture motions filed.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I now ask unanimous consent that we proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

I would say, Mr. President, that we have made contact with the Republicans, and they tonight do not wish to have more debate on the START treaty. So that is why we are moving to morning business. People can talk about whatever they want for the rest of the evening. Tomorrow, I am going to move back to executive session to do the START treaty. I hope we can make progress on that tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

THANKING OUR SERVICEMEMBERS

Mr. MCCONNELL. Mr. President, today I rise to recognize the members of America's Armed Forces who are deployed during this Christmas season. The sacrifices of our military and those of their families are always great, but especially so during wartime and the holidays. As most Americans celebrate this time of joy and good cheer it is important that we take a moment to honor and remember the brave men and women in uniform who are defending our well being overseas and to thank their families as well.

Kentucky's military installations have been in the thick of the fight in the war on terror. The 101st Airborne Division at Fort Campbell, for example, is once again overseas. The unit is fully deployed and is executing a critical mission in Afghanistan.

The Army's 3rd Infantry Brigade Combat Team, 1st Infantry Division is currently deploying from Fort Knox to Afghanistan. The Duke Brigade, as it is known, is the first unit of its kind at Fort Knox since the 1990s.

And the Kentucky National Guard continues to deploy to theater. Just last week, members of the 123rd Civil Engineer Squadron left for Southwest Asia.

I am profoundly grateful for the sacrifice of our servicemembers and military families. And, as a Kentuckian, I swell with pride at the contributions made by units from the Commonwealth's military installations and by Kentucky servicemembers. During this holiday season our prayers are with them.

TRIBUTE TO JOHN BELSKI

Mr. MCCONNELL. Mr. President, I wish to recognize Louisville, Kentucky's, longtime meteorologist John Belski, whom a large swath of Kentuckians have relied on for accurate weather forecasts for over 23 years. After a long and successful career, John has retired. This September 8 he presented his final weather broadcast.

John began at WAVE–3 TV in Louisville in July 1987 and has been welcomed into Kentuckians' homes ever since. A typical morning for residents of the greater Louisville area began by tuning in to John for important details about the day's forecast.

Before joining WAVE–3, John worked in Louisville at WLKY-TV and also at stations in St. Louis and Columbia, MO. John's professionalism has earned him several awards, including 15 different Best of Louisville Magazine honors, the Best of Kentucky award by Kentucky Monthly magazine and the LEO Readers' Choice Award, just to name a few.

John was at the center of the hard-hitting winter storm in 1994, when Kentucky was blanketed with a record snowfall of more than 15 inches. In August 2009 he stood watch when a massive rainstorm produced large hail and flash flooding that caused major damage to some of Kentucky's most well known attractions, including Churchill Downs. And who could forget this time last year, when one of the most severe ice storms in Kentucky's history crippled the area, leaving 760,000 residents without power and causing 36 deaths across the State. Throughout it all, John's was a calm and steady voice, providing viewers with critical information.

Now that he has retired, I hope John will have more time to spend with his wife Lynn and his two daughters. John is not just known for his abilities as a meteorologist in Louisville. Whether it be partaking in one of the many county fairs or being present at the Kentucky Derby, John was always there, reporting. He is going to be missed enormously, and I would ask my colleagues to join me in thanking him on behalf of all Kentuckians for his service.

Mr. President, WAVE–3 TV recently published a story on the retirement of their friend, John Belski, and I ask unanimous consent that the full article be printed in the RECORD.

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

[From WAVE3.com, Aug. 18, 2010]

METEOROLOGIST JOHN BELSKI RETIRES FROM WAVE 3 TV

LOUISVILLE, KY (WAVE).—WAVE 3 Meteorologist John Belski will retire from WAVE 3 TV on September 8, 2010, it was announced by Regional Vice-President & General Manager Steve Langford.

''Retirement for a deserving friend should always be looked upon with happiness,'' said Langford. ''While I regret to see John leave the airwaves, I respect his decision and wish him and his family much happiness.''

''This is an opportunity for me to explore some new possibilities outside of the TV business,'' Belski said. ''After all these years at WAVE 3 it's time for Kevin Harned to take the reins and lead the weather team.''

Kevin Harned and John Belski first met when Kevin was in high school. Harned wrote to Belski asking him to speak to his 4-H Club in Nelson County. That meeting left an indelible mark on Harned who persistently pursued his new career goal to become a television meteorologist. ''John has been a great mentor and a great friend,'' said Harned. ''We've covered a lot of severe weather together and hopefully have helped to keep our community safe from harm.''

John Belski first joined the WAVE 3 weather team in July 1987. Prior to that, he worked at WLKY–TV in Louisville and also at stations in St. Louis and Columbia, Missouri. In addition to his television forecasts John makes multiple daily postings to his blog, Twitter and Face book sites. Over the years John has been on the air on 18 different radio stations and currently on 84 WHAS–AM and WMPI 105.3 FM. His weather book ''Backyard Weather Folklore'' sold thousands of copies.

''For the past 23 years John Belski has been the calming voice in the storm while protecting our viewers during severe weather,'' said Langford. ''His folksy, friendly style of forecasting has made him a favorite in our community.''

John Belski has received numerous awards from community organizations and publications including 15 different Best of Louisville Magazine honors, the Best of Kentucky by Kentucky Monthly magazine and the LEO's Readers' Choice Award. He has anchored Emmy Award winning coverage of severe weather and received the Special Service Award from the National Weather Service and the Mark Trail Award for public awareness of NOAA weather radios.

John Belski will present his last weather broadcast during WAVE 3 News at 6:00 p.m. on September 8, 2010.

WAVE–TV is owned by Raycom Media, Inc., an employee-owned company which is now one of the nation's largest broadcasters. Currently the company owns and/or operates 42 television stations in 18 states. Raycom Media stations cover more than 10.6 percent of the U.S. television households and employ 3,500 individuals in full- and part-time positions. Through Raycom Sports, the company owns and operates the Continental Tire Bowl in Charlotte and two LPGA golf tournaments, as well as produces pre-season NFL football games for non-owned stations.

TRIBUTES TO RETIRING SENATORS

EVAN BAYH

Mr. DODD. Mr. President, I rise today to pay tribute to a colleague and friend of mine—Senator EVAN BAYH—who will be retiring from the U.S. Senate when the 112th Congress convenes in January. I would like to take this moment to thank EVAN for his service, and wish him, his wife Susan, and their twin boys Beau and Nick, the very best as they embark on the next chapter in their lives.

EVAN comes from a family tradition deeply rooted in public service and committed to improving the lives of our fellow citizens. Our fathers, Birch Bayh and Tom Dodd, served together in the U.S. Senate, and instilled in both of us the desire to serve as we grew older.

EVAN has dedicated the better part of his adult life to serving the people of Indiana. He began his career in public service when he was elected Indiana's Secretary of State in 1986. He then served as Governor of Indiana for two terms starting in 1988. As Governor he focused on fiscal responsibility, lower taxes, job creation and lean government. In 1998, Hoosiers once again demonstrated their faith in EVAN BAYH by electing him to the U.S. Senate.

Throughout his career in public service, EVAN has been particularly vocal on issues related to our national security, economic competiveness, and job creation. He has demonstrated his willingness to work hard, a fact underscored by his membership on six Senate committees—Aging, Armed Services, Banking, Energy and Natural Resources, Intelligence, and Small Business. He has developed a broad range of subject matter expertise, and has time and again demonstrated his willingness to reach across the aisle to get things done for the people of Indiana.

This Congress, as chairman of the Senate Banking Committee, I had the opportunity to work with EVAN on several vital issues, such as his contributions to the Credit Card Accountability, Responsibility, and Disclosure, CARD, Act and Wall Street reform.

When EVAN leaves the Senate in just a few short weeks, I believe he will be remembered as a public servant who was devoted first and foremost to advancing the interests of Hoosiers, and who was willing to work across the aisle whenever he saw an opportunity to do the right thing for our Nation.

Once again, I would like to thank EVAN for his years of service, and wish him well as he leaves the Senate. It has been a pleasure working with him over the years, and I firmly believe that this body will not be the same without him.

BOB BENNETT

Mr. President, I rise today to pay tribute to a friend and longtime colleague Senator BOB BENNETT who, like me, will be departing from the U.S. Senate in just a couple of weeks. I would like to take this opportunity to wish BOB, Joyce, and the rest of his family the very best as he leaves the Senate and embarks on this new chapter in his life.

Since he was first elected to this body in 1992, BOB has served the people of Utah well as their Senator. BOB comes from a long line of individuals dedicated to public service, and it is no surprise that he himself decided to go down that path. BOB's grandfather, Heber J. Grant, was the seventh President of the Church of Jesus Christ of Latter-day Saints in Salt Lake City. And BOB's father, Wallace F. Bennett, represented the state of Utah in this very Chamber between 1951 and 1974, serving alongside my father, Tom Dodd.

Throughout the time that I have known and worked with him, I have always found BOB to be receptive to the ideas of others and careful and deliberate in his own evaluation of complex policy questions.

Of course, that is not to say that BOB BENNETT isn't also a determined partisan. Indeed, throughout his three terms here, BOB has been one of the Senate's most consistently conservative voices. But in spite of that, BOB has frequently reached across the partisan divide to seek out areas of common ground and mutual interest with Democrats.

That willingness to engage and cooperate with colleagues has perhaps been most evident in his work on the Senate Banking Committee. Throughout our years of service together on that panel, BOB and I have frequently been among the first to reach out across the aisle and search for solutions to the challenges facing our Nation's financial services sector. And from our work together during the savings and loan crisis, to passage of legislation that provides a safety net for our economy in the event of a devastating terrorist attack, we have achieved some important results.

BOB chaired and I served as vice chairman of the Y2K Committee, to ensure the integrity of our Nation's financial services sector. More recently, in the fall of 2008, when the global financial system was on the verge of collapse and our country was standing at the precipice of an economic depression, BOB took a significant political risk by supporting the Emergency Economic Stabilization Act, which established TARP. I realize that this was an incredibly difficult vote for BOB and every other Member of this Chamber at the time.

But I am convinced that without elected officials who are willing to cast those kinds of tough, yet necessary votes, this country would be a very different place.

So I would like to once again thank BOB for his 18 years of service in this body and for his willingness to listen to and work with colleagues with whom he hasn't always agreed. And I would like to once again wish BOB and his family the very best as he leaves the Senate this January.

BLANCHE LINCOLN

Mr. President, I rise today to pay tribute to the Senior Senator from Arkansas, BLANCHE LINCOLN, who, like me, will be leaving the U.S. Senate in the coming weeks. I would like to take this moment to thank BLANCHE for her service, and wish her, her husband Dr. Steve Lincoln and her two twin boys Bennett and Reece, the very best as they embark on the next chapter in their lives.

As a seventh generation Arkansan, BLANCHE has dedicated the better part of her adult life to serving the people of Arkansas. She was elected to the U.S. House of Representatives in 1992. After two terms representing Arkansas's first district she retired briefly to give birth two her twin sons. However, the call of public service led her to run for a vacant seat in the U.S. Senate and in 1998, at the age of 38, the people of Arkansas elected her to serve them as their U.S. Senator the youngest woman ever to be elected.

As a young woman growing up on her family farm in the small town of Helena, AR, BLANCHE developed a strong appreciation and understanding for American farmers and ranchers and the important work they do for our country. She carried the lessons she learned, and the values they instilled in her, with her to Congress. Throughout her career in public service, BLANCHE has been particularly vocal on issues related to agriculture, hunger, working families and children.

In 2009, BLANCHE became the first ever woman to chair the Senate Agriculture, Nutrition, and Forestry Committee. She played the key role in brokering the compromise that led to passage of the Food, Conservation, and Energy Act of 2008, otherwise known as the farm bill, which reauthorizes U.S. agriculture policy every 5 years and is of vital importance to farmers and food producers across the country.

Senator LINCOLN and the Agriculture Committee also played a vital role in shaping the derivatives provisions in the Dodd-Frank Wall Street reform bill. These were difficult, highly complex matters, and Senator LINCOLN worked tirelessly to lead her committee throughout the process. Her seriousness and hard work were a tremendous asset to the overall process, and I commend her and her committee for helping to shape the legislation.

In addition to her work on the Agriculture Committee, BLANCHE has been focused on our country's children. She formed the Senate Caucus for Missing, Exploited, and Runaway Children and the Senate Hunger Caucus. She recently worked to pass the child nutrition bill, which will improve the lives of millions of children in our country.

After BLANCHE leaves the Senate, I believe she will be remembered as a tireless public servant who was devoted first and foremost to advancing the interests of the people of her beloved home State, Arkansas.

Once again, I would like to thank BLANCHE for her years of service, and

wish her well as she leaves the Senate. It has truly been a pleasure working with her over the years, and I firmly believe that this body will not be the same without her.

KIT BOND

Mr. President, I would like to take a few minutes today to pay tribute to a longtime colleague, the senior Senator from Missouri, who like me will be leaving this body in a few short weeks. It has been an honor to serve with him, and I wish him, his wife Linda, and his son Samuel—who is bravely serving his Nation as a 1st lieutenant in the U.S. Marine Corps and the rest of his family the best of luck in the future.

Senator BOND, or ''KIT'' as many of us know him, knew at an early age that his calling was public service. After earning his law degree and practicing for a few years here in Washington, DC, he returned to Missouri to run for the U.S. House of Representatives in 1968. While he was unsuccessful in that first run, at the young age of 29 he caught the eye of the then-Missouri Attorney General John Danforth, who hired him as an assistant attorney general.

After heading the Attorney General's Office of Consumer Protection, KIT was elected in his own right to serve as Missouri's State Auditor, and later went on to two terms as Governor of Missouri. He still holds the distinction of having been the youngest Governor elected in his State's history at the age of 33.

KIT was elected to the U.S. Senate in 1986. During his time in this body, he has established himself as a strong advocate for the people and interests of the State of Missouri. He has also established himself as a national leader on issues that are important not only to his State but to our Nation as a whole.

For years, as a member and later chairman of the Small Business and Entrepreneurship Committee, he has served as a leading voice for small businesses.

As the vice chairman of the Senate Select Committee on Intelligence, Senator BOND has worked continuously to ensure our Nation's intelligence community has the tools and resources necessary to keep us safe. Throughout his career in the Senate, he has also been a knowledgeable, leading voice on matters of importance to veterans, and has time and again proven his unwavering support for our men and women in uniform.

As a member of the Appropriations Committee, and chairman and ranking member of the Transportation and Housing Subcommittee, he has played a significant role in advocating for improvements to our nation's roads and other vital infrastructure.

These are just some of the areas which Senator BOND will no doubt be remembered. But I would like to take a moment to speak to an issue which he and I have worked together for many years, for which he may not receive the attention he deserves—his strong advocacy for the health of our nation's children and families.

Senator BOND and I have worked together on these issues for many years. In 1991, his support was vital to gaining enactment of a piece of legislation of which I am most proud—the Family and Medical Leave Act. To date, this bill has been used more than 100 million times to ensure that workers can care for ailing loved ones, or care for a new child, without the fear of losing their job. This seems like common sense now, but it took 7 years, and 2 Presidential vetoes to finally see this important law enacted.

That wouldn't have happened without the involvement of KIT BOND.

He was also one of the key supporters of the successful effort in 2009 to ensure that airline workers have full access to their Family and Medical Leave Act benefits.

Senator BOND and I have also partnered over the years to improve maternal and child health and end preventable birth defects. I was proud to be a cosponsor of the Birth Defects Prevention Act of 1998, which he authored. I was also honored to partner with him and others again in 2003, when we were successful in passing the Birth Defects and Developmental Disabilities Prevention Act. These measures helped to establish, and then expand, the role of the Centers for Disease Control in researching and developing solutions to the problems posed by birth defects and developmental disabilities.

He was also a key Republican sponsor, along with Senator HATCH of Utah, of the Newborn Screening Saves Lives Act, which I authored in the 110th Congress. This legislation is the next step in our work together, and seeks to educate every parent, and provide access for every newborn, to a battery of lifesaving prenatal tests. This landmark legislation helps build on the successes which we have had on this issue in the past, and I was pleased that Senator BOND was a supporter yet again, as he has been throughout his career in the Senate.

While we did not always see eye-to-eye on every issue, Senator BOND was always someone with whom those policy disagreements were never personal. He has been an honorable legislator, and a valued colleague during our time serving in the Senate together.

Once again, I would like to wish Senator BOND, his wife Linda, his son Samuel and his family, and all their extended family the very best in all their future endeavors.

SAM BROWNBACK

I woul'd like to say a few words in honor of Senator SAM BROWNBACK, my colleague from Kansas for these past 14 years. Like me, he will be ending his service in the U.S. Senate at the conclusion of this Congress. I would like to congratulate him on his election as Governor of the State of Kansas, and I wish him and his family the very best in his new endeavor.

His election to the governorship should come as no surprise—he has proven time and again that his first priority is serving the people of Kansas. He has a long track record of service, beginning with his 1986 election to the position of State Secretary of Agriculture. At the time of his election, he was only 30 years old, the youngest person ever to hold the position.

After serving as Agriculture Secretary, SAM was elected to the House of Representatives as part of the famous Republican class of 1994. He quickly ascended to the Senate in 1996 with the departure of a Senate and Kansas legend, then-Majority Leader Bob Dole. SAM had some big shoes to fill, and he has done so admirably.

Senator BROWNBACK will be remembered for many things, his conservatism and his passion to name a few, but perhaps the most important is his dedication to his faith. His religious values provided an anchor for everything he did, and led to his pursuit of issues that provided assistance for those in need.

Senator BROWNBACK's commitment to ending the genocide in Darfur is an example of one of those issues. Tragically, more than 200,000 people have died in Darfur and more than 2.5 million have been displaced as a result of the unrest in Sudan. Senator BROWNBACK's expertise and dedication to this critically important issue has made a real impact on the fight to end this horrific crisis. With his retirement, the Senate will lose one of its great human rights champions.

Senator BROWNBACK and I may not have always seen eye-to-eye, but no one ever questioned his commitment to principle, or his commitment to the people of Kansas.

I wish him, his wife Mary, and their five children all the best. While the Senate will miss him, I wish him luck as he embarks on his next journey as the Governor of Kansas.

JAMES BUNNING

Mr. President, I rise today to say a few words of farewell to my colleague from Kentucky, Senator JIM BUNNING. We will both be retiring from this Chamber when this Congress concludes, and I wish him and his wife Mary Catherine, their sons and daughters and the rest of their family the very best in the future.

As we all know, prior to becoming a politician JIM BUNNING was a world-class baseball pitcher. He had a distinguished career primarily with the Detroit Tigers and Philadelphia Phillies, during which he became the second pitcher in Major League history to record 1,000 strikeouts and 100 wins in both the American and National Leagues. He was inducted into the Baseball Hall of Fame in 1996.

Of course, after such a distinguished career he could have simply hung up his cleats, moved back to his home state of Kentucky, and enjoyed a quiet retirement with his family.

Instead, he decided to take the work ethic and competitive spirit that drove

him in baseball and use his energy to give back to his community as a public servant. In 1977, he ran for and won a city council seat in Fort Thomas, KY. He was then elected to the Kentucky State Senate in 1979. After serving in the State Senate as Republican leader, he ran to represent Kentucky's 4th Congressional District in 1986. He also won that election, and served for 12 years in the U.S. House of Representatives.

In 1998, JIM ran to replace Senator Wendell Ford, who was retiring. He kept his winning streak alive, not only winning that initial Senate contest, but also reelection in 2004. When he retires this year, JIM BUNNING will have amassed an impressive winning streak in politics, just as he did in baseball.

As you know, life in the U.S. Senate is about working out disagreements through deliberation and debate. This process of lawmaking has served to ensure that the voices of a broad range of Americans are heard as we work to craft the laws and policies we must ultimately all abide by.

As a Senator, JIM BUNNING has always stood up for his beliefs, and fought for what he thought was right. As a member of the Senate Banking, Budget, Energy, and Finance Committees, Senator BUNNING has been a staunchly conservative voice on economic policy.

While he and I seldom have seen eye to eye on these matters, his deep convictions have given voice to the concerns of citizens who share his point of view, and thereby have helped to shape and enrich our debates on the important questions we have faced over the years.

I wish him further success in whatever endeavors he pursues, as well as many happy, healthy years to come with his family.

RUSS FEINGOLD

Mr. President, I rise today to pay tribute to a longtime colleague and friend of mine, Senator RUSS FEINGOLD, who will be leaving the Senate this January after 18 years of service. I would like to take this opportunity to wish RUSS and his family the very best as they embark on this new chapter in their lives.

Born and raised in the city of Janesville, WI, RUSS has dedicated the better part of his career to serving the people of his home State. Prior to his first election to the U.S. Senate in 1992, RUSS served as a Wisconsin State senator for nearly a decade. Throughout his career in public service, RUSS has proven to be a passionate and articulate advocate for the people of Wisconsin and their needs.

Since he first entered the Senate, Russ has perhaps become best-known as one of this body's most stalwart progressives. Indeed, on any number of issues, from campaign finance reform, to the Iraq war, to our work together during Senate consideration of legislation reauthorizing the Foreign Intelligence Surveillance Act, RUSS has demonstrated a strong commitment towards ensuring that respect for human rights, the rule of law, and democracy remain cornerstones of American policy, both at home and abroad.

Over the course of his three terms in the U.S. Senate, RUSS has perhaps become most closely identified in the minds of many Americans with his work on campaign finance reform with Senator MCCAIN. In 2002, when the McCain-Feingold campaign finance reform bill was being considered, RUSS took a very courageous position in pushing legislation that, at the time, was relatively unpopular with some of our colleagues on both sides of the aisle. I was proud to join those efforts as the floor manager of McCain-Feingold, and would like to express my gratitude to RUSS for his strong and consistent leadership on that issue.

I have long appreciated RUSS's strong, principled stands on those issues, and have welcomed the opportunity to work with him over the years. I know that RUSS's commitment to justice, fairness, and the rule of law will be missed come January, and I would once again like to wish him the best as he leaves this institution.

BYRON DORGAN

Mr. President, I rise today to pay tribute to a longtime colleague and friend of mine Senator BYRON DORGAN who will be retiring from the U.S. Senate when the 112th Congress convenes in January. I would like to take this moment to thank BYRON for his service, and wish him, his wife, Kim, and the rest of his wonderful family the very best as they embark on this new chapter in their lives.

BYRON has dedicated the better part of his adult life to serving the people of his State. When he was just 26 years old, BYRON became the youngest constitutional officer in North Dakota history when he was appointed to serve as the State's Tax Commissioner. In 1980, BYRON once again demonstrated his commitment to public service when he was elected to the State's lone House seat. Twelve years later, after six terms in the House, the people of North Dakota once again returned BYRON to Washington, this time as their U.S. Senator.

Throughout his career in public service, BYRON has been particularly vocal on issues related to U.S. agricultural policy. As a young man growing up in the small town of Regent, ND, BYRON developed a strong appreciation for American farmers and ranchers and the important work they do to keep our country fed. Indeed, BYRON's own family worked in the farm equipment business and raised cattle and horses. As a result, he has been a consistent advocate for greater economic security and opportunity in rural America.

Since 2005, BYRON has also served as chairman of the Senate Democratic Policy Committee, where he has played an important role in helping to craft the Senate Democratic policy agenda over the last several years. But after BYRON leaves the Senate in just a few short weeks, I believe he will be remembered as a public servant who was devoted first and foremost to advancing the interests of the people of his beloved home State, North Dakota.

Once again, I would like to thank BYRON for his many years of service, and wish him well as he leaves the Senate. It has truly been a pleasure working with him over the years, and I firmly believe that this body will not be the same without him.

JUDD GREGG

Mr. President, I rise today to bid farewell to my colleague, a fellow New Englander and Banking Committee member, the senior Senator from New Hampshire, JUDD GREGG.

It has been an honor and a pleasure serving with him in this body for the past 18 years. As we both prepare to leave the Senate this year, I would like to take this opportunity to wish him and his family the very best in the future.

Throughout his tenure in the Senate, Senator GREGG has been an ardent advocate for his home State of New Hampshire, and a knowledgeable legislator. Time and again, during floor debate and committee proceedings, he has demonstrated his sharp intellect and deep knowledge of a broad range of issues—particularly on economic and budget policy.

He is a deeply committed public servant, who has been elected by the people of New Hampshire to serve them for 9 years in the House of Representatives, for 4 years as Governor, and as their U.S. Senator for the last 18 years. In fact, they returned him to the Senate in 2004 with the highest number of votes in New Hampshire history. It is clear that his constituents have a great deal of faith in this man, and during his time in Congress, he has represented them and their values extremely well.

As one would expect from a man of New Hampshire, Senator GREGG has always demonstrated his independence, commitment to hard work, and self-sufficiency. Yet he has also been someone that has sought compromise and has been ready to collaborate with those willing to tackle the difficult problems facing our Nation.

In 2001, he was one of the lead Republicans working on the No Child Left Behind law to improve education across the Nation for generations of Americans. In 2003, he and I worked together with Senator Ted Kennedy, Senator LAMAR ALEXANDER, and Senator SUSAN COLLINS to craft the Keeping Children and Families Safe Act, which updated our nation's laws to meet the serious problem of child abuse.

Of course, improving education and ending child abuse are issues on which both liberals and conservatives broadly agree, so bipartisanship and collaboration on these matters is easy.

Of course, in the fall of 2008, our Nation was faced with a nearly unprecedented economic collapse—and the

views of liberals and conservatives on how to respond could charitably be described as divergent, at best.

It was at that moment, when our Nation faced a calamity of historical proportions, that Senator GREGG grit his teeth and set to work, negotiating with me, Treasury Secretary Geithner, Federal Reserve Chairman Bernanke, and others, to fashion a legislative response to the crisis.

Despite the heavy criticism that came with being a party to those discussions, he remained a key negotiator, and in the end, the House and Senate approved the Emergency Economic Stabilization Act. Today, our economy, though far from recovered, is far better off than it would have been without this bill and many of the institutions which received assistance have repaid the Treasury with interest.

Let me be clear that was a bill that none of us ever, in our wildest dreams thought we would have to write, or vote to pass. However distasteful, it would have been wrong to allow our financial system to go into full cardiac arrest, with little chance of survival.

The politically expedient route to take would have been to walk away, vote against the bill, and join the pundits, commentators, and bloggers who've said ''It never should have passed, and we would have been fine without it anyway.''

But that wouldn't be leadership. That wouldn't be statesmanship. And that isn't the type of legislator that JUDD GREGG is.

I would also like to thank Senator GREGG for his work as a member of the Banking Committee. He joined the committee late in his tenure, but his deep knowledge of the economy and expertise in financial matters was greatly appreciated. He played an important role in helping to craft what became the Dodd-Frank Wall Street Reform and Consumer Protection Act.

Though he was a staunch opponent of some of the bill's provisions, he didn't see that opposition as an impediment to continuing to offer ideas and thoughtful debate in order to shape the legislation into what he thought was a better product.

Yet, as fierce a partisan as Senator GREGG is, he is also a consummate legislator. He knows that the people of New Hampshire sent him here to work hard, and work with the other members of this body. He has shown that at the end of the day, even if you work hard on something, you may not be able to support it—but you will know that you have done your best to advocate for your positions and shape the debate.

The Senate will miss his knowledge and work ethic, and I hope that newly elected members—of both parties—will follow his example.

I wish him, his wife Kathleen, his children and granddaughter the very best.

GEORGE LEMIEUX

Mr. President, I rise today to pay tribute to my colleague, the Senator from Florida, GEORGE LEMIEUX, who will be leaving the U.S. Senate before the 112th Congress convenes. I would like to take this moment to thank GEORGE for his service, and wish him, his wife Meike, and their four children the very best as they embark on the next chapter of their lives.

GEORGE is a native Floridian who has served as deputy attorney general, and later as Governor Charlie Crist's chief of staff.

When Senator Mel Martinez retired in 2009, GEORGE was appointed to fulfill the remainder of the term. Since then he has worked to help the people of Florida through his work as a member of the Senate Armed Services Committee, the Commerce Committee, and the Special Committee on Aging.

Though he has only been in the Senate for a short time, Senator LEMIEUX has been an engaged and hard-working Member of this body. He has emerged as a strong advocate for solving our long-term Federal debt concerns, and a devoted advocate for the people and businesses of his home State of Florida.

While we did not share the same views on a number of issues, Senator LEMIEUX proved that he was a man of deep conviction who was not afraid to stand up for what he believed. He spoke often on the floor to advocate for his positions. However, he showed that he was a serious legislator, and leader, on issues of vital importance to our Nation.

For example, he was the lone Republican to cast a vote in favor of the Small Business Jobs Act. This legislation was designed to expand access to credit, and provide tax incentives, for small businesses. GEORGE recognized that these were two things that Florida's businesses desperately needed—much more than partisan gridlock.

After GEORGE leaves the Senate in just a few short weeks, I believe he will be remembered as a public servant who was devoted first and foremost to advancing the interests of the people of his home State, Florida.

Once again, I would like to thank GEORGE for his service, and wish him well as he leaves the Senate. It has been a pleasure working with him.

ARLEN SPECTER

Mr. President, I rise today to honor my friend and longtime colleague, Senator ARLEN SPECTER, the longest serving U.S. Senator in Pennsylvania history.

As many of you know, ARLEN and I were freshmen Senators together 30 years ago. I was the only Democrat newly elected to the Senate in 1980. Senator SPECTER was one of 12 new Republicans elected that year, in the so-called ''Reagan Landslide,'' that gave his party the Senate for the first time in 28 years.

I bring this up because, even though I was a new Senator in the minority, we quickly began working on a bipartisan basis. For those listening today, the idea of a bipartisan Senate may seem strange. Back then, it was commonplace and I know that ARLEN and I both hope that newly elected Members of this body will revive this tradition in the coming years.

Early in our Senate careers, ARLEN and I started the Senate Children's Caucus. We believed that as the largest nonvoting constituency in the country, children had the greatest need for champions to advocate on their behalf. The Children's Caucus has provided strong leadership on early childhood education, funding for childcare programs, and making passage of the Family Medical Leave Act reality. I want to thank Senator SPECTER for being one of my partners on these critically important issues for almost 30 years.

Senator SPECTER's accomplishments carry beyond his defense of children. Over the course of his career, he has served as the chairman of three important and influential Senate committees: the Select Committee on Intelligence, the Committee on Veterans' Affairs and the Committee on the Judiciary. In each of these capacities he has worked to ensure that America's legal system is true to our best traditions and ideals, while ensuring that we have the tools to prevent terrorism and protect our citizens. He has also used his role on the Senate Appropriations Subcommittee on Labor, Health and Human Services, and Education to increase research funding for the National Institutes of Health. His work here in the United States Senate has improved the lives of countless Pennsylvanians and countless Americans.

Of all of Senator SPECTER's achievements, I have yet to mention the most impressive: Since 2005, he has continued to serve while fighting Hodgkin's lymphoma. Twice since being diagnosed, ARLEN has undergone chemotherapy for the disease. Yet he continued serving the people of Pennsylvania.

I have worked with Senator SPECTER both as a Democrat and a Republican, and I can tell you this his commitment to bipartisanship and independence should be a model for all current and future Members of the U.S. Senate.

I would like to thank ARLEN for his many years of service, and wish him and his wife Joan well as he leaves the Senate. It has truly been a pleasure working with him over the years. I know the State of Pennsylvania will miss their senior Senator and I firmly believe that this body will not be the same without him.

GEORGE VOINOVICH

I rise today to honor Senator GEORGE VOINOVICH, my colleague from Ohio who has served with me in this body for 12 years. Senator VOINOVICH has had a distinguished career in Ohio politics, spanning every level of government. His work as a public servant began when he was a bright young assistant attorney general, and has taken him through the Ohio House of Representatives, the mayor's office in Cleveland, the Ohio Governor's Mansion and the U.S. Senate.

Not only will Senator VOINOVICH be remembered for the more than four decades of service to his fellow Ohioans but also for his bipartisanship. He was never afraid to put his beliefs ahead of party, opposing President Bush's $750 million tax cut proposal in 2003 for example.

I was especially proud to work with Senator VOINOVICH on legislation to help ensure the United States' continued dominance in the world aeronautics industry. Our bill, the Aeronautics Competitiveness Act of 2007, increased research funding, technology transfer, and workforce development, all of which are vital to maintaining the United States' competitive edge. I was also proud to have served on the Foreign Relations committee with him for 5 years, working to strengthen the North Atlantic Treaty Organization, NATO.

Senator VOINOVICH was known as the resident Senate ''debt hawk'' and has long stood for fiscal responsibility at the local, State and Federal levels.

It has been a pleasure to serve with Senator VOINOVICH. As we depart the Senate, I know this body will miss the presence of one of its more esteemed members and the people of Ohio will miss one of their most dedicated servants. I wish him and his wife Janet many more years of happiness.

Mr. AKAKA. Mr. President, I rise today to bid farewell to a number of our friends and colleagues who are ending their service in the Senate. Their contributions are too numerous to mention, therefore I would like to take just a few minutes to highlight some of the memories of the Senators I came to know personally.

Some of the departing Senators I have served with for decades. Others were here for only part of a term. All of them worked hard for their constituents and our country.

TED KAUFMAN

Senator Ted Kaufman served for the past 2 years on my Senate Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia.

Throughout Senator Kaufman's time with the subcommittee, he made a remarkable effort to honor the critical work of Federal employees. His regular statements on the Senate floor highlighting their work were an inspiration and I know were greatly appreciated by the dedicated Federal employees in Delaware and across this great Nation. I also appreciated Senator Kaufman's strong leadership on addressing longstanding shortcomings in Presidential transition planning, culminating in the enactment of the Pre-Election Presidential Transition Act this year.

ROLAND BURRIS

Senator Roland Burris served on the Senate Committee on Veterans' Affairs, which I have the honor of chairing. Throughout his months with the Committee, he made time in his busy schedule to attend and participate in numerous committee hearings and meetings. His participation played an important part in the committee's ability to conduct oversight and, ultimately, to improve benefits and care for our Nation's veterans. Senator Burris's work on the committee was a great service to the men and women of Illinois who wore the Nation's uniforms, as well as to servicemembers, veterans, and their families nationwide.

CARTE GOODWIN

Senator Carte Goodwin handled a tough assignment and filled in like an experienced professional. He is a gentleman who knows about and cares for West Virginia deeply, so much so that he moved to Washington to serve and advocate for his State in an emergency situation. Senator Goodwin was friendly and cordial and made himself as helpful as possible during his short tenure.

BLANCHE LINCOLN

My good friend Senator BLANCHE LINCOLN was a passionate advocate for Arkansas throughout her Senate service. She is recognized as a fighter who speaks her mind. She cares deeply about American families. She worked hard on her committee assignments. She has been a champion for farmers, veterans, seniors, and Americans of all stripes. She can be proud of her service. I thank her for her contributions to this institution and her friendship.

EVAN BAYH

Senator EVAN BAYH served with me on the Committees on Armed Services and Banking, Housing, and Urban Affairs. He showed his commitment to our national security when he took over the Armed Services Readiness Subcommittee at the beginning of this Congress. He was a strong moderate voice for the people of Indiana.

ARLEN SPECTER

I served with Senator ARLEN SPECTER for many years on the Veterans' Affairs Committee. He twice served as the committee's chairman, and, in recent years as I chaired the committee, he remained a strong and vital force working on behalf of our Nation's veterans, on both sides of the dais. He has been an institution in the Senate for many years, and it has been a genuine pleasure working with him. I appreciate and applaud his long, dedicated service to those who have worn our Nation's uniforms.

SAM BROWNBACK

I will miss my good friend Senator SAM BROWNBACK. Despite sitting across the aisle from me, he was always approachable and friendly. I know him to be committed to helping people in Kansas and across the country. He felt so strongly about ending homelessness that I remember him spending the night on the street with a group of homeless people to experience first hand the obstacles they face. That is dedication. He cares about people. Senator BROWNBACK should feel proud about all that he has accomplished to make life better for people in our country.

RUSS FEINGOLD

I want to thank Senator RUSS FEINGOLD for his 18 years of service in the U.S. Senate and his time in public service before that. Senator FEINGOLD has worked with me as an outspoken advocate for so many of the issues that I hold dear, such as protecting Americans' personal privacy and good government.

In the wake of the terrorist attacks of September 11, 2001, there was a rush of strong executive branch moves for authority. Senator FEINGOLD repeatedly joined me and other Members in ensuring civil liberties and privacy protections of all Americans were observed. He was a leader in protecting liberties during debate over reforming the Foreign Intelligence Surveillance Act. When the Department of Homeland Security was established, we worked to ensure that it had a strong official dedicated to protecting privacy. In 2007 I authored the POWER Act, which provided the Homeland Security Chief Privacy Officer with additional powers, and Senator FEINGOLD was a strong supporter, cosponsoring that bill which then became law in 2008.

I must also mention how proud I was to support Senator FEINGOLD on perhaps his most lasting accomplishment—campaign finance reform. The election process can be opaque, and it is full of more money than ever. However, in the last decade, many of the new campaign finance rules championed by Senator FEINGOLD have curbed many abuses which used to be common. While much work is left to be done in this area, especially with the recent Citizens United ruling, this country and voters owe a tremendous thank-you to Senator FEINGOLD.

BYRON DORGAN

It has been a pleasure to serve with Senator BYRON DORGAN of North Dakota, and I will miss him greatly. I have had the honor to work alongside Senator DORGAN on two committees of great importance to both of our States, the Committee on Indian Affairs and the Committee on Energy and Natural Resources.

Senator DORGAN and I served on the Senate Committee on Indian Affairs together beginning in the 104th Congress. During his tenure as chairman during the last 4 years, I saw firsthand the leadership skills and compassion he possesses. Chairman DORGAN has shown his dedication to all of our Nation's indigenous people: American Indians, Alaska Natives, and Native Hawaiians. Thank you Senator DORGAN for your efforts to improve the quality of life for America's native people.

I am grateful that Chairman DORGAN has been a strong ally to Hawaii's indigenous people, the Native Hawaiian people. He has stood with Senator Daniel Inouye and me as we have worked to have the United States fulfill its obligations to all of its Native people, including Native Hawaiians. Mahalo, Chairman DORGAN, for your aloha to the people of Hawaii.

Senator DORGAN is a great statesman and a gentleman who has served the people of North Dakota in the U.S. Congress for three decades. During our combined service on the Committee on Energy and Natural Resources, I repeatedly saw Senator DORGAN's passion for the people of North Dakota as he worked to make his State a pioneer in renewable energy efforts. For those of us who serve in the Senate, we work tirelessly to advance the needs of not only our home States, but the whole Nation. Senator DORGAN has proven himself both a great North Dakotan and a great American.

The Senate will be a much different place without his leadership, and I know that I am joined by many of my colleagues in wishing him many successes in the future. Many of my constituents in Hawaii will miss his leadership just as his own constituents in North Dakota will.

Mahalo for your friendship and for your service to our Nation. On behalf of Millie and our family, I send our aloha to you and Kim and your family. We wish you the best as you begin a new chapter in your lives.

CHRIS DODD

I am proud to express my great appreciation and gratitude for Senator CHRIS DODD's service to our country. He brought extraordinary leadership to the Senate that enabled us to make meaningful improvements to the education and economic security of Americans.

I traveled with Senator DODD to South America early in my tenure here in the Senate. Although I enjoy traveling, each time I go abroad I worry about my ability to communicate with my foreign hosts. But, on that trip, the language barrier was not an issue because, as I quickly found out, Senator DODD is fluent in Spanish.

Senator DODD recognizes the importance of language skills and cultural knowledge, not only to survive in the world but to prosper in it. I have truly appreciated his great respect for other cultures and passion for learning. Senator DODD has lent tremendous support to my national foreign language coordination bill, which aims to equip Americans with foreign language skills and knowledge of other cultures. It is just one example of Senator DODD's outstanding work to provide our children with the knowledge and skills they need to achieve prosperity and economic security.

I would also like to thank Senator DODD for his leadership in the 111th Congress. We are making historic and substantial improvements to the health care delivery system and the regulation of our financial system, and neither would have been possible without Senator DODD's guidance, persistence, good judgment, and support.

Senator DODD has been selfless and generous in his efforts to increase access to health care services everywhere in our country, including Hawaii. I am grateful that Senator DODD has always recognized the unique health care needs and challenges of my home State. His contributions have been vital to the protection of Hawaii's system of employer-provided health insurance and ensuring that health care providers in Hawaii are more capable of meeting the uncompensated costs of providing care for the poor and uninsured.

I am proud to have served alongside Chairman DODD on the Senate Committee on Banking, Housing, and Urban Affairs, where he has been a tireless leader and an outstanding consumer advocate. The Dodd-Frank Wall Street Reform and Consumer Protection Act rightfully bears his name because no one has done more to educate, protect, and empower consumers and investors. Through his support, the act makes significant investments in financial literacy and education, and it provides meaningful disclosures and protections that will allow consumers to make better financial decisions. Americans are now better protected against abusive, predatory, and anticonsumer business practices than they were because of Senator DODD's unmatched contributions. Senator DODD is a great champion of consumers, investors, and financial literacy, and I am honored and humbled to have had the opportunity to work together with him on the Banking Committee.

Since I joined the Senate 20 years ago, Senator DODD has been a great colleague and ally. More importantly, he is kind, generous, trustworthy, and a loving family man, and I am proud to call him my brother and my friend. Although I am saddened to bid him farewell today, I wish Senator DODD well in all of his future endeavors.

Before I close, I would also like to thank and applaud Senator DODD's family Jackie, Grace, and Christina. They have been a source of strength, happiness, and calm for their husband and father.

Mahalo nui loa, CHRIS, for your service and friendship. Millie and I send our warmest aloha to you and your family, and we wish you well as you begin this new chapter of your lives together.

GEORGE VOINOVICH

Finally, I would like to pay tribute to my dear friend and brother, Senator GEORGE VOINOVICH, as he prepares to retire from public life after more than 40 years of dedicated public service.

Senator VOINOVICH's retirement is a sad occasion for me, and it is difficult to put into words what Senator VOINOVICH's friendship has meant to me over the years. Senator VOINOVICH and I have worked so well together on the Senate Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia for many years, where we have both had the honor of serving as chairman. It has truly been a pleasure to serve with him as we have addressed so many difficult government management issues.

Senator VOINOVICH's background as the Governor of Ohio and the mayor of the city of Cleveland provided him with a unique perspective on the Federal Government's management and workforce challenges, and I believe his vast experience made our subcommittee more effective. On a light note, I know that one of Senator VOINOVICH's proudest moments as Governor was watching his beloved Cleveland baseball team reach the World Series for the first time in over 40 years. I am sure that Senator VOINOVICH will enjoy having more time to spend in his hometown of Cleveland during his retirement.

Senator VOINOVICH can take his grandchildren to see parks, buildings, and other improvements he helped bring about in Ohio during his time as mayor and Governor, but there are few similar opportunities in Federal Government oversight and management. The tough management issues we have tackled seldom make front-page news. But that is what makes Senator VOINOVICH remarkable he chose to focus on the details of the government's toughest management challenges rather than more glamorous issues.

Like me, Senator VOINOVICH has always recognized that the Federal Government's most valuable resource is its workforce of dedicated men and women. I often refer to him as the ''father of human capital.'' We have worked closely together on a large number of workforce initiatives, with the common goal of making the Federal Government the employer of choice in this country. I am especially proud of our work to reform the broken Federal hiring process. I will keep fighting in Congress for our bill—the Federal Hiring Process Improvement Act, S. 736. In the meantime, I am pleased that our joint oversight on this issue has spurred considerable progress in the executive branch.

Senator VOINOVICH and I also worked together on an amendment to last year's National Defense Authorization Act, which included my Non-Foreign Area Retirement Equity Assurance Act, along with several other Federal workforce provisions. I cannot overstate how much Senator VOINOVICH's support for providing retirement equity has meant to the thousands of Federal employees in my home State of Hawaii.

Senator VOINOVICH simply has too many Federal workforce accomplishments to discuss all of them today. However, I would like to point out that he authored the Federal Workforce Flexibility Act to modernize Federal human capital planning, pay, and benefits; the Federal Employee Student Loan Assistance Act; the Senior Executive Service Performance Improvement Act; and many other important bills that have improved the government's ability to provide services.

In addition to his focus on important workforce issues, Senator VOINOVICH

has worked tirelessly on complicated management challenges. Our subcommittee has held a total of seven hearings on reforming the security clearance process. This work has been a tremendous success, eliminating the clearance backlog, dramatically reducing processing times, and improving investigation quality. These improvements enhance our national security and help the Federal Government hire the right people for the right jobs.

I am also proud of our work together in establishing Chief Management Officers at the Department of Defense and the Department of Homeland Security. It is vital that we maintain strong focus on management at these critical departments. I could easily point to so many other things that Senator VOINOVICH has accomplished during his Senate service.

I want to express my deep appreciation to Senator VOINOVICH for his friendship and partnership over the years. He has been a model public servant, and our country is a better and safer place because of his work. I wish Senator VOINOVICH, his lovely wife Janet, and his entire family joy and happiness during his richly deserved retirement.

In closing, the end of this Congress is bittersweet, with so many talented and dedicated public servants leaving this institution. All of them made a lasting impact on the Senate and on our country. Mahalo nui loa, thank you, for all your work.

JIM BUNNING

Mr. CONRAD. Mr. President, I rise today to pay tribute to my colleague, Senator JIM BUNNING. After 12 years in the U.S. Senate, Senator BUNNING is retiring from this chamber at the end of this session.

JIM has led a remarkable life. As a baseball fan, I am especially envious of his first career as a Major League pitcher. He was a classic, hard-nosed competitor, which foreshadowed his style as a public servant later in life. My favorite story about Senator BUNNING's baseball career is that he was the only pitcher to strike out Ted Williams three times in a single game. He is also one of only seven pitchers to throw a perfect game and a no-hitter. Senator BUNNING retired from the sport in 1971 with 2,855 career strikeouts, which, at the time, was the second highest total of all-time. He was rightfully inducted into the Hall of Fame in 1996.

Following his outstanding baseball career, JIM went into politics. And, once again, he was a winner. He has held office at the local, State, and Federal level. After serving Kentucky's 4th District for 12 years in the House of Representatives, Senator BUNNING began his service in this Chamber in 1999. I have served with him on the Budget and Finance committees, and have always known him to freely speak his mind and ask tough questions. He remained true to the fierce style he first demonstrated as a young pitcher who was not afraid to brush back a hitter.

Nor was Senator BUNNING intimidated by the often arcane and technical issues we confronted as members of the Finance Committee. Over the years we have served there as colleagues, we have worked productively on a wide range of legislative proposals that included the taxation of life insurance companies, shortening the depreciation period for farm equipment, and capital gains treatment for songwriters, just to name a few. He was always willing to reach across the aisle to help achieve a common objective a longstanding Finance Committee tradition.

Senator BUNNING will now enter a new phase in his life, and I am certain he will now have the luxury of spending time with his wonderful family. JIM has the good fortune of being married to his childhood sweetheart, Mary. They met in grade school, and I am impressed that JIM knew at such a young age that he found a truly special person. I find Mary to be an absolutely lovely woman and admire their lasting love for each other. Mary is the mother of their nine children, and JIM and Mary now share 40 grandchildren. I wish JIM, Mary, and their entire family many years of health and happiness.

BLANCHE LINCOLN

Mr. President, I come to the floor today to recognize one of our departing colleagues, the senior Senator from Arkansas, Mrs. BLANCHE LAMBERT LINCOLN.

A 7th generation Arkansan and a native of Helena, AR, Senator LINCOLN grew up on a cotton and rice farm. She spoke often of her experiences on the farm, and fondly recalled how she was a farmer's daughter. It was her experience helping her father work the land that taught her the same core values she brought to the Senate—honesty, fairness, hard work, and common sense.

Senator LINCOLN is the kind of colleague you want to have in the Senate. She is pragmatic. She is rational. And she is reasonable. If you ever had an issue with her you needed to resolve, you could count on her to be someone you could work with. In fact, she is well known as someone who tried to bridge the partisan divide. She even cofounded and cochaired an organization dedicated to working across the aisle to bridge differences and create practical solutions.

Senator LINCOLN first came to Congress in 1992 as a Representative for Arkansas's First Congressional District, serving two terms. Following the birth of her twin boys, Reece and Bennett, she made a successful run for the Senate in 1998.

During her time here in the Senate, she served her home State of Arkansas with great distinction, serving in the same seat as the late Senator Hattie Caraway, the first woman ever elected to the Senate. Like Senator Caraway, who also made history for being the first woman ever to be chairman of a Senate committee, Senator LINCOLN made history in 2009 by becoming the first woman in the 184-year history of the Senate Agriculture Committee to be named chairman.

Senator LINCOLN and I were able to collaborate on many issues during her time in the Senate because we served together on two committees—Agriculture and Finance. On the Agriculture Committee, she was a fierce advocate for her State's agriculture interests, particularly rice and cotton producers. Since farm bills tend to be more regional than party driven, she always represented her producers with vigor. She was a key player in the 2002 and 2008 farm bills, both of which have been widely popular throughout the countryside in the North and the South.

She also looked out for those who are less fortunate, making hunger in our country a signature issue of hers. This year she pushed through the Senate a landmark bill to improve school lunch programs. The child nutrition reauthorization bill she authored contains almost 10 times more new funding than the 2004 child nutrition reauthorization. It includes $3.2B for the first school lunch program base-level reimbursement increase since 1973. I hope the House will follow the Senate's lead and pass this important bill yet this year.

She also served as the chair of Rural Outreach for the Senate Democratic Caucus. It was in this role that we collaborated to introduce the Rural Revitalization Act, a bill to boost the economy in rural America in the wake of the recent recession. This bill made significant investments in rural development priorities, including infrastructure projects, energy programs, housing assistance and rural health care.

Senator LINCOLN also has been a champion for rural health care issues as a valued member of the Senate Rural Health Caucus. During her time in the Senate, she successfully fought to protect small businesses, health care providers, and, most importantly, seniors in rural communities. Because of Senator LINCOLN's dedication, critical improvements to the Medicare Program were enacted into law. In particular, senior women now have improved access to bone density tests, osteoporosis screenings, and other preventive services.

Senator LINCOLN also authored the Elder Justice Act, legislation enacted into law this year which authorizes new efforts to prevent, detect, treat, and prosecute elder abuse and exploitation. Her work as a lead author of the SHOP Act led to the adoption of tax credits and small business health insurance exchanges in health reform. These legislative accomplishments and many others will leave this country with a lasting legacy of Senator LINCOLN's commitment to improving the health of Arkansans and of all Americans.

On the Finance Committee, Senator LINCOLN was a strong and effective advocate for working families. She worked hard to make sure that the full child tax credit was available to as many low-earning workers with children as possible. She knows how valuable that benefit is for parents who really have to struggle to support their families.

Senator LINCOLN and I share a commitment to promoting savings for retirement. She shares my concern that retirement income security is a growing challenge for the baby boomers who are beginning to head into retirement right now as well as the generations that are following. An important focus for her has been the promotion of employee stock ownership plans, which not only help small businesses—including many successful ones in my State of North Dakota—to grow but also help the employee-owners build a separate pool of retirement savings that they can use during their retirement years.

It is unfortunate that we are losing such a capable and pragmatic colleague as Senator LINCOLN. It will be sad to see the Senate without her next year, but I know nothing but good things await her in her future. I wish her the best.

RUSS FEINGOLD

I would like to pay tribute and recognize the accomplishments of my good friend Senator RUSS FEINGOLD of Wisconsin, who will be leaving the Senate at the end of this session.

Senator FEINGOLD has faithfully served the people of Wisconsin for the last 28 years, serving three terms in the Wisconsin State Senate and three terms in the U.S. Senate. During all of that time, he has never forgotten who put him in office. Every year, Senator FEINGOLD has held listening sessions in all 72 counties of Wisconsin. The input he received in those sessions was his guide for every issue he worked on in the Senate.

RUSS FEINGOLD has also been guided by his tremendous intellect. After growing up in Janesville, WI, he graduated from the University of Wisconsin-Madison and went on to receive a Rhodes Scholarship from Oxford University and a law degree from Harvard Law School.

To say that Senator FEINGOLD has been independent-minded in the Senate is an understatement. He has been a true maverick. He never let party or political pressure influence his efforts here.

The clearest example of this was his work on campaign finance reform with Republican Senator JOHN MCCAIN. After years of struggle, the Bipartisan Campaign Reform Act, known to most as the McCain-Feingold Act, was enacted in 2002. Although the Act continues to evolve and face challenges, it will forever change the landscape of political campaigns in this country. And Senator FEINGOLD has led other efforts to promote clean government, such as moving to electronic filing of campaign finance reports and fighting against lobbyists' gifts to lawmakers.

Senator FEINGOLD has also been an independent voice in the area of foreign policy. He spoke out eloquently against the Iraq war and was one of 21 Democratic Senators to vote against the Iraq war resolution. And, as a member of the Intelligence Committee and chairman of the Foreign Relations Africa Subcommittee, his opinion on matters related to Africa have carried an added weight.

Of course, I have known Senator FEINGOLD best from his work with me on the Senate Budget Committee. Since he joined the panel in 1997, he has been a powerful voice on the committee for fiscal responsibility. He was one of the leading advocates for restoring the paygo, or pay-as-you-go, requirement to ensure any new mandatory spending or tax cuts are fully paid for. And, in 2009, he introduced a comprehensive Control Spending Now Act, including several important spending reforms that have since been adopted.

It has been a true honor to serve alongside Senator RUSS FEINGOLD. He has made a tremendous contribution to this body, to his State of Wisconsin, and to our Nation. He will certainly be missed. I wish him all the best in his future endeavors.

KIT BOND

Mr. President, I want to join my colleagues in paying tribute to Senator BOND as he prepares to leave the Senate.

Senator BOND and I came to the Senate together in 1987. While we have not seen eye to eye on some issues, I have admired his passion and convictions as he worked to faithfully represent his State.

Even before coming to the Senate, Senator BOND had a distinguished career in public service for the State of Missouri serving as assistant attorney general, State auditor, and later as Governor. He cares deeply about his home State, which is evidenced by his long list of accomplishments in the Senate—a robust highway bill, targeted investments in public housing and infrastructure, and a strong national defense to name just a few.

Senator BOND and I have long shared a common interest in the Missouri River. Though we disagree on how it should be managed and the ability of our State's to utilize this resource, I have enormous respect for my colleague for his passion in defending Missouri's claims to this resource.

In particular, I deeply appreciated Senator BOND's work with me on the Dakota Water Resources Act. This legislation was critical for the economic future of North Dakota. During discussions on the bill, he was a tenacious advocate for his State's interests. His diligence in representing his State, coupled with his willingness to gain a better understanding of the water needs of my State, ultimately helped us reach a compromise acceptable to both States. The people of Missouri can be proud of his work fighting for their interests.

Senator BOND has been a man of his word who served his State and country with distinction. I wish him well in his future endeavors.

GEORGE VOINOVICH

Mr. President, I would like to take a moment to recognize our retiring colleague from Ohio, Senator GEORGE VOINOVICH.

GEORGE VOINOVICH has led a remarkable life of public service, stretching across all levels of government. Beginning in 1963, Senator VOINOVICH has made the people of Ohio his priority, serving as an assistant attorney general in Ohio, a member of the Ohio House of Representatives, Cuyahoga County commissioner, Lieutenant Governor of OH, Mayor of Cleveland, Governor of Ohio, and finally, U.S. Senator.

Throughout his career, Senator VOINOVICH has been a steady hand, guiding Ohio through difficult times. As mayor, he led the city of Cleveland out of bankruptcy and mismanagement through smart budgeting and pragmatic governing. As Governor, he led Ohio out of a recession and into more prosperous times, holding the State budget's growth to its lowest level in 30 years and overseeing the state's lowest unemployment rate in 25 years.

As Senator, he continued his commitment to fiscal responsibility, focusing on this country's exploding debt and long-term challenges. Senator VOINOVICH also fought for reform of our tax and entitlement systems as author of the SAFE Commission Act and cosponsor of the Conrad-Gregg Bipartisan Task Force for Fiscal Responsibility Act. Warning about our Nation's fiscal crisis at a Budget Committee hearing in 2009, he testified courageously: ''We must find a compromise and we must act now. Many people believe that this generation of Americans will be the first whose standard of living will be less than those before them. Our failure to act now will guarantee that they are right.'' With Senator VOINOVICH's retirement, the Senate is losing one of its strongest and clearest voices on the importance of fiscal responsibility today to keep our country strong and growing into the future.

I was also pleased to join with Senator VOINOVICH in introducing the Truth in Budgeting Act. Our bill would have put a stop to the fiscally reckless practice of using trust fund surpluses to pay for tax cuts and other spending priorities. Senator VOINOVICH always recognized that our current fiscal policies are putting future generations in the position of having to borrow trillions of dollars to make good on our Social Security, Medicare and other commitments.

I have always respected his commitment to principle and his willingness to take independent positions, regardless of popularity or political expedience. He has rejected the knee-jerk partisan politics that unfortunately

have taken hold of Washington over the past decade, opting instead for reasonable, level-headed discourse. Always willing to reach across the aisle, Senator VOINOVICH has spent his 12 years in the Senate being an honest broker and a true public servant. He will be greatly missed.

I wish a happy and healthy retirement to GEORGE and his wife of 47 years, Janet, and congratulate him on an outstanding career.

JUDD GREGG

Mr. President, I have come to the floor today to pay tribute to Senator JUDD GREGG of New Hampshire, who will be leaving the Senate at the end of this session.

Although I am happy for JUDD and his wife Kathy, as they set off on the next stage of their lives, JUDD's retirement represents a great loss for the U.S. Senate, for the people of New Hampshire, for the entire Nation, and for me personally.

Simply put, JUDD has been an outstanding public servant. He has worked tirelessly and effectively on behalf of his State, first as a Congressman, then as Governor, and then as a Senator. The people of New Hampshire rewarded his faithful service by repeatedly electing him by wide margins. When he was reelected to the Senate in 2004, JUDD received the highest number of votes in New Hampshire history.

JUDD has been a true leader in the Senate. Few Members have the breadth of knowledge and insight that he holds on the key issues that come before this body. Whether it be the budget, education policy, or banking reform, he has been at the center of the debate, and Members on both sides of the aisle seek out and respect his judgment.

I have come to know JUDD best for his work on the Budget Committee. He has been on the committee for all of the 18 years he has been in the Senate. He served as chairman in 2005 and 2006, after Senator Nickles retired, and has been the ranking member ever since.

I could not have asked for a better partner on the committee. It has been a pleasure to work closely with him. Our staffs have also worked very well together, which is a testament to the leadership of JUDD and the example he set in his work with me.

And JUDD has tremendous integrity. His word is his bond.

Although we haven't always agreed on policy, JUDD has always upheld the highest standards of the Senate by knowing how to disagree without being disagreeable. We have had fierce debates over the years, but we have never let that affect our ability to work together.

Of course, the highlight of our work together came in our legislative effort to adopt a bipartisan fiscal task force to address the country's long-term debt crisis. That joint effort was truly one of the most rewarding experiences of my career in the Senate. I will never forget the days we spent discussing the proposal during a trip in 2006.

While we were not able to pass our legislation in the Senate, our effort resulted in the creation of the President's fiscal commission. It has been an honor to work alongside JUDD in this fight. Like me, JUDD cares deeply about our nation's fiscal future and understands the danger of rising Federal debt. He has been a tenacious advocate of fiscal discipline and putting the budget on a sustainable long-term path.

JUDD is a true-blue fiscal conservative. But that has never stopped him from reaching across the aisle to work with Democrats. In addition to working with me, JUDD teamed up with Senator Ted Kennedy in 2001 to co-author the No Child Left Behind Act. More recently, he teamed up with Senator WYDEN to write the first major bipartisan tax reform legislation in decades, the Bipartisan Tax Fairness and Simplification Act.

Notably, JUDD also played a key role in the bipartisan negotiations that led to the creation of the TARP legislation. TARP was widely criticized during this past election season, but the results are now in, and it is clear that the TARP program was successful in stabilizing the financial sector and helping to prevent the economy from dipping into a full-blown depression. The success of the program and the repayments now coming into the Treasury can be attributed, at least in part, to JUDD's insistence on including provisions in the legislation to protect American taxpayers.

Finally, JUDD's retirement means more to me than just losing a great partner on the Budget Committee. I am also losing a great friend. At a time when Washington is filled with so much partisan rancor and disagreement, we need more individuals from across the aisle to form friendships like ours.

JUDD, I wish you all the best in your retirement. You will truly be missed.

BOB BENNETT

Mr. CORNYN. Mr. President, I join my colleagues in appreciation and admiration of Senator BOB BENNETT.

Senator BENNETT understood the perspectives of America's small business owners. After all, he was one of them. As CEO of Franklin Quest, BOB grew the company from 4 employees to over 1,000. During his tenure the firm became one of the best known providers of time management seminars and products, and became listed on the New York Stock Exchange.

Reducing obstacles for small business owners has been one of Senator BENNETT's top priorities in Washington. In his first 6 months of service, he took to the floor to identify three ways the Federal Government was growing at the expense of the entrepreneur. Those three obstacles—increased regulation, increased taxation, and increased difficulty in capital formation—remain challenges to job creators today, and BOB has never stopped voicing their concerns.

Senator BENNETT was elected to the U.S. Senate from his beloved State of Utah, which his father, Senator Wallace Bennett, represented for many years. And by the time I was elected to the Chamber, Senator BENNETT had already been one of the ''wise ones'' in his own right for many years. I have long admired BOB's sincere appreciation and respect for the traditions and history of the Senate—to which he and his father have both contributed tremendously.

Throughout his service here in Washington, BOB's family has helped keep him grounded—all 6 children and 20 grandchildren. Sandy and I wish the best for BOB and his wife Joyce.

SAM BROWNBACK

Mr. President, I join my colleagues in appreciation and admiration of Senator SAM BROWNBACK.

SAM's commitment to public service grew out of the farmlands where he was raised and where his parents still reside. As a student, SAM earned the respect of his peers as State president of the Future Farmers of America and student body president at Kansas State University. The people of Kansas have put their trust in SAM multiple times: as their Secretary of Agriculture, as one of their members in the House of Representatives, and for 14 years in the U.S. Senate.

SAM drew upon his experience in Kansas to shape legislation here in Washington. He offered legislation to create more opportunity for America's farmers, and to reduce foreign trade barriers to their products. In time SAM rose to become a leader on the Senate Appropriations Committee, as well as the Energy and Natural Resources Committee.

SAM also has a heart for victims of disease and human rights violations all over the world. He proposed incentives for drug companies to offer discounts for life-savings medications for people of developing nations. He boldly called for the end to human rights violations in Darfur and Iran. I have been proud to stand with him on numerous pieces of human rights legislation, including the Iran Democratic Transition Act in this Congress.

SAM's tenure in the Senate has come to an end, but not his service to the people of Kansas. They overwhelmingly called him back home to serve as their Governor, and begin the next chapter in his remarkable career. Sandy and I wish him and his family all the best.

JUDD GREGG

Mr. President, today I would like to join with my colleagues in appreciation and admiration of Senator JUDD GREGG of New Hampshire.

JUDD is a native of New Hampshire and after practicing as an attorney in Nashua, where he was born, he began a devoted career of public service to his State. Before coming to the Senate, JUDD served as a member of his State's executive council, as a Representative, and then on to become, as his father Hugh Gregg had been before him, Governor of the Granite State.

JUDD was a successful and accomplished Governor. When he left Concord to join the Senate, he left his State with not only a balanced budget but a surplus as well. His leadership and record of fiscal responsibility has served as an example for our entire Nation to follow.

His expertise on budgetary and fiscal issues has benefitted all his fellow Senators on the Budget Committee. As both chairman and ranking member of the committee, JUDD put together both excellent staff and the resources necessary to advance our goals of cutting spending, balancing the budget, and reducing our nation's debt. With steps such as his successful sponsorship of the fiscal year 2006 budget resolution, which reduced mandatory spending for the first time in years, hard-working American taxpayers have saved billions thanks to Senator GREGG's efforts.

Senator GREGG and I worked hard together in fighting to reduce our government's burden on taxpayers and the excessive spending that fuels it. We have both fought hard for our government to take our financial future seriously and to make the tough decisions necessary for it to be secured for our generation and for many more to come.

I would like to thank Senator GREGG again for his leadership on these important issues, and his extensive service to the people of New Hampshire. My wife Sandy and I wish Senator GREGG, his wife Kathy, and their family all the best.

KIT BOND

Mr. President, I join my colleagues in appreciation and admiration of Senator KIT BOND. Kit has been a faithful public servant to the people of Missouri for many years. I feel privileged to have had the opportunity to serve alongside him in the U.S. Senate.

Before being elected to this body, KIT made a strong impression as a student, a lawyer, and a public servant. He graduated Cum Laude from Princeton University, and was first in his law school class at the University of Virginia. He practiced law as an assistant attorney general for the State of Missouri under John Danforth, who himself was a future Senator from the ''Show-Me State.'' His colleagues at that time included John Ashcroft, who also went on to serve in this Chamber, and future Supreme Court Justice Clarence Thomas.

KIT often jokes that he transitioned from the second most hated career—a lawyer—to the first: a politician. The people of Missouri have repeatedly affirmed that he made the right choice. They elected him to be their State Auditor. They elected him as the youngest Governor in Missouri's history. And they have elected him four times to represent them in the U.S. Senate.

Senator BOND brought many of his passions as Governor to this Chamber, including his longtime support for Missouri's successful Parents as Teachers Program. He also kept a special place in his heart for issues relating to children. In time he rose to become a senior member of the Appropriations Committee as well as the Environment and Public Works Committees.

Senator BOND and I worked most closely together on issues relating to national defense and foreign affairs. In this Congress alone, he and I jointly introduced the Military Voting Protection Act of 2009, the Iran Democratic Transition Act of 2010, and a resolution affirming Israel's right to self-defense. His leadership as vice chairman of the Select Committee on Intelligence has been a lasting contribution to the security of our Nation,

KIT has helped shape legislation that will govern our Nation for years to come, but his spirit is what I will miss the most. As he has said: ''Serving Missouri has been my life's work. I have walked the land, fished its rivers and been humbled by the honesty and hard work of our people. The highest honor is to receive and safeguard the public trust.''

In his retirement, KIT will now have the opportunity to focus his time on his other loves: his wife Linda, his son Sam, and his new daughter-in-law Margaret. The Mizzou Tigers and the St. Louis Cardinals will also likely see him in the stands more often. Sandy and I wish both KIT and Linda the very best as they continue their journey together.

JIM BUNNING

Mr. President, I join my colleagues in appreciation and admiration of Senator JIM BUNNING.

Millions of American baseball fans know JIM as one of the most accomplished athletes of his generation. JIM pitched for both the Detroit Tigers and Philadelphia Phillies during his 17-year career. He was the second pitcher in history to notch 100 wins and strike out 1,000 batters in both the American and National Leagues, and when he retired he was second on the all-time strikeout list. His impressive career earned him a spot in the Baseball Hall of Fame.

While he wore the uniforms of teams in Michigan and Pennsylvania, JIM's heart never left his native Kentucky. Six years after retiring from baseball, JIM decided to run for public office and won a city council seat in Fort Thomas, KY. He was later elected to the Kentucky State Senate and became the Republican leader. Kentuckians then elected JIM to the U.S. House of Representatives for the 4th District of Kentucky where he served until 1998. During his time in the House, Jim committed himself to defending Social Security as chairman of the Social Security Subcommittee. His unwavering stance on protecting Social Security contributed to the establishment of the Social Security Administration as a separate agency.

JIM was elected to the Senate in 1998 and quickly became a strong voice for fiscal responsibility. He became the first native Kentuckian on the Finance Committee in 40 years, and also served on the Budget Committee—and in both capacities I had the opportunity to work with him. JIM also served as chairman of the Banking Committee's Economic Policy Subcommittee, where he authored legislation that reformed the National Flood Insurance Program and made it possible for millions of Americans to protect their homes affordably.

JIM's passion for policymaking has helped him shape legislation that will govern our Nation for years to come, but his greatest legacy is his family. He and Mary raised 9 children and have 35 grandchildren and 4 great-grandchildren. Sandy and I offer our best wishes to the entire BUNNING family, and we thank him for his years of service to our great Nation.

GEORGE VOINOVICH

Mr. President, I join my colleagues in appreciation and admiration of Senator GEORGE VOINOVICH.

Senator VOINOVICH represents the great State of Ohio—and in some sense he has never left. He was born and raised in Cleveland, earned a bachelor of arts degree in government from Ohio University, and received a law degree from the Moritz College of Law at the Ohio State University. After more than four decades of public service, he and Janet still live in Cleveland with their family.

Before coming to Washington, Senator VOINOVICH established a long record of service to the people of the Buckeye State: as a member of the State legislature, a Cuyahoga County Commissioner, the Lieutenant Governor of Ohio, mayor of Cleveland and Governor of Ohio. As mayor of Cleveland, he helped turn around the local economy after the city declared bankruptcy in the 1970s. As Governor, George spearheaded economic recovery efforts after Ohio fell into a recession during the early 1990s. He helped reduce Ohio's unemployment rate to a 25-year low and maintained the lowest budgetary growth levels in 30 years. Along the way, he became the only person to hold the highest leadership positions in both the National Governors Association and the National League of Cities.

The people of Ohio sent GEORGE to Washington to serve in the U.S. Senate in 1998 and then reelected him 6 years ago in a landslide victory. Senator VOINOVICH's policy accomplishments reflect his dedication to maintaining fiscal responsibility, enhancing national security, increasing America's global competitiveness, and improving the federal government's efficiency. His Mortgage Relief Act of 2007 was the first piece of legislation to be signed into law that aimed to lessen the impact of America's foreclosure crisis.

Senator VOINOVICH has also been a strong voice for America's interests and values all over the world. He has been a strong proponent of NATO expansion, U.N. reform, and U.S. public

diplomacy efforts. He has also spoken out strongly against global anti-Semitism, racism and other forms of intolerance.

Sandy and I wish all the best to GEORGE and Janet, as well as their three children and eight grandchildren. And we thank GEORGE for his many years of service in the U.S. Senate.

JIM BUNNING

Mr. DEMINT. Mr. President, I rise in tribute to Senator JIM BUNNING, who is retiring after honorably serving the people of Kentucky for 24 years.

Throughout his political career, JIM has been a fierce taxpayer's advocate. A bold defender of life and protector of families. A small business ally. And, a courageous critic of bad government policy.

As the targets of his criticism have learned, JIM's words can sometimes be sharp. That is because cold, hard truths have sharp edges and JIM BUNNING speaks in cold, hard truths.

Even when it comes to his own party.

In the summer of 2008, shortly after a Republican Treasury Secretary obtained the authority to pump unlimited money into Freddie Mac and Fannie Mae, JIM was rightfully upset. ''When I picked up the newspaper yesterday, I thought I woke up in France,'' he told the Secretary in a hearing. ''But no,'' JIM said, ''it turned out it was socialism here in the United States.''

JIM often asked simple questions that were easy to answer truthfully and didn't tolerate equivocation. In the case of the Fannie and Freddie bailouts, he asked the Treasury Secretary, ''Where will the money come from?''

The Treasury Secretary said it was better to ''be unspecified and enhance confidence in the market.''

JIM asked again saying that ''doesn't answer the question. Where is the money going to come from if you have to put it up?''

There was more waffling, but JIM finally pushed the Treasury Secretary to admit the money was going to come from the taxpayer. The taxpayers were going to pay.

He later called for the resignation of that Republican Treasury Secretary because he was, as JIM put it, ''acting like the minister of finance in China.''

''No company fails in Communist China, because they're all partly owned by the government,'' JIM noted.

JIM has also been a brave critic of the Federal Reserve. He has told the Fed Chairman, who was appointed by a Republican President and helped orchestrate bailouts for those considered too big to fail that, ''You are the definition of a moral hazard.''

''Your Fed has become the creature from Jekyll Island,'' JIM said. And then he asked for the Fed Chairman's resignation, too.

JIM has performed a great public service by bringing attention to the economic damage being caused by the Fed with cheap money when no one else would. He was there calling for more oversight of the Federal Reserve long before it became a Tea Party cause and he deserves credit for driving the issue into the mainstream.

As Senator, you could say JIM's approach has been direct as the fastballs he threw that made him a major league, Hall of Fame pitcher. When the Democrats tried to pass off phony paygo rules as real reform, JIM exposed it as a trick pitch. It was a gimmick to fool Americans into thinking they would pay for their big-spending plans.

The Democrats said paygo would obligate Congress to offset any new spending with new revenues or spending cuts elsewhere in the budget. Soon after, they tried to pass $10 billion in unpaid for unemployment extensions Moreover, the Democrats wanted to pass it by unanimous consent. Meaning, no public debate. No rollcall vote. No accountability.

The Democrats bet no one would oppose benefits for the unemployed in this bad economy. They believed, as they continue to, that they can keep giving out money without paying for it and without any consequences.

JIM did not concede. He objected and stood his ground on the Senate floor. And by doing so, he showed everyone what a sham paygo is. The Wall Street Journal called it ''his finest hour.''

BUNNING announced his retirement in July 2009, more than a year ago. He could have taken it easy during his last years in the Senate. He didn't have to tackle the Treasury, the Fed or insist unemployment extensions be paid for.

But, he did. JIM BUNNING, the Hall of Fame Pitcher, the distinguished Senator, father of 9 and grandfather of 40 cared too much for this country to sit this one out.

He said in his farewell speech that he prays the Members of Congress will stop spending our future generations into higher taxes and a lower standard of living than we have now. I pray for that, too.

Finally, I express my gratitude to Senator BUNNING for supporting the new Republican from his state who will inherit his Senate seat next year. JIM campaigned for someone to take his place who would say no to bailouts, stop the takeovers, end the wasteful spending and bring down the national debt. The nation will benefit greatly by continuing to have a senator at JIM's desk who believes as much in the principles of free markets and freedom as JIM.

Thank you JIM for giving America your best until the very last inning.

SAM BROWNBACK

I rise in tribute to my good friend, Senator SAM BROWNBACK, who will soon be Governor SAM BROWNBACK.

Senator BROWNBACK leaves this Chamber as a man of character and success. He made a promise to the citizens of Kansas to only serve two terms in the U.S. Senate and he is honoring it.

He will continue to serve his constituents well, as he will soon join the ranks of Republican Governors who are committed to saving freedom and free-markets. SAM and his fellow Republican Governors will stand sentry in their state capitols, defending Americans from unaffordable mandates and unprecedented intrusions by the Federal Government.

The current Secretary of Health and Human Services, Democrat Kathleen Sebelius, left Topeka to come to Washington and impose an unconstitutional health care takeover on all Americans. I am confident Republican Governor-elect SAM BROWNBACK, who is leaving Washington for Topeka, will successfully fight for state rights in court and preserve freedom for Kansans.

SAM won on a platform of opportunity, accountability and responsibility—the very principles his State was founded upon.

His ''Road Map for Kansas'' is built on ideas to grow the economy, create private-sector jobs, improve education, reform the state government and support Kansas families. This is exactly the kind of leadership our nation so desperately needs. His five-point plan is a clear and bright as the tips of the stars on the Kansas flag.

In addition to the roadmap for Kansas, SAM has promised to institute a spending freeze for his State his very first month in office.

It has been an honor to serve alongside SAM, one of our nation's premier pro-life leaders. He knows no one should be denied the right to life—especially the unborn. As he said in a speech at the 2004 March for Life, ''If we demean and degrade one human life, we demean and degrade all human life.''

As a U.S. Senator, SAM relentlessly fought to protect the unborn. He was the principle sponsor of the Unborn Child Pain Awareness Act, the Prenatally Diagnosed Conditions Awareness Act, the Human Cloning Prohibition Act, and others. He has also worked to advance the Partial-Birth Abortion Ban Act, the Unborn Victims of Violence Act, and the Born-Alive Infants Protection Act.

SAM has increased awareness about the joy of adoption. He can personally attest to it. He and his wife Mary and three children Abby, Andy and Elizabeth have welcomed two children in need of a loving home into their lives. The BROWNBACK's youngest son Mark is from Guatemala. Their youngest daughter Jenna is from China, where families are subjected to grave and callous one-child policy.

Thank you SAM for fighting for a better life for all of God's children.

As we bid him farewell, I would like to reflect on one short passage from his book, ''From Power to Purpose.'' In it, SAM wrote ''The heart of the matter is the human heart, which is where human goodness begins.''

That shows the kind of heart SAM has for public service. His tenure in the U.S. Senate is marked by his compassion and care for his fellow man.

He will be dearly missed here in Washington. But, as Jesus said, ''There are many rooms in my Father's house.'' And SAM is just moving to another room where he will continue to serve God.

GEORGE VOINOVICH

Ms. COLLINS. Mr. President, when GEORGE VOINOVICH came to the Senate in 1998, he brought with him a wealth of experience as a State legislator, county commissioner, mayor, and Governor. More important, he brought an independent mind, common sense, and a commitment to results.

Through more than four decades of public service, he has always been guided by the principle that a fundamental obligation of government is to honor its responsibilities to citizens. His goal has always been to ensure that those in public office ''work harder and smarter, and do more with less.''

But Senator VOINOVICH is revered here and at home for deeds, not words. As mayor, he brought Cleveland back from bankruptcy and led its transformation into a three-time All-America City. As Governor, he steered Ohio through the recession of the early 1990s, turned a State budget in the red back to black, and helped rebuild Ohio's industry and infrastructure for the 21st century.

From his executive background in local and State government, Senator VOINOVICH knew that any government is only as good as the people working for it. He has been a strong advocate for improved government management, and for recruiting, retaining, rewarding, and recognizing the best government workforce.

It has been my privilege to work closely with Senator VOINOVICH on the Homeland Security and Governmental Affairs Committee. He is devoted to protecting our Nation and our people.

Our committee's work was aided greatly by his leadership of the Subcommittee on Oversight and Government Management, and his conviction that government works only when it ensures that the right people have the right resources to get the job done. He has been instrumental in virtually every major civil service issue for more than a decade and has championed 17 pieces of legislation to transform and improve our Federal workforce.

Since coming to Washington, the ''Workforce Senator'' has been a watchdog for the interests of the taxpayers and of government employees. Early in his service, the Senior Executive Service Performance Improvement Act and the Chief Human Capital Officers Act recognized that the Federal Government must compete if it is to attract the best. In this Congress, the Federal Hiring Process Improvement Act addressed the need to streamline recruiting so that the right person can be hired at the right time.

And his efforts have been successful. A recent Federal employee survey on the best places to work found that the top three agencies—the Nuclear Regulatory Commission, GAO, and NASA—are the agencies with the personnel flexibilities Senator VOINOVICH worked to achieve.

I know how deeply GEORGE VOINOVICH cares about the men and women who serve as Federal employees because on many issues we have fought together. In particular, I want to recognize his role in pressing for pay for performance reforms in our Federal workforce. If we want an effective government, we must encourage excellence in our workforce, as Senator VOINOVICH clearly understands.

He has been an effective voice for fiscal discipline, for comprehensive tax and entitlement reform, and for enhancing America's competitiveness in a global economy. All of these issues and so many more demonstrate his commitment to honoring responsibilities and achieving results.

When Senator VOINOVICH announced early last year that he would not seek reelection, the outpouring of tributes was heartfelt and bipartisan. As one Ohio newspaper wrote, ''Once he latches on to an issue, he doesn't let go until he is satisfied with the outcome.''

Senator VOINOVICH's determination, combined with wisdom, experience, and decency, made him an outstanding U.S. Senator and public servant. I thank GEORGE VOINOVICH for his years of service and for his friendship, and wish him and Janet all the best in the years to come.

RUSS FEINGOLD

Mr. KOHL. Mr. President, I take a moment to say a few words about the junior Senator from Wisconsin, Senator RUSS FEINGOLD, who will be leaving the Senate at the end of this session. We have served together in the Senate, working for the people of Wisconsin every day, since he was elected in 1992. But now Wisconsin is losing a powerful and thoughtful advocate that carried on the proud progressive tradition of Robert LaFollette.

RUSS came to the Senate by winning an upset election, running as an outsider. He famously wrote a promise to the people of Wisconsin on his garage door, and people responded to his sincerity. Keeping that promise has kept him close to the people of Wisconsin as he traveled to every county in the State once a year to hold a listening session. That kind of accessibility, and his pledge to raise his campaign money mostly from the people of Wisconsin, gives him a credibility and integrity that no one in the State can question.

Money and politics has always been an issue that RUSS felt passionately about. So it should be no surprise that his biggest legislative win was when he worked with Senator JOHN MCCAIN to put restrictions on campaign financing with the historic Bi-Partisan Campaign Finance Reform Act, better known as the McCain-Feingold bill. That legislation, like many of his stands over the years, didn't always make him popular with his colleagues, but it was the right thing to do to try and root out corruption and roll back the influence of the special interests. The American people will never have confidence in our system as long as they believe that a politician's support can be bought and sold. RUSS worked to restore confidence in our government and he should be commended for that.

He took a lot of unpopular positions over the years. Most notable was his sole opposition to the Patriot Act. He stood up for his ideals when it would have been easy to brush them aside. But that is the kind of person RUSS is. He was never willing to sacrifice his principles to do the politically easy thing. Our country is safer because of his work.

RUSS also has been a tough budget hawk, working tirelessly to bring down spending and give the next generation a debt-free future. He also helped form the current lobbying rules that restrict gifts, employment, and perks that can be given to members and staff by special interest lobbyists. These policies didn't always make him popular around here—and sometimes caused problems inside his own party—but he was willing to buck the system when he felt he had to.

Janesville should be proud of their hometown son who has accomplished so much. He leaves the Senate, but I hope he doesn't leave public service. His character and intelligence are needed by his community, State and country. We will miss him.

CHRIS DODD

Mr. LEVIN. Mr. President, occasionally in the career of a U.S. Senator, one is given the opportunity to shape legislation that will bring historic change to our Nation. The Senators who have seized such opportunities stand among the Senate giants of our lifetime: ''Scoop'' Jackson. Hubert Humphrey. Everett Dirksen. Ted Kennedy.

As this Congress comes to a close, we must say goodbye to CHRIS DODD, a Senator who has seized such opportunities, one whose drive and dedication and wisdom have enabled us to bring great and needed change. Senator CHRIS DODD has been a good friend to me. He has been a leader to those who seek an America that is stronger, fairer and more just.

Senator DODD will be rightly remembered for his essential role in passage of the Dodd-Frank Wall Street Reform and Consumer Protection Act. In the aftermath of a financial crisis that brought the nation's economy to a halt and threatened a second Great Depression, the need for Wall Street reform was clear, but so were the enormous obstacles to passage. In addition to honest disagreements about how best to proceed, we faced determined opposition from Wall Street, which wanted to maintain a status quo that put profits ahead of economic stability. All of us who participated in the debate over that bill know how complex and difficult it was to craft it, and we all have enormous hopes that this landmark

bill will curb the excesses that cost so many Americans their jobs and homes and businesses in the financial crisis.

History also will mark Senator DODD's key role in passage of the Patient Protection and Affordable Care Act, a landmark step in the decades-long fight to ensure that every American has access to affordable health care. Taking up the baton for his dear friend, Senator Kennedy, Senator DODD provided strong and sure leadership, again in the face of obstacles that at times threatened the bill's very survival. Thanks to his dedication, health coverage is more secure and affordable for families who have it, and more accessible to families without it.

If Senator DODD had accomplished no other legislative victories than these two, he could rightly claim a place among the Senate's most effective legislators. But CHRIS DODD accomplished much more.

Millions of American families have benefitted from his work in enacting the Family and Medical Leave Act. Before this legislation became law in 1993, Americans faced wrenching choices between their responsibilities at home and at work. Despite two Presidential vetoes, Senator DODD continued fighting until he had succeeded. And today, American workers are able to give their families the time and attention they need without fear of losing their job.

Families and children have been at the heart of much of his work. The child care and development block grant program, which he fought to establish, has helped millions of low-income families get the child care they so desperately needed. The Head Start program has been a career-long priority, and his hard work to ensure that Head Start remains strong has made a huge difference in countless lives.

His work on behalf of families extends to protecting them from predatory credit card companies. I worked closely with him in the fight for passage of the Credit Card Accountability and Disclosure Act, which provided tough new protections against unfair practices in the credit card industry.

Part of the reason for CHRIS DODD's extraordinarily successful legislative career is that people simply like working with him. He is good-natured, open and non-defensive, willing to listen to differing points of view. His openness is accompanied by an infectious sense of humor that has eased tense moments and helped us all take ourselves a little less seriously, which in turn has helped overcome some mighty serious impasses.

A common thread runs through all his signature accomplishments. Throughout his career, CHRIS DODD has been dedicated to the idea that compassion has a place in this chamber; that as we do our work, we should keep in mind that real families, with real problems, are looking to us for solutions; and that a Senator, with hard work and resourcefulness and teamwork, can make a difference in the lives of those families.

As CHRIS DODD's Senate career draws to a close, speeches will be given, portraits will be hung, someday statues will be raised, but the ultimate monument to his Senate career will be the mother or father who has time to care for a sick child because of the Family and Medical Leave Act. It will be the parent who doesn't have to choose between putting food on the table or providing health insurance for his children. It will be the child who excels in the classroom because of Head Start. The monuments to CHRIS DODD will be the millions of Americans whose lives are safer, more secure and more prosperous because of the work he has done here. No Senator could ask for more meaningful tributes. I will miss his wisdom and his humor as we conduct business here, but I will continue to value his friendship. I wish him and his wonderful family the happiest of times in all the years to come.

RUSS FEINGOLD

Mr. President, true bipartisanship has been in sadly short supply in this Chamber recently. Sadly, at the end of this Congress, the supply of bipartisanship will be a little lower, because we will no longer have the benefit of RUSS FEINGOLD's presence in the Senate.

Senator FEINGOLD's service to the Senate demonstrates that one need not abandon strongly held convictions to reach bipartisan solutions. His example proves that disagreeing with someone on one issue need not prevent working with them on another issue. He has shown that one can act as a good steward of taxpayer dollars and a careful advocate for fiscal responsibility without leaving behind the working families who need us to stand up for them.

There are many examples of Senator FEINGOLD's search for bipartisan solutions, but justifiably, he is best known for the McCain-Feingold campaign finance legislation. The assault on this legislation in the courts should not distract us from its wisdom. This bipartisan legislation was based upon the inherently American and inherently democratic notion that elections should be decided by the will of the people, and not because of the influence of wealthy donors or moneyed interests. This is a notion that is not Republican or Democratic, not liberal or conservative. It relies not on party loyalty or ideological fervor, but on a sense of justice. That sense of justice is central to what Russ Feingold has brought to the Senate.

Likewise, the civil rights of American citizens are not a matter of party or ideology. I admire Senator FEINGOLD's unflagging commitment to those rights, and his efforts to find a reasonable balance between protecting our safety and preserving our freedom.

Now, Senator FEINGOLD and I have not agreed on every issue. While we both believed the Iraq war was a mistake, he believed we should respond by ending funding for the war. I disagreed, and believed that such a move would harm our troops in the field whom we should support. But I never doubted that Senator FEINGOLD came to his conclusions only after giving careful consideration to the arguments opposing them.

We will miss RUSS FEINGOLD, miss his intellect, his independence, and his dedication. I will always call him my friend. The Senate will be poorer for his absence. But I know that the Nation will continue to enjoy the benefits of his service.

MUSEUM AND LIBRARY SERVICES ACT

Mr. REED. Mr. President, this week, with little fanfare, we completed work on an important bill, through a bipartisan process, by passage of S. 3984, the Museum and Library Services Act of 2010.

This bill updates museum and library services funded through the Institute for Museum and Library Services, IMLS, to better meet the needs of Americans of all ages and in all types of locations.

The Museum and Library Services Act represents our national commitment to the institutions that are essential to building strong and vibrant communities. Through a relatively modest federal investment, this law helps build capacity to support and expand access to library and museum services at the State and local level.

We were able to complete this legislation because we worked together—across the aisle and across the Capitol, and with the input of the museum and library community.

I would like to take a moment to recognize and thank our HELP Committee Chairman TOM HARKIN, Ranking Member MIKE ENZI, and Senator RICHARD BURR for working with me to craft this bipartisan legislation. I would also like to recognize our cosponsors, Senators COCHRAN, COLLINS, and TESTER. In addition, I would like to express my appreciation to House Education and Labor Committee Chairman GEORGE MILLER and Ranking Member JOHN KLINE for quickly guiding this bill through the House.

No piece of legislation can be enacted without the diligent work of dedicated staff. I would like to thank Kristin Romero and Margaret Bomba of the office of legislative counsel who worked with us to draft the bill. I would also like to recognize the efforts of staff: Thomas Showalter, Pam Smith, and Bethany Little with Chairman HARKIN; Beth Buehlmann and Kelly Hastings with Senator ENZI; Celia Sims with Senator BURR; Lory Yudin with the HELP Committee; and in my office, Elyse Wasch, Moira Lenehan-Razzuri, Andrew Odgren, and Jason Kanter.

Additionally, all of us who worked on this bill appreciate the technical assistance and feedback we received from the staff of IMLS. Finally, I would like

to commend the American Library Association and the American Association of Museums for developing thoughtful recommendations and working with us to improve museum and library services across the Nation. I especially appreciate the wisdom and input I have received from the vibrant library and museum community in Rhode Island.

I look forward to this legislation being swiftly signed into law.

TRUCK WEIGHTS ON MAINE INTERSTATE HIGHWAYS

Ms. SNOWE. Mr. President, I have an amendment to the continuing resolution, H.R. 3082.

My amendment will rectify an impediment to international commerce flowing through Maine, and protect Maine drivers and pedestrians. For the past year, Maine truckers have operated under a pilot program that allows trucks over 80,000 pounds to move from local roads to safer interstate routes, far from schools and homes. The pilot project has been a great success, and I seek to make it permanent.

Unless we take action before December 17, trucks over 80,000 pounds traveling to or from the Canadian border or within upstate Maine will be forced onto secondary roads, many of them two-lane roads, which run through towns and villages. Trucks traveling between Houlton and Hampden, ME, on these local roads will pass more than three thousand homes, several schools, and hundreds of intersections. Tanker trucks carrying fuel will again be traveling past elementary schools and libraries, and competing with local traffic. Not only is this an inefficient method of moving goods, but it also unnecessarily increases risks on narrow local roads.

What is the result of such truck traffic on local roads? According to a study conducted by the Maine Department of Transportation, traffic fatalities involving trucks weighing 100,000 pounds are 10 times greater on secondary roads in Maine than on exempted interstates. Serious injuries are seven times more likely. The past year's pilot program has proved that Maine's rural interstate is a safer place for large trucks.

Maine Department of Transportation officials strongly support this program. Extensive studies and infrastructure inspections have left State DOT officials confident that heavier trucks carrying interstate and international loads belong on the interstate.

I urge my colleagues to support this straightforward amendment.

Ms. SNOWE. Mr. President, I rise to express my strong support for the tax legislation that will not only enable millions of American families to keep more of their paychecks, but will also provide a stable and predictable economic platform upon which American businesses can operate, and pull our economy from the economic morass of the past 2 years.

This legislation certainly cannot remedy all of our economic struggles, but it is essential that we provide necessary certainty in Federal tax policy, which is the foundation upon which our Nation's entrepreneurs make decisions about taking risks, investing in the future, and creating jobs. As the end-of-the-year deadline looms for the biggest tax increase in history, American employers have been retrenching and bracing for the possibility of Washington taking a larger share of taxes out of their businesses—and that is inhibiting our economic potential at a time when we can least afford to fetter the forces of our private sector.

Frankly, the debate over whether extending these tax provisions is the right thing to do is now past. What we are experiencing right now is a jobless recovery, which isn't a true recovery at all if you cannot find a job or earn a paycheck. For 2 years of debating and legislating in Washington about how to fix the economy, our economy should be in more than just the ''holding pattern'' Harvard Economics Professor, Martin Feldstein, has described. I am afraid that at this historic juncture—with the unemployment rate of 9.8 percent, or roughly 15 million people out of work, poverty in America is at its highest in over a generation, and we are experiencing historically low investor and consumer confidence—we do not have the luxury to take the gamble and increase taxes.

A consensus has developed among economists and policymakers that extending these tax provisions will benefit the economy. Indeed, according to the White House, extending these tax provisions will result in more than 1.5 million jobs. Back in September, Mark Zandi released data indicating that increasing taxes from 33 and 35 percent up to 36 and 39.6 percent on small business and high-income taxpayers would reduce gross domestic product by 0.4 percent in 2011 and would reduce payroll employment by 770,000 jobs by mid-2012, precipitating a double-dip recession in the first half of 2011. Mr. Zandi is now estimating that this legislation will create 1.6 million jobs. Further, even the Center for American Progress estimates job growth at 2.2 million jobs as a result of this legislation.

The Congressional Budget Office has been stating since September that extending the tax rates through 2012, as this legislation would do, would add between 600,000 and 1.4 million jobs in 2011 and between 900,000 and 2.7 million jobs in 2012. Further, CBO estimates that this legislation would enhance the gross national product by 1.1 percent. Also back in September, a group of 300 economists recognized this reality and sent a letter to Congress imploring an extension of the current rules. Perhaps the phrase ''better late than never'' is most applicable to the impending passage of this legislation that will avert the tax increases that loom a mere 3 weeks away and would lead to a double-dip recession, and drive our unemployment rate even higher.

It is simply long past time that we extend the 2001/2003 tax relief and expiring provisions such as the R&D tax credit and the child credit. It is incumbent upon this Congress to enact stable tax rules that will help Americans to get back to work and plan their lives—our political Hippocratic Oath of ''First Do No Harm'' should apply at this moment, just as there are glimmers that our national economy is past its low ebb. At this juncture we cannot veer onto a dangerous path and increase taxes, which is exactly what would happen if this legislation does not become law. Indeed, the tax increases scheduled to take effect in a matter of 3 weeks would be the biggest tax increase in history—an $800 billion tax increase that will be averted by this legislation.

And the agreement on which this legislation is based is something that has been rare in Washington in the last 2 years—a hard fought consensus among the leaders of both parties. Both sides of the negotiating table were required to make concessions to reach this point and, as a result, a significant majority of 83 to 15 voted to move this legislation forward.

Undeniably, one of the key components of this legislation is the 10-percent tax rate that was a hallmark of the original 2001 legislation. While other tax rates have been the object of more heated—and highly polarizing—debate, it is undeniable that this 10 percent rate is the most significant. If this legislation is not enacted into law, roughly 27 million tax returns will witness a 50 percent increase in taxes, from 10 percent to 15 percent. With consumer spending representing 70 percent of gross national product, we must be cognizant of how this tax increase would eradicate any sign of economic recovery. This is not even an issue of individuals bracing for a higher tax bill—on January 1 employers would withhold more taxes from paychecks leaving less for the rent, grocery bills, a tank of gas or utilities.

Of course, all taxpayers benefit from the initial 10-percent tax rate, but for these low-income individuals and families, having the 10-percent rate revert to a 15-percent rate would be particularly burdensome. For individuals making less than $8,000 per year and couples making under $16,000, this 10-percent rate is a lifeline. For taxpayers slightly higher up the income stream, having this initial portion of their income taxed at only a 10-percent rate can significantly help reduce their effective tax rate.

Another hallmark of the 2001 tax legislation that would be extended is marriage penalty relief. The initial two tax rates, those at 10 percent and 15 percent rates, allow for twice the amount of income for a married couple than is taxed for an individual, so individuals earning up to $34,000 are taxed at 15 percent and couples can earn up to $68,000 and still remain in the 15-percent bracket. This was certainly not

the case before the 2001 law, and thus an extension of this provision is nothing short of an imperative for low income and middle income married couples today.

Indeed, if this legislation is not enacted, rather than having up to $68,000 taxed at a 15-percent rate, couples would face a 28-percent rate on family incomes over $58,200. For families where both the husband and wife are working, at a 28-percent rate rather than a 15-percent rate, that second income starts to face diminishing returns all too quickly—especially if the second income involves placing children in expensive day care.

And speaking of children and daycare, there are two more significant provisions in this bill that are being extended—the child tax credit and the dependent care tax credit. In 2008, the most recent year for which data is available, there were 25,287,874 children claimed for child tax credits. As the primary sponsor of the child credit in 2001, I am particularly proud of the fact that American families received an economic boost of $1,000 for 25 million children. The child tax credit benefits working parents and their dependent children and it is essential to note that the Maine Children's Alliance of my home State reports that, in Maine, 21.8 percent of young children are poor and 16.5 percent of all children are poor. Currently, these families are eligible for a refundable credit—15 percent of earned income capped at a maximum of $1,000 per child—once they have earned at least $3,000.

The legislation we are debating will maintain the threshold—set in 2009—at $3,000 rather than allowing it to triple to roughly $13,000, which would nationally result in millions of low-income working parents being excluded from receiving the refundable portion of the tax credit altogether, or having their benefit significantly reduced.

In Maine, for example, the Maine Children's Alliance reports that 34,651 children who were members of 21,346 families in Maine benefitted from this expansion in 2009. This $3,000 threshold is an extraordinary one, which was not and is not envisioned to be permanent. Senator LINCOLN and I have supported bringing the $13,000 threshold down to a more sustainable $8,500 level and then indexing that for inflation. In the next Congress, when we address tax reform and enter into a full negotiation about income tax burdens, I will be attentively working to ensure that tax policies for working families with children are progressive and mindful of these families' needs.

The dependent care tax credit is also extended in this legislation. This year, the provision allows a taxpayer a 35-percent credit, rather than just 30 percent, of child care expenses for children under 13 and disabled dependents. The 2001 tax bill increased the amount of eligible expenses from $2,400 to $3,000 for one child and from $4,800 to $6,000 for two or more children.

Under this legislation, these policies on dependent care will be extended for an additional 2 years, through 2012. Again, with Senator LINCOLN, we have introduced legislation that would have improved rather than just maintained the dependent care credit. The most significant of these changes would be to increase the thresholds so that up to $5,000 per child or $10,000 for two or more children would be creditable. The legislation would also amend the flexible spending account rules for dependent care to increase the amount of pretax income that can be set aside for dependent care so that it is $7,500 for one dependent and $10,000 for two or more.

Another major component of the legislation before us is relief from the alternative minimum tax—or AMT. In fact, the AMT relief in this legislation makes up roughly one quarter of all the relief—roughly $137 billion for just the 2-year ''patch''—that effectively holds harmless taxpayers from the unintended consequences of this alternative tax system. This is not taking into account the additional relief that holds harmless taxpayers who would otherwise have their child credits reduced as a result of the AMT.

The onerous AMT is tax policy run amok—and I can find no policymakers who defend the manner in which it would be imposed on at least an additional 21 million taxpayers. AMT is essentially a flat tax at 26 and 28 percent tax rates for couples with combined incomes as low as $45,000 per year. Perhaps this is the understatement of the year, but these are not the super wealthy who were the intended targets of this tax. When the 112th Congress addresses the question of fundamental tax reform, this reckless component of tax policy must be our top single priority to be repealed and rationalized so that the tax rate is the tax rate, and we cease to have a parallel tax system that is simply out of control.

As the former chair and now ranking member of the Senate Small Business Committee and a senior member of the Senate Finance Committee, the issue of how individual tax rates affect small business is of profound concern to me. Whether it is on Main Street tours or from other constituent contacts with businesses large and small, the uncertainty of the Tax Code is the primary issue on the minds of business owners and managers. At that December 2 hearing on tax reform in the Finance Committee, we were presented data regarding the growth in the number of ''flow through'' businesses—those businesses that pay tax at the individual tax rates rather than at the corporate rate. Since the Tax Reform Act of 1986, but particularly since 2001, the growth in this form of ownership has been expanding. Further, we learned that S Corporations have supplanted C Corporations as the preferred form of business other than sole proprietorships.

The Joint Committee on Taxation has reported that 50 percent of all income in the top two individual income tax brackets is attributable to flow-through businesses. These are the entrepreneurial firms that are generating the jobs necessary to pull us out of this recession, and it is imperative that we not increase taxes on these businesses from 33 and 35 percent up to 36 and 39.6 percent. According to the National Association of Manufacturers, over 70 percent of U.S. manufacturers file as S Corporations or other pass-through entities and NAM reports that most would be significantly and adversely impacted by increasing tax rates to 39.6 percent. Moreover, this legislation will reduce tax rates on capital gains and dividends that will boost capital investment and economic growth.

According to the Small Business Administration, small businesses employ half of all private sector employees, and generated 65 percent of net new jobs over the past 17 years. These flow-through small businesses employ 20 million Americans and it is these business owners who must reinvest the profits of their businesses to continue serving as the economic engines of this Nation. The reinvested profits from a business are the lifeblood of these entrepreneurs and, at a time when access to capital from lending institutions is still difficult, current earnings must be available to business owners rather than sending those funds to Washington. Indeed, in the National Small Business Association's 2009 Year-End Economic Report, 38 percent of respondents to their survey noted Federal taxes as one of the most significant challenges to the future growth and survival of their businesses—a category trumped only by the ongoing economic uncertainty pervading our Nation. Small business owners across America can better deploy this capital than can policymakers in Washington.

Although I believe that this package will demonstrably enhance GDP growth and critically lower unemployment, regrettably this package also unnecessarily adds to our Federal debt by retaining energy tax policies that are quite simply an ineffective use of taxpayers' money. Specifically, instead of considering the effectiveness of individual energy tax policies scheduled to expire this year, the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 simply extends all policies that had Congress extended previously. By that standard the legislation conveniently continues subsidies at their current levels for ethanol, biodiesel, refined coal, natural gas and oil production—all at a cost of more than $11 billion in lost revenue for the Federal Government at a time of record deficits.

These tax policies were enacted years ago, are extremely costly to U.S. taxpayers, and the merits of their extension have not been demonstrated to the Senate Finance Committee. In fact, according to a July 2010 study by the Congressional Budget Office, the ethanol tax credits cost taxpayers $1.78 for each gallon of gasoline consumption

reduced, and $750 for each metric ton of carbon dioxide equivalent emissions avoided. The continuation of this tax credit is an ineffective method at reducing our consumption of foreign oil and will unfortunately cost taxpayers nearly $5 billion.

In addition, the legislation extends the 1603 grant program for qualified renewable energy projects. While I support renewable energy, this program is far from standard tax policy and was developed to be timely, targeted and temporary in the American Recovery and Reinvestment Act as a direct result of the paralysis of the tax equity markets in 2009. Unfortunately, the Finance Committee has not reviewed the effectiveness of this policy and, as a result, I am not supportive of providing an additional $2.9 billion without government analysis demonstrating that this program's extension is an effective use of taxpayers' money.

Again, the decision to include these costly energy provisions was made without Finance Committee hearings, mark-ups, discussions, or analysis. Energy markets are dynamic and technology develops rapidly—Congress must demonstrate our capacity to end obsolete energy tax policies, and develop effective policies that will improve America's energy security.

It is regrettable that the Middle Class Tax Relief Act includes these costly and misguided policies and hope that next year Chairman BAUCUS and Ranking Member HATCH hold Finance hearings to assess the best use of tax policy to reduce energy prices in a fiscally responsible manner.

Finally, I have been an ardent supporter of extended unemployment benefits during this economic calamity. At a time when the official national unemployment rate is 9.8 percent and 7.4 percent in Maine, and many industries and States clearly are experiencing rates that are alarmingly higher, it is imperative that we provide a safety net for these individuals. Rather than the halting, short term and month to month extensions that we have managed this year, the legislation before us would provide extended unemployment benefits through 2011—recognizing that these unemployment numbers are not expected to rebound as quickly as any of us would hope.

I support this legislation to extend current tax relief for two additional years. But it is critical to understand that this is merely a short term patch and that our Tax Code is woefully outdated, mercilessly complicated, and wildly out of control. While the extension of these tax rates is a step in the right direction, let us not forget that it is only a first step in a long journey to overhaul our broken Tax Code as our corporate tax rate is the highest in the world—Japan is reforming their tax system—and the Tax Code is so horribly complex that, according to the August 2010 report from the President's Economic Recovery Advisory Board, that taxpayers spend 7.6 billion hours and shell out about $140 billion trying to comply with tax filing requirements in 2008, which is roughly equivalent to 1 percent of the GDP. Further, the Treasury Department testified at the recent Finance Committee tax reform hearing that the instruction book for the primary individual income tax form has grown from 52 pages for 1980 to 174 pages for 2009. The income tax regulations have doubled, from less than 7,500 pages in 1980 to nearly 15,000 pages today. Between 1980 and 2008, tax returns filled out using paid preparers have increased from 38 percent of returns to 58 percent of returns. When software users are added in, about 85 percent of individual income tax returns rely on some form of assistance, either software used by the taxpayer or a practitioner.

That, my colleagues, is what awaits us in the 112th Congress. I urge you to pass this legislation now so that we can focus on the big picture in the new year and the new Congress. Indeed, this legislation will provide the much needed building blocks for our future efforts.

The legislation we will pass today gives us a brief but realistic window to address the multitude of flaws in the current Tax Code, and I have stated that my guiding principles for reform are as follows—

First, we should establish a progrowth Tax Code with the fewest number of economic distortions that raises sufficient revenue to finance our Nation's spending priorities.

Second, our Tax Code should be simplified to reduce the burden of compliance.

Third, we must end the fiscal ''shell game'' where we extend tax cuts for only a year or two at a time or make them temporary to mask their true long-term costs.

Fourth, the Tax Code should promote savings and investment, the drivers of long-term growth.

Fifth, the Tax Code must not be a barrier to American business competitiveness in the global economy. We have the second highest corporate tax burden in the industrialized world today.

Finally, our Tax Code must remain progressive and distribute the tax burden fairly.

With that, I urge my colleagues to extend existing tax relief—and plan to move expeditiously to enact a sustainable tax system very soon.

Mr. DORGAN. Mr. President, yesterday the Senate voted on the tax bill compromise that was fashioned by the President and Republican leaders in the Congress.

I voted against the compromise.

I recognize that the Republicans in Congress put the President in the position of having to agree to things in the compromise that he strongly objected to. And I also realize that compromise is essential to move forward and to try to fix what is wrong with our economy.

But here is the dilemma. We have two very serious problems that can undermine America's economic future. First is the crushing debt in our fiscal policy. Our debt is currently over $13 trillion with a yearly deficit of over $1 trillion. This proposal will substantially increase that debt which I believe will continue to undermine the confidence people have in this country's future.

The estimate that this agreement will increase the debt by over $1 trillion is far short of what will actually happen. The tax cut extensions are for 2 years and I am certain that in 2 years, in the middle of an election campaign, the tax cuts will be further extended. The total cost of those tax cuts for a decade will be to add $4 trillion to the Federal debt. Again, I think that will undermine any confidence the American people or, for that matter, others in the world will have about our ability to rein in a fiscal policy that has us borrowing 40 percent of everything we spend in the Federal Government.

The second serious problem that we face is the slow rate of economic growth that is unlikely to create jobs at a pace that we need. I understand that in order to address this problem we would want to have a further economic stimulus to extend the growth of the economy. However, this economy has been about as stimulated as any economy in history. Adding more stimulus through borrowing seems to me is not the way to promote confidence or economic growth.

Earlier in the week I voted for cloture because I did not want to block a compromise on these matters. However, the specific compromise which we voted on yesterday I believe falls short of what the country needs, especially in dealing with what I believe is the controlling issue of a crushing Federal debt and therefore an erosion of confidence in our economy.

The fact that this agreement was flawed was not the President's fault. Rather, it was due to the position of the Republicans insisting on the extension of tax cuts for the wealthiest Americans. Without that concession, the Republicans made it clear they were going to block any compromise.

If our country is going to remain a world economic power we need to make good decisions and courageous decisions to fix the things we know are wrong. In order to do that, the President is going to need help. It requires more willingness to compromise on the part of the Republicans than they have shown recently.

Mr. CORNYN. Mr. President, this week, the U.S. Senate took an important vote to prevent the largest tax increase in American history—and help get America's job creators off the sidelines.

I voted for this bill for one simple reason: raising taxes during a recession on anyone is not a good idea.

This bill prevents tax increases on every American who pays income taxes, because it keeps the lowest

bracket at 10 percent; keeps the highest bracket 35 percent; preserves relief from the marriage penalty—as well as the $1,000 per child tax credit; blocks higher taxes on capital gains and dividends; protects at least 21 million families from the alternative minimum tax; and reduces the ''death tax'' by 20 percent from what it would have been on January 1.

Some of my fellow conservatives have reservations about this bill, and I share them. This bill certainly falls far short of what I think we would see if Republicans controlled both Chambers of Congress and the White House. I think we would see a permanent extension of all the 2001 and 2003 tax relief; a much lower estate tax; and zero new spending or tax breaks for special interests.

But given that President Obama will hold the veto pen for at least 2 more years—and given all the class-warfare rhetoric that the President and the majority have indulged in over the last few years—I consider an extension of tax relief for every American taxpayer to be a remarkable legislative achievement for Republicans. One pundit summed up the agreement this way: ''If someone had told me, the day after Election Day 2008, that tax rates on income and capital would not increase for the next four years, I would have laughed at them. Now it's about to come true, and Presidents Obama and Clinton are helping make it happen.''

The only thing I would add to that statement is that several of my colleagues deserve credit for making this agreement happen—especially Senator MCCONNELL, Senator KYL, and Senator GRASSLEY.

Some of my colleagues on the other side of the aisle have also raised objections to this legislation—and I would like to respond to just one of those objections: the claim that it is hypocritical to say you are concerned about the deficit but then vote to keep taxes low on American families and small businesses.

Let me set the record straight on what actually happened to the deficit once the tax relief Congress originally passed in 2001 and 2003 began to kick in to our economy. As our colleagues remind us constantly, deficits did go up during the first years of the Bush administration—in part due to the collapse of the dot-com bubble, the recession, and 9/11. In fact, by fiscal year 2004, the deficit was up to $413 billion, or 3.5 percent of GDP.

But then, just as the 2001 and 2003 tax relief started to kick in, a strange thing happened to the deficit: It went down to $318 billion in fiscal year 2005, then down again to $248 billion in fiscal year 2006, and then down to $161 billion in fiscal year 2007. By then our deficit was only 1.2 percent of GDP.

Now why did the deficit go down in those years? One big reason is that tax relief helped grow the economy; got about 8 million more people on the payroll between 2003 and 2007; and therefore generated more tax revenue.

I think the person who said it best was Austin Goolsbee, the chairman of the President's Council of Economic Advisers. On ''Meet the Press'' Sunday, he had this to say: ''You cannot reduce the deficit if the economy is not growing, period.'' I agree.

Now I also agree that preventing a massive tax increase is not the only thing we must do to get our national debt under control. We must cut government spending—and that means killing the $1.3 trillion omnibus spending bill the majority introduced yesterday. We must study the proposals of the President's Debt Commission—and take action to prevent the looming fiscal catastrophe that they described. We must address head-on the need for reform in our entitlement programs like Social Security and Medicare—and put them on a sustainable path. And we must pass a balanced budget amendment to the U.S. Constitution.

We can begin addressing all of these tough decisions in just a few weeks—once the new Congress elected by the American people is sworn in. Today, our urgent decision is whether we want taxes to go up on January 1, or rather extend the tax relief and remove a huge element of uncertainty among our job creators.

I believe the choice is clear, and so do the American people. 69 percent of the American people support this legislation, according to a poll released yesterday by the Washington Post and ABC News.

As usual, the American people have got it right.

RECOGNIZING THE FBI

Ms. MIKULSKI. Mr. President, I rise to congratulate the men and women of the FBI's Baltimore field office who have prevented yet another catastrophic terrorist attack on our Nation. Similar to the plot to bomb the tree lighting ceremony in Portland, OR, over the recent Thanksgiving holiday weekend, the outstanding work of the men and women of the FBI's Baltimore field office was successful in infiltrating and thwarting the planned bombing of a military recruitment center in Catonsville, MD. This deplorable scheme was meant to harm the young men and women who sacrifice so much for our country by serving in the Armed Forces. That is why I am grateful for the FBI's months of careful, covert and skillful investigations and operations to disrupt this plot, put the terrorist behind bars, and keep Marylanders safe.

This is the second time in as many weeks that the FBI has stopped a terrorist plot to harm Americans here at home, reminding us they are on the job 24 hours a day 7 days a week keeping the United States safe. Whether they are catching sexual predators who exploit children on the Internet, targeting scammers who prey on hard-working, middle-class families with mortgage fraud schemes, stopping cyber crooks from hacking into U.S. networks, or preventing terrorists bent on murder and destruction from acquiring weapons of mass destruction, the FBI is committed to protecting our communities with fidelity, bravery and integrity. This job is not easy and most of the time the good work done by FBI employees does not make headlines, but they remain committed to their mission of fighting to protect 300 million Americans nonetheless.

A tremendous amount of detective work was carried out by the FBI and their Federal, State and local law enforcement and homeland security partners to prevent this attack and save lives. The takedown went exactly as planned, and that can be attributed to professionalism and diligence displayed by the many agencies involved. Leading the charge was the Joint Terrorism Task Force, which was integral in coordinating a multiagency team that investigated the threat thoroughly and ensured the safety of Marylanders. In addition, I want to praise the critical contributions to the investigation by the Baltimore City Police Department, Baltimore County Police Department, Maryland State Police, Naval Criminal Investigative Service, Army Recruiting Command, Air Force Recruitment Command, Air Force Office of Special Investigations, Army 902d Military Intelligence Group, Defense Criminal Investigative Services (DCIS) and other DOD components, U.S. Marshals Service, and Immigration and Customs Enforcement.

As chairwoman of the Appropriations Subcommittee on Commerce, Justice, and Science, I know firsthand the importance of the national security responsibilities shouldered by the FBI as they protect us from both homegrown and international terrorism. In a time when many Americans eye the Federal institutions with wariness and disapproval, the FBI continues getting the job done and restoring confidence in our government's ability to keep us safe. Again, I congratulate the FBI's brave men and women for their tireless efforts in protecting our communities, and say to them, ''Keep up the fight!''

ARGENTINA DEBT DEFAULT

Mr. WICKER. Mr. President, I rise today to discuss the debt default of the Republic of Argentina. Since it defaulted on its debt 9 years ago, the nation has ignored the judgments of American courts even though Argentina committed to honor such judgments when the debt was originally issued.

In 2001, Argentina defaulted on over $81 billion in sovereign debt, the largest default in modern history. American creditors were heavily exposed to the losses that resulted from that default and Argentina's debt restructuring. Despite paying off certain creditors in full, Argentina still owes U.S. bondholders over $3 billion while holding nearly $54 billion in reserves.

Bondholders have won over 100 U.S. Federal court judgments against Argentina. Additionally, Argentina has not paid claims brought by U.S. companies and other bondholders in international forums, which have collectively issued over $900 million in judgments against Argentina.

I have been approached on this matter by my constituents in Mississippi who are concerned about the outstanding court judgments. The issue of Argentina's default also reaches beyond my state's borders to every U.S. taxpayer because some of these losses are qualified tax deductions.

In light of my concerns, I am considering introducing legislation next year to address this issue. This is a step I hope I do not have to make, but I believe previous obligations should be honored.

PORTEOUS IMPEACHMENT

Mr. SESSIONS. Mr. President, I would like to address two matters concerning the impeachment of Judge Porteous. As a former Federal prosecutor and State attorney general, I have reviewed and drafted a number of indictments. I do not believe that evidence of acts committed before confirmation should be withheld from consideration in the impeachment process or that it is inappropriate to aggregate claims together.

The Constitution does not require that all conduct be committed post Federal appointment nor does it stipulate at all when the conduct must occur. Whether treason or bribery occurs before or after confirmation is not the question, but whether or not it occurred. If this were not so, individuals like Judge Porteous, who are very capable of practicing the art of deception and are confirmed, could not be removed from office.

I believe that all four counts against Judge Porteous were well drafted. The Senate has previously stated that ''the House has substantial discretion in determining how to aggregate related alleged acts of misconduct in framing Articles of Impeachment and has historically frequently chosen to aggregate multiple factual allegations in a single impeachment article . . . Judge Porteous engaged in a number of elaborate schemes. Having prosecuted fraud, conspiracy, and racketeering cases, I understand that the facts in these types of cases can be extensive and can build up over a period of years. What we should look at is whether the events are sufficiently related so as not to produce prejudice. Each of these counts told a complete story of wrongdoing that was coherent and was held together logically.

Finally, let me say that Judge Porteous's behavior should serve as a reminder to the President of the critical importance of vetting his nominees and as a reminder to this body that a thorough confirmation process is imperative. The process should always emphasize character, integrity, mental and emotional health, and high morals.

OMNIBUS APPROPRIATIONS

Mrs. MURRAY. Mr. President, I wish to join in a colloquy with my ranking member, Senator BOND, to correct clerical errors to project and attribution tables in the transportation, housing, and urban development title to the Omnibus Appropriations Act for Fiscal Year 2011.

Senator CASEY should be added for attribution to the Economic Development Initiative project for the city of Wilkes-Barre, PA.

The project under the Bus and Bus Facilities Account for Longview Transit Vehicle Replacements, Clark County, WA, should read Longview Transit Vehicle Replacements, Cowlitz County, WA.

The project under Surface Transportation Improvements Bench Boulevard Improvements, Helena, MT, should read Bench Boulevard Improvements, Billings, MT, where the project construction will be taking place.

The project under Surface Transportation Improvements for the Maritime Fire and Safety Administration, WA, should read Maritime Fire and Safety Association, WA.

Senator BOXER should not be listed for attribution to the Marin-Sonoma Narrows, CA, project under the Surface Transportation Investments account, and she should be listed for attribution for the Sonoma-Marin Area Rail Transit, SMART, CA project under the Federal Transit Administration Capital Investment Grant account.

The project under the Surface Transportation Improvement Account listed as SR 522 Corridor Improvements should read SR 522 Corridor Signal Improvements, 61st and 181st Street, WA.

Additionally, Senator FRANKEN should be added as a requester of the Economic Development Initiative project for the Lutheran Social Services of Minnesota, MN, Renovation of Homes for the Disabled.

Mr. BOND. My colleague and chair, Senator MURRAY, is correct. In addition to the projects she mentioned, the project description under the Economic Development Initiative Account for the City of Brewer, ME, should read ''For the development of a riverfront trail system as part of the Penobscot Landing redevelopment initiative.''

Further, under the technical corrections table, Senators CHAMBLISS and ISAKSON should not be listed for attribution for the Newton County Eastside High School to County Library Trail, GA.

Mrs. MURRAY. I have confirmed with my staff that these projects have been properly disclosed and have been certified to be free of any pecuniary interest.

Mr. BOND. My colleague and chair, Senator MURRAY, is correct, and I concur with these changes.

HONORING OUR ARMED FORCES

SPECIALIST MATTHEW W. RAMSEY

Mr. BENNET. M. President, it is with a heavy heart that I honor the life and heroic service of SPC Matthew W. Ramsey. Specialist Ramsey, assigned to the 101st Airborne Division, based in Fort Campbell, KY, died on November 29, 2010, of injuries sustained when his unit faced small arms fire. Specialist Ramsey was serving in support of Operation Enduring Freedom in Nangarhar Province, Afghanistan. He was 20 years old.

A native of Quartz Hill, CA, Specialist Ramsey graduated from Quartz Hill High School in 2008 and enlisted in the Army. He served two tours of duty in Afghanistan, both with decoration. Among many other awards, Specialist Ramsey earned the National Defense Service Medal, the Global War on Terrorism Medal, and the NATO Medal.

During over 2 years of service, Specialist Ramsey distinguished himself through his courage, dedication to duty, and unremitting commitment to family. Shortly after enlistment, Specialist Ramsey learned from his wife that he was to become a father. He saw the Army as a path to attaining a bright future for his new family. His wife, Mirella, is expecting a second child in early 2011.

Specialist Ramsey worked on the front lines of battle, serving in the most dangerous areas of Afghanistan. He is remembered by those who knew him as a consummate professional with an unending commitment to excellence. His family remembers him as a dedicated son, husband, and father.

Mark Twain once said, ''The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time.'' Specialist Ramsey's service was in keeping with this sentiment by selflessly putting country first, he lived life to the fullest. He lived with a sense of the highest honorable purpose.

At substantial personal risk, he braved the chaos of combat zones throughout Afghanistan. And though his fate on the battlefield was uncertain, he pushed forward, protecting America's citizens, her safety, and the freedoms we hold dear. For his service and the lives he touched, Specialist Ramsey will forever be remembered as one of our country's bravest.

To Wayne and Melissa, Specialist Ramsey's parents, Mirella, his wife, Zachary, his son, and his entire family I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by your pride in Matthew's service and by your knowledge that his country will never forget him. We are humbled by his service and his sacrifice.

SERGEANT FIRST CLASS JAMES E. THODE

Mr. President, it is with a heavy heart that I honor the life and heroic service of SFC James E. Thode. Sergeant Thode, assigned to the 118th Engineer Company, 1457th Engineer Battalion, Army National Guard, died on

December 2, 2010, from injuries he sustained when an improvised explosive device detonated near his patrol. He was serving in support of Operation Enduring Freedom in Khost Province, Afghanistan. He was 45 years old.

A native of Kirtland, NM, Sergeant Thode graduated from Catalina High School, in Tucson, AZ, and the University of Arizona. Sergeant Thode served as an officer in the Farmington, New Mexico, police department for 14 years. He was a senior member of the SWAT team and also served in the Army National Guard, deploying for tours in Iraq and Afghanistan.

During his years of service, Sergeant Thode distinguished himself through his courage, dedication to duty, and willingness to take on any job. Fellow soldiers respected his intensity, and they relied heavily on his leadership. Sergeant Thode was awarded numerous medals and awards, including the Bronze Star, the Purple Heart, the Army Commendation Medal, two Army Achievement Medals, and the Army Good Conduct Medal.

Sergeant Thode worked on the front lines of battle, serving in the most dangerous areas of Afghanistan. He is remembered by those who knew him as a consummate professional with an unending commitment to excellence. Friends at the Farmington Police Department note that he was beloved by his colleagues. They remember Sergeant Thode as an effective manager who led by example.

Mark Twain once said, ''The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time.'' Sergeant Thode's service was in keeping with this sentiment—by selflessly putting country first, he lived life to the fullest. He lived with a sense of the highest honorable purpose.

Sergeant Thode braved the chaos of combat zone throughout Iraq and Afghanistan. And though his fate on the battlefield was uncertain, he pushed forward, protecting America's citizens, her safety, and the freedoms we hold dear. For his service and the lives he touched, Sergeant Thode will forever be remembered as one of our country's bravest.

To Sergeant Thode's entire family—I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by your pride in James's service and by your knowledge that his country will never forget him. We are humbled by his service and his sacrifice.

REMEMBERING CONGRESSMAN STEPHEN SOLARZ

Mr. DODD. Mr. President, I rise today to pay tribute to a good friend and former colleague of mine, former Congressman Stephen Solarz, who passed away late last month at the age of 70. I would like to take this moment to convey my heartfelt condolences to Stephen's wife, Nina, the rest of his family, and everyone else who knew, worked with, and enjoyed Stephen during his life.

Stephen and I were both elected to the House of Representatives for the first time in 1974, members of a historic class of 75 Democratic freshmen who came to Washington in the wake of the Watergate scandal. Stephen remained a stalwart of the House, serving the people of his Brooklyn-based congressional district with distinction for nearly two decades.

Throughout his tenure in Congress, Stephen was always attentive to the needs of his constituents, even going so far as to nickname himself ''Representative Pothole'' for his work on local issues. But in spite of this, Stephen's tenure was perhaps most clearly defined by his work on foreign policy issues. As a member of the House Foreign Affairs Committee throughout his nine terms, Stephen demonstrated a strong and abiding passion for world affairs. Indeed, during his first month in office, Stephen went on an 18-day congressional delegation trip to the Middle East, meeting with the leaders of Israel, Syria, Jordan, and Egypt.

Beginning in 1979, Stephen took on some important leadership positions within the committee, serving first as chairman of the Subcommittee on African Affairs, and subsequently as chairman of the Subcommittee on Asian and Pacific Affairs. During that time, Stephen was absolutely committed to ensuring that human rights and respect for the rule of law remained key pillars of U.S. policy in those regions.

He was an uncompromising supporter of sanctions against the apartheid regime in South Africa; one of Congress's most vocal and persistent critics of the authoritarian government led by Ferdinand Marcos in the Philippines; and a tireless advocate of peace in Cambodia. Stephen was also a strong proponent of diplomacy and engagement, becoming the first United States Congressman to visit North Korea in nearly three decades in 1980. And perhaps just as significantly, Stephen was a committed defender of the House of Representatives who worked extremely hard to carve out a more prominent place for that body in foreign policy discussions.

As a member of the Senate Foreign Relations Committee myself, I had the opportunity to work with Stephen on a number of occasions. And I must say that I was consistently impressed by Stephen's tenacity, intelligence, and commitment to justice and democracy. In nearly everything he did as a Member of Congress, Stephen was always well-prepared, knew the issues inside and out, and was not afraid to challenge those with whom he disagreed. That is the Stephen Solarz that my colleagues and I got to know over the years, and that is, in my view, the kind of Congressman Stephen will most be remembered as.

Once again, I would like to express my sincere condolences to Stephen's family and all those individuals who, like me, had the privilege of knowing him over the years. And I take this opportunity to thank Stephen for his many years of service to this country and his tireless efforts to create a more just and peaceful world.

REMEMBERING RICHARD HOLBROOKE

Mr. FEINGOLD. Mr. President, it is with great sadness that I pay tribute to the memory of my friend Richard Holbrooke, who passed away earlier this week. Richard was a masterful diplomat who brought his extraordinary skills to bear on some of the thorniest issues in U.S. foreign policy. Every step of the way, from his tremendous accomplishments at the Dayton Accords to his work as U.S. Special Envoy for Afghanistan and Pakistan, he showed his deep commitment to our country, and to serving the greater good the world over.

I came to know Richard when we travelled to Africa together in 1999, when he was serving as U.S. Ambassador to the United Nations. He had never been to Africa before, and yet on the trip he was able to thoroughly grasp the complex issues facing the continent immediately. His brilliance was apparent, and it enabled him to identify emerging issues quickly and push for critical action. On that trip our purpose was to focus on the crisis in the Democratic Republic of Congo, but we also saw the incredible devastation of the HIV/AIDS crisis firsthand. Richard called then-U.N. Secretary-General Kofi Annan and told him that the Security Council needed to address AIDS directly. When the Secretary-General responded that the Security Council only addressed security issues, Richard replied that this was, indeed, a security issue. He was right, and the Security Council's subsequent discussion was a turning point as the world community began to understand the depth and severity of the crisis on the African continent.

In the years since, Richard always made time to discuss foreign policy issues with me, and he always truly listened and wanted to understand my point of view, even when we disagreed. This was especially true of his work on Afghanistan and Pakistan. We didn't always see eye to eye about U.S. policy in the region, but he always reached out to me and solicited my views, and I was so appreciative of that. Those efforts on his part said volumes about him and his thoughtful approach to the complex issues he worked on with such commitment and such skill.

We had breakfast the morning after one of his last trips. I could see the toll his work was taking on him, but he was terrific to be with as usual. He was completely engaging and interested in my perspective, yet still managed to work the whole room, multitasking as always.

Richard Holbrooke was an extraordinary man of many talents who spent his life building a better, more just

world for us all. His many accomplishments will live on as a testament to his profound commitment to our nation and to a life of public service. But for me, I will simply miss him as a friend.

THANKING STAFF

Mr. DODD. Mr. President, I rise today to say thank you to the wonderful staff of the Senate Foreign Relations Committee. Earlier this week I had the privilege of chairing my final hearing in that committee, and I want to take a moment to extend my thanks and gratitude to those who have made this committee run so smoothly and professionally over the years.

Bertie Bowman's tenure here dates back to Senator Fulbright, and his extraordinary career, as the longest serving African American on Capitol Hill, speaks volumes about his character and commitment. It has been a true pleasure seeing Bertie at every hearing and it is largely thanks to his efforts, that our hearings run so smoothly.

Meg Murphy, the committee's protocol and foreign travel coordinator, has done a truly wonderful job ensuring that our travel, business meetings, and committee coffees always went off without a hitch. Her phenomenal attention to detail and thoroughness, in addition to her dedication and good humor has made her an invaluable asset to the committee.

I would also like to recognize Samantha Hamilton, Susan Oursler, as well as Gail Coppage for their hard work and dedication.

Last, I would like to thank Frank Lowenstein, staff director of the committee, whom I have gotten to know over the years, including during a trip we took together to the Middle East. I had the privilege of knowing Frank's father, Al Lowenstein, and I can say without a doubt how proud he would be of his son Frank.

ADDITIONAL STATEMENTS

MILWAUKEE BUILDING AND CONSTRUCTION TRADES COUNCIL

• Mr. KOHL. Mr. President, today I recognize and congratulate the Milwaukee Building and Construction Trades Council, MBCTC, on the occasion of their 100th anniversary.

For the past 100 years the MBCTC has literally built Milwaukee. Many of today's notable Milwaukee landmarks and buildings like the Petit National Ice Center, the Performing Arts Center, the Bradley Center, County Stadium, then Miller Park, Potawatomi Bingo and Casino, the Port Washington and Elm Road Generating Stations and most recently the Marquette Interchange are owed to the tireless work of members of the MBCTC.

Not only has the MBCTC truly had a hand in shaping the Milwaukee we know and love today but it has done so while tending to its membership, the men and women of the building trades who make it all possible. The MBCTC remains true to its founding principles to represent its members in the building and construction trades for justice on the job, better wages and never sacrificing quality for its customers. For a century, their true commitment to members and their families as well as to our Milwaukee community has stood on solid foundation.

On behalf of our State and Nation, I join this centennial celebration in recognition of the Milwaukee Building and Construction Trades Council. Let us honor their hard work and long history of building up Milwaukee into a great place to visit, work, live and raise a family.•

ADDRESSING THE NATIONAL DEBT

• Mr. SANDERS. Mr. President, today I wish to introduce to you one of my constituents, Lawrence ''Rip'' Kirby of Rutland, VT, who has written to me outlining his ideas on how Congress can and should address our $13.8 trillion national debt in a fair and sensible way. I am pleased the citizens of Vermont are engaged on this issue, which is of critical importance to not only our State, but indeed the Nation. The decisions that we make on the Senate floor today will impact generations of Americans to come. That is why I would like to share with you what Mr. Kirby wrote:

To reduce the deficit and accumulated debt we must understand their root causes and history:

Short-term problem: The near-collapse of the economy was arrested by means of deficit spending, including corporate bailouts, extended unemployment benefits, and stimulus initiatives. While arguably necessary to stave off an even worse catastrophe, these measures have added to the deficit and the debt.

Solution(s): Our emphasis should not be on recovery of sunk costs but on prevention of future disasters. Break up ''too large to fail'' businesses through anti-trust laws. Regulate imprudent, secretive, or unfathomable financial arrangements like derivatives. Increase regulated safety margins like reserve requirements for banks and loan limits based on borrower credit ratings. Eliminate conflicts of interest like permitting bond rating agencies to have a financial stake in the companies they rate.

Medium-term problem: Our wars overseas have been funded by massive deficits with no real strategy for repayment. The unexpected length and intractability of these conflicts exacerbates the problem.

Solution(s): Stop the financial bleeding and provide a financial transfusion. To stop the bleeding we must get out of these conflicts within a short time (two years at most). Continue intelligence-gathering and maintain air power, but get the boots off the ground. To provide a transfusion, enact a temporary and progressive ''war surtax'' with a sunset provision.

Long-term problem: Entitlement spending (Medicare, Social Security, etc.) has exceeded its funding as America's longevity has climbed faster than its typical retirement age without tax increases to keep up. The mass retirement of the baby boomers will aggravate this problem as they become greater consumers of entitlements and a lesser source of taxes.

Solution(s): Recognize that longevity is really an advantage, and make better use of people's lengthening ability to work and to contribute. In short, this means gradually raising the age of entitlement eligibility. We must also end the regressive and irrational Social Security tax exemption for earnings above $108,000.

Long term problem: Our K–12 school system has deteriorated while foreign students have surged ahead in critical subjects like math, science, and language skills. The underlying cause is debated endlessly, but I believe we have replaced the hard work of learning with trendy feel-good initiatives that represent the path of least resistance for both educators and students. We also underfund education, thereby encouraging the employment of second-rate teachers, curricula, and facilities. This exacerbates the deficit by degrading our tax base as emerging generations of Americans are prepared for only menial jobs paying low wages.

Solution(s): Stop experimenting and do what works—get back to basics and pay for excellence. Reward teachers who cultivate competence. Emphasize math, science, and language skills, as well as less tangible, but important skills like inquiry and logic. Recognize sports programs as a way to teach critical social skills, not as a career path. Treat standardized testing as a means to excellence, not as an end in itself. And finally, forget self esteem—it will come on its own when it is earned.''

Lawrence ''Rip'' Kirby
Rutland, Vt.

Thank you, Mr. President, for allowing me to share with you these words of wisdom from an average Vermonter. I hope my colleagues in the Senate take note of Mr. Kirby's sage advice.•

RECOGNIZING HARBOR FARM

• Ms. SNOWE. Mr. President, every holiday season, Americans head to stores in droves to buy the perfect gift for their loved ones or friends during the holiday season. Many will visit small businesses, such as gift shops and local retailers, which offer a variety of products. There is one such store in my home State of Maine, Harbor Farm, that helps keep the Christmas spirit alive year round through a variety of products that celebrate the season.

Harbor Farm is located on Little Deer Isle, a tiny island located off Maine's coast in Penobscot Bay. The island is both a picturesque summer vacationland as well as the year-round home to 300 residents. And Harbor Farm caters to locals and tourists alike with a variety of regional and international gifts, from candles to apparel and most everything in between. The store also carries gifts made by another local small business, the Deer Isle Granite Company, including beautiful clocks in the shape of the State of Maine as well as cutting boards and coasters.

Additionally, Harbor Farm has a unique ''Christmas Room,'' with a plethora of thoughtful and creative goods and wares. More than simply holiday-themed gifts, the Christmas Room features exceptional items inspired by Maine, including blueberry jewelry

made using blue sponge coral as well as moose and snowman ornaments. Harbor Farm also offers delightful Christmas wreaths, made from Maine balsam and beautifully decorated with traditional cones, berries, and bows. In that same vein, the store also sells a number of centerpieces of cedar, balsam, and pine, adorned with candles and faux fruits. Harbor Farm readily ships these special holiday gifts and decorations across the country to a growing list of customers each year.

Another item Harbor Farm specializes in is remarkable tile. The company offers customers a wide array of beautiful tile from 17 States and 17 countries for any room in the home. The designs range from delicately painted lighthouses and landscapes to flowers and farmyards. The staff at Harbor Farm takes the time to assist clients looking to mix tiles for a more elegant and eclectic visual display.

It is evident that the employees of Harbor Farm take great pains to offer their customers high quality items for a broad swath of uses in everyday life. From its reproductions of early American furniture to pottery to clothing accessories, Harbor Farm is a quintessential New England gift shop that has something for everyone. I thank everyone at Harbor Farm for their dedicated efforts to provide shoppers with a pleasant experience, and I wish them many years of success.●

REMEMBERING THE VENERABLE ROS MEY

● Mr. WHITEHOUSE. Mr. President, today I commemorate the extraordinary life of Venerable Ros Mey, the head Buddhist monk and president of the Wat Thormikaram Khmer Temple in Providence. Although he passed away on December 12, 2010, at age 85, his teachings of peace will live on in the vibrant Cambodian community of Rhode Island in which he served.

Venerable Mey was ordained as a Buddhist monk in Providence at age 62 and dedicated himself to his faith, his congregation, and to praying for peace in Cambodia with his fellow worshipers.

Venerable Mey's journey to Rhode Island was a perilous one. He and his family endured forced labor under the Khmer Rouge regime in Cambodia from 1975 until their escape to Thailand four years later. They made their way to Rhode Island as part of the first wave of refugees from Cambodia. Only several thousand of the 80,000 monks in Cambodia survived the Khmer Rouge.

Venerable Mey turned the adversity he experienced into peaceful teachings by dedicating his life to the Cambodian community in our State. In 1998 he became head monk and president, succeeding the Venerable Maha Ghosananda, also a renowned peace activist. Venerable Mey was a driving force behind a new worship hall at the Wat Thormikaram Temple, which is a spiritual center for Cambodian Buddhists in Rhode Island and across the Nation.

His surviving family, the thousands of Rhode Islanders whose weddings and births he officiated, the Cambodian community, and the people of our State will remember his teachings of peace.●

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 has passed the following bills, without amendment:

S. 1774. An act for the relief of Hotaru Nakama Ferschke.

S. 3199. An act to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss.

S. 3386. An act to protect consumers for certain aggressive sales tactics on the Internet.

S. 4010. An act for the relief of Shigeru Yamada.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 1275. An act 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.

S. 1448. An act to amend the Act of August 9, 1955, to authorize the Coquille Indian Tribe, the Confederated Tribes of Siletz Indians, the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw, the Klamath Tribes, and the Burns Paiute Tribe to obtain 99–year lease authority for trust land.

S. 1609. An act to authorize a single fisheries cooperative for the Bering Sea Aleutian Islands longline catcher processor subsector, and for other purposes.

S. 2906. An act to amend the Act of August 9, 1955, to modify a provision relating to leases involving certain Indian tribes.

S. 3794. An act to amend chapter 5 of title 40, United States Code, to include organizations whose membership comprises substantially veterans as recipient organizations for the donation of Federal surplus personal property through State agencies.

S. 3984. An act to amend and extend the Museum and Library Services Act, and for other purposes.

H.R. 1061. An act to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes.

H.R. 6278. An act to amend the National Children's Island Act of 1995 to expand allowable uses for Kingman and Heritage Islands by the District of Columbia, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUYE).

At 10:05 a.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 bill, in which it requests the concurrence of the Senate:

H.R. 6517. An act to extend trade adjustment assistance and certain trade preference programs, to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, and for other purposes.

At 10:32 a.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. 5446. An Act to designate the facility of the United States Postal Service located at 600 Florida Avenue in Cocoa, Florida, as the ''Harry T. and Harriette Moore Post Office''.

H.R. 5493. An Act to provide for the furnishing of statues by the District of Columbia and territories and possessions of the United States for display in Statuary Hall in the United States Capitol.

H.R. 6205. An Act to designate the facility of the United States Postal Service located at 1449 West Avenue in Bronx, New York, as the ''Private Isaac T. Cortes Post Office''.

H.R. 6494. An Act to amend the National Defense Authorization Act for Fiscal Year 2010 to improve the Littoral Combat Ship program of the Navy.

The message also announced that the House has passed the following bills, without amendment:

S. 30. An Act to amend the Communications Act of 1934 to prohibit manipulation of caller identification information.

S. 3036. An Act to establish the National Alzheimer's Project.

The message further announced that the House has agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 72. Concurrent resolution recognizing the 45th anniversary of the White House Fellows Program.

S. Con. Res. 77. Concurrent resolution to provide for the approval of final regulations issued by the Office of Compliance to implement the Veterans Employment Opportunities Act of 1998 that apply to certain legislative branch employing offices and their covered employees.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2965) entitled ''An Act to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes'', with an amendment.

ENROLLED BILL SIGNED

At 11:13 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1405. An act to redesignate the Longfellow National Historic Site, Massachusetts, as the ''Longfellow House-Washington's Headquarters National Historic Site''.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUYE).

At 1:14 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the Senate amendment to the bill (H.R. 4337) to amend the Internal Revenue Code of 1986 to modify certain rules applicable to regulated investment companies, and for other purposes.

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, without amendment:

S. 841. An act 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.

S. 3447. An act 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. 3860. An act to require reports on the management of Arlington National Cemetery.

S. 4005. An act to amend title 28, United States Code, to prevent the proceeds or instrumentalities of foreign crime located in the United States from being shielded from foreign forfeiture proceedings.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 2941) to reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 6198) to amend title 11 of the United States Code to make technical corrections, and for other purposes.

ENROLLED BILLS SIGNED

At 5:53 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1774. An act for the relief of Hotaru Nakama Ferschke.

S. 4010. An act for the relief of Shigeru Yamada.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUYE).

MEASURES READ THE FIRST TIME

The following joint resolution was read the first time:

S.J. Res. 42. Joint resolution to extend the continuing resolution until February 1, 2011.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, December 16, 2010, she had presented to the President of the United States the following enrolled bills:

S. 1275. An act 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.

S. 1448. An act to amend the Act of August 9, 1955, to authorize the Coquille Indian Tribe, the Confederated Tribes of Siletz Indians, the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw, the Klamath Tribes, and the Burns Paiute Tribe to obtain 99-year lease authority for trust land.

S. 1609. An act to authorize a single fisheries cooperative for the Bering Sea Aleutian Islands longline catcher processor subsector, and for other purposes.

S. 2906. An act to amend the Act of August 9, 1955, to modify a provision relating to leases involving certain Indian tribes.

S. 3794. An act to amend chapter 5 of title 40, United States Code, to include organizations whose membership comprises substantially veterans as recipient organizations for the donations of Federal surplus personal property through State Agencies.

S. 3984. An act to amend and extend the Museum and Library Services Act, and for other purposes.

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–8515. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A340-500 and A340-600 Series Airplanes'' ((RIN2120-AA64) (Docket No. FAA-2010-1110)) received in the Office of the President of the Senate on December 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8516. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; SOCATA Model TBM 700 Airplanes'' ((RIN2120-AA64) (Docket No. FAA-2010-0862)) received in the Office of the President of the Senate on December 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8517. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Sikorsky Aircraft Corporation (Sikorsky) Model S-92A Helicopters'' ((RIN2120-AA64) (Docket No. FAA-2010-1136)) received in the Office of the President of the Senate on December 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8518. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France (ECF) Model SA330F, G, and J; and AS332C, L, L1, and L2 Helicopters'' ((RIN2120-AA64) (Docket No. FAA-2010-0670)) received in the Office of the President of the Senate on December 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8519. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Sikorsky Aircraft Corporation (Sikorsky) Model S-92A Helicopters'' ((RIN2120-AA64) (Docket No. FAA-2010-1136)) received in the Office of the President of the Senate on December 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8520. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney PW4000 Series Turbofan Engines'' ((RIN2120-AA64) (Docket No. FAA-2010-0725)) received in the Office of the President of the Senate on December 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8521. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 737-600, -700, -700C, -800, and -900 Series Airplanes'' ((RIN2120-AA64) (Docket No. FAA-2007-28348)) received in the Office of the President of the Senate on December 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8522. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; CENTRAIR Models 101, 101A, 101P, and 101AP Gliders'' ((RIN2120-AA64) (Docket No. FAA-2010-0735)) received in the Office of the President of the Senate on December 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8523. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 B2-1C, B2K-3C, B2-203, B4-2C, B4-103, and B4-203 Airplanes; and Model A300 B4-601, B4-603, B4-620, B4-622, B4-605R, B4-622R, and F4-605R'' ((RIN2120-AA64) (Docket No. FAA-2009-1067)) received in the Office of the President of the Senate on December 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8524. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class B Airspace; Charlotte, NC'' ((RIN2120-AA66) (Docket No. FAA-2010-0049)) received during adjournment of the Senate in the Office of the President of the Senate on December 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8525. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Head Restraints'' (RIN2127-AK39) received in the Office of the President of the Senate on December 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8526. A communication from the Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Brokers of Household Goods Transportation by Motor Vehicle'' (RIN2126-AA84) received in the Office of the President of the Senate on December 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8527. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Waiver of Acceptable Mission Risk Restriction for Reentry and a Reentry Vehicle'' (14 CFR Part 431) received in the Office of the President of the Senate on December 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8528. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Office of Commercial Space Transportation; Waiver of Autonomous Reentry Restriction for a Reentry Vehicle'' (14 CFR Part 431) received in the Office of the President of the Senate on December 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8529. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Civil Penalty Inflation Adjustment Tables'' ((RIN2120–AJ50)(Docket No. FAA–2009–0237)) received in the Office of the President of the Senate on December 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8530. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Restricted Areas R-3807 Glencoe, LA, and R-6320 Matagorda, TX'' ((RIN2120–AA66)(FAA–2010–1014)) received in the Office of the President of the Senate on December 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8531. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Using Agency for Restricted Areas R-4002, R-4005, R-4006 and R-4007; MD'' ((RIN2120–AA66)(Docket No. FAA–2010–1070)) received in the Office of the President of the Senate on December 13, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8532. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Fairbanks, Alaska)'' (MB Docket No. 10–81, RM-11600) received in the Office of the President of the Senate on December 10, 2010; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 2868. To amend the Homeland Security Act of 2002 to enhance security and protect against acts of terrorism against chemical facilities, to amend the Safe Drinking Water Act to enhance the security of public water systems, and to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works, and for other purposes (Rept. No. 111–370).

By Mr. DORGAN, from the Committee on Indian Affairs, with amendments:

S. 3903. A bill to authorize leases of up to 99 years for lands held in trust for Ohkay Owingeh Pueblo (Rept. No. 111–371).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs:

Report to accompany H.R. 2142, To require quarterly performance assessments of Government programs for purposes of assessing agency performance and improvement, and to establish agency performance improvement officers and the Performance Improvement Council (Rept. No. 111–372).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 3874. A bill to amend the Safe Drinking Act to reduce lead in drinking water.

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. BROWN of Ohio (for himself and Mr. MERKLEY):

S. 4034. A bill to support United States manufacturing by providing rules and guidance, waiver notices, and departmental and agency actions applicable to the domestic content standards of Federal grants administered by the Department of Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REED (for himself and Ms. STABENOW):

S. 4035. A bill to amend the Public Health Service Act to provide grants for community-based mental health infrastructure improvement; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD:

S. 4036. A bill to clarify the National Credit Union Administration authority to make stabilization fund expenditures without borrowing from the Treasury; considered and passed.

By Mr. SCHUMER (for himself, Mr. KERRY, Mr. AKAKA, Mr. DURBIN, Mr. NELSON of Nebraska, Mr. MENENDEZ, Ms. KLOBUCHAR, Mr. WHITEHOUSE, Mrs. SHAHEEN, and Mr. TESTER):

S. 4037. A bill to impose a criminal penalty for unauthorized recording or distribution of images produced using advanced imaging technology during screenings of individuals at airports and upon entry to Federal buildings, and for other purposes; to the Committee on the Judiciary.

By Ms. STABENOW (for herself and Mr. REED):

S. 4038. A bill to increase access to community behavioral health services for all Americans and to improve Medicaid reimbursement for community behavioral health services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself and Mr. SPECTER):

S. 4039. A bill to amend the Higher Education Act of 1965 to improve education and prevention related to campus sexual violence, intimate partner violence, and stalking; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCONNELL (for himself, Mr. THUNE, Mr. GREGG, Mr. KYL, Mr. VITTER, Mr. KIRK, Mr. ENSIGN, Mr. LEMIEUX, Mr. ALEXANDER, Mr. ISAKSON, Mr. MCCAIN, Mr. CORNYN, Mr. GRAHAM, Mr. HATCH, Mr. WICKER, Mr. JOHANNS, and Mr. ROBERTS):

S.J. Res. 42. A joint resolution to extend the continuing resolution until February 1, 2011; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROBERTS (for himself, Mr. HARKIN, Mr. HATCH, and Ms. MURKOWSKI):

S. Res. 702. A resolution recognizing the work and importance of special education teachers; considered and agreed to.

ADDITIONAL COSPONSORS

S. 471

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 471, a bill to amend the Education Sciences Reform Act of 2002 to require the Statistics Commissioner to collect information from coeducational secondary schools on such schools' athletic programs, and for other purposes.

S. 1415

At the request of Mr. SCHUMER, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1415, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure that absent uniformed services voters and overseas voters are aware of their voting rights and have a genuine opportunity to register to vote and have their absentee ballots cast and counted, and for other purposes.

S. 3221

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 3221, a bill to amend the Farm Security and Rural Investment Act of 2002 to extend the suspension of limitation on the period for which certain borrowers are eligible for guaranteed assistance.

S. 3237

At the request of Mr. HARKIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3237, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 3641

At the request of Mr. WHITEHOUSE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 3641, a bill to create the National Endowment for the Oceans to promote the protection and conservation of United States ocean, coastal, and Great Lakes ecosystems, and for other purposes.

S. 3804

At the request of Mr. LEAHY, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 3804, a bill to combat online infringement, and for other purposes.

S. 3876

At the request of Mr. WYDEN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3876, a bill to amend the Internal Revenue Code of 1986 to extend and modify the alternative fuel vehicle refueling property credit.

S. 4020

At the request of Mr. WICKER, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from South Dakota (Mr. THUNE), the Senator from Kansas (Mr. BROWNBACK), the Senator from New Hampshire (Mr. GREGG), the Senator from Georgia (Mr. ISAKSON), the Senator from Texas (Mr. CORNYN), the Senator from Arizona (Mr. MCCAIN), the Senator from Missouri (Mr. BOND) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of 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.

S. 4023

At the request of Mr. LIEBERMAN, the names of the Senator from Hawaii (Mr.

INOUYE), the Senator from Florida (Mr. NELSON), the Senator from Virginia (Mr. WARNER), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 4023, 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''.

S. CON. RES. 71

At the request of Mr. FEINGOLD, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. Con. Res. 71, a concurrent resolution recognizing the United States national interest in helping to prevent and mitigate acts of genocide and other mass atrocities against civilians, and supporting and encouraging efforts to develop a whole of government approach to prevent and mitigate such acts.

AMENDMENT NO. 4807

At the request of Mr. MCCAIN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of amendment No. 4807 intended to be proposed to H.R. 3082, a bill 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED (for himself and Ms. STABENOW):

S. 4035. A bill to amend the Public Health Service Act to provide grants for community-based mental health infrastructure improvement; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I introduce, along with my colleague, Senator STABENOW, the Community-Based Mental Health Infrastructure Improvements Act.

Multiple research studies have shown that people with mental illness are at greater risk of preventable health conditions such as heart disease and diabetes and are more likely to die sooner than healthy individuals—in some instances up to 25 years sooner. In order to address this troubling trend, I authored language in the new health insurance reform law to ensure that individuals with multiple co-occurring mental, behavioral, and physical health conditions have access to a coordinated and integrated health care delivery system. Under this provision, Community Mental Health Centers are authorized to provide patients with mental, behavioral, and primary health care all in one location.

Recently, I was pleased to learn that two Community Mental Health Centers in Rhode Island received funding to begin to offer these co-located services. However, many Community Mental Health Centers are unable to provide this broader range of services due to the limited physical space they occupy. The Community-Based Mental Health Infrastructure Improvements Act would authorize grants to states for the construction and modernization of these facilities. Indeed, for some Community Mental Health Centers, facility updates are the first step to enhancing patient care.

I am also pleased that this legislation has been included in a broader piece of legislation that I joined Senator STABENOW in introducing today, the Excellence in Mental Health Act. As a member of the Senate Committee on Health, Education, Labor, and Pensions, I will continue to work to include these important initiatives in legislation that renews and improves Substance Abuse and Mental Health Services Administration, SAMHSA, programs.

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. 4035

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 ''Community-Based Mental Health Infrastructure Improvements Act''.

SEC. 2. COMMUNITY-BASED MENTAL HEALTH INFRASTRUCTURE IMPROVEMENT.

Title V of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''PART H—COMMUNITY-BASED MENTAL HEALTH INFRASTRUCTURE IMPROVEMENTS

''SEC. 560. GRANTS FOR COMMUNITY-BASED MENTAL HEALTH INFRASTRUCTURE IMPROVEMENTS.

''(a) GRANTS AUTHORIZED.—The Secretary may award grants to eligible entities to expend funds for the construction or modernization of facilities used to provide mental health and substance abuse services to individuals.

''(b) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

''(1) a State that is the recipient of a Community Mental Health Services Block Grant under subpart I of part B of title XIX and a Substance Abuse Prevention and Treatment Block Grant under subpart II of such part; or

''(2) an Indian tribe or a tribal organization (as such terms are defined in sections 4(b) and 4(c) of the Indian Self-Determination and Education Assistance Act).

''(c) APPLICATION.—A eligible entity desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing—

''(1) a plan for the construction or modernization of facilities used to provide mental health and substance abuse services to individuals that—

''(A) designates a single State or tribal agency as the sole agency for the supervision and administration of the grant;

''(B) contains satisfactory evidence that such agency so designated will have the authority to carry out the plan;

''(C) provides for the designation of an advisory council, which shall include representatives of nongovernmental organizations or groups, and of the relevant State or tribal agencies, that aided in the development of the plan and that will implement and monitor any grant awarded to the eligible entity under this section;

''(D) in the case of an eligible entity that is a State, includes a copy of the State plan under section 1912(b) and section 1932(b);

''(E)(i) includes a listing of the projects to be funded by the grant; and

''(ii) in the case of an eligible entity that is a State, explains how each listed project helps the State in accomplishing its goals and objectives under the Community Mental Health Services Block Grant under subpart I of part B of title XIX and the Substance Abuse Prevention and Treatment Block Grant under subpart II of such part;

''(F) includes assurances that the facilities will be used for a period of not less than 10 years for the provision of community-based mental health or substance abuse services for those who cannot pay for such services, subject to subsection (e); and

''(G) in the case of a facility that is not a public facility, includes the name and executive director of the entity who will provide services in the facility; and

''(2) with respect to each construction or modernization project described in the application—

''(A) a description of the site for the project;

''(B) plans and specifications for the project and State or tribal approval for the plans and specifications;

''(C) assurance that the title for the site is or will be vested with either the public entity or private nonprofit entity who will provide the services in the facility;

''(D) assurance that adequate financial resources will be available for the construction or major rehabilitation of the project and for the maintenance and operation of the facility;

''(E) estimates of the cost of the project; and

''(F) the estimated length of time for completion of the project.

''(d) SUBGRANTS BY STATES.—

''(1) IN GENERAL.—A State that receives a grant under this section may award a subgrant to a qualified community program (as such term is used in section 1913(b)(1)).

''(2) USE OF FUNDS.—Subgrants awarded pursuant to paragraph (1) may be used for activities such as—

''(A) the construction, expansion, and modernization of facilities used to provide mental health and substance abuse services to individuals;

''(B) acquiring and leasing facilities and equipment (including paying the costs of amortizing the principal of, and paying the interest on, loans for such facilities and equipment) to support or further the operation of the subgrantee;

''(C) the construction and structural modification (including equipment acquisition) of facilities to permit the integrated delivery of behavioral health and primary care of specialty medical services to individuals with co-occurring mental illnesses and chronic medical or surgical diseases at a single service site; and

''(D) acquiring information technology required to accommodate the clinical needs of primary and specialty care professionals.

''(3) LIMITATION.—Not to exceed 15 percent of grant funds may be used for activities described in paragraph (2)(D).

''(e) REQUEST TO TRANSFER OBLIGATION.—An eligible entity that receives a grant under this section may submit a request to the Secretary for permission to transfer the 10-year obligation of facility use, as described in subsection (c)(1)(F), to another facility.

''(f) AGREEMENT TO FEDERAL SHARE.—As a condition of receipt of a grant under this section, an eligible entity shall agree, with respect to the costs to be incurred by the entity in carrying out the activities for which such grant is awarded, that the entity will make available non-Federal contributions (which may include State or local funds, or funds from the qualified community program) in an amount equal to not less than $1 for every $1 of Federal funds provided under the grant.

''(g) REPORTING.—

''(1) REPORTING BY STATES.—During the 10-year period referred to in subsection (c)(1)(F), the Secretary shall require that a State that receives a grant under this section submit, as part of the report of the State required under the Community Mental Health Services Block Grant under subpart I of part B of title XIX and the Substance Abuse Prevention and Treatment Block Grant under subpart II of such part, a description of the progress on—

''(A) the projects carried out pursuant to the grant under this section; and

''(B) the assurances that the facilities involved continue to be used for the purpose for which they were funded under such grant during such 10-year period.

''(2) REPORTING BY INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—The Secretary shall establish reporting requirements for Indian tribes and tribal organizations that receive a grant under this section. Such reporting requirements shall include that such Indian tribe or tribal organization provide a description of the progress on—

''(A) the projects carried out pursuant to the grant under this section; and

''(B) the assurances that the facilities involved continue to be used for the purpose for which they were funded under such grant during the 10-year period referred to in subsection (c)(1)(F).

''(h) FAILURE TO MEET OBLIGATIONS.—

''(1) IN GENERAL.—If an eligible entity that receives a grant under this section fails to meet any of the obligations of the entity required under this section, the Secretary shall take appropriate steps, which may include—

''(A) requiring that the entity return the unused portion of the funds awarded under this section for the projects that are incomplete; and

''(B) extending the length of time that the entity must ensure that the facility involved is used for the purposes for which it is intended, as described in subsection (c)(1)(F).

''(2) HEARING.—Prior to requesting the return of the funds under paragraph (1)(B), the Secretary shall provide the entity notice and opportunity for a hearing.

''(i) COLLABORATION.—The Secretary may establish intergovernmental and interdepartmental memorandums of agreement as necessary to carry out this section.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2010 and such sums as may be necessary for each of fiscal years 2011 through 2013.''.

By Mr. MCCONNELL (for himself, Mr. THUNE, Mr. GREGG, Mr. KYL, Mr. VITTER, Mr. KIRK, Mr. ENSIGN, Mr. LEMIEUX, Mr. ALEXANDER, Mr. ISAKSON, Mr. MCCAIN, Mr. CORNYN, Mr. GRAHAM, Mr. HATCH, Mr. WICKER, Mr. JOHANNS, and Mr. ROBERTS):

S.J. Res. 42. A joint resolution to extend the continuing resolution until February 1, 2011; read the first time.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF THE CONTINUING RESOLUTION UNTIL FEBRUARY 18, 2011.

The Continuing Appropriations Act, 2011 (Public Law 111–242) is amended by striking the date specified in section 106(3) and inserting ''February 18, 2011''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 702—RECOGNIZING THE WORK AND IMPORTANCE OF SPECIAL EDUCATION TEACHERS

Mr. ROBERTS (for himself, Mr. HARKIN, Mr. HATCH, and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 702

Whereas, in 1972, the Supreme Court ruled that children with disabilities have the same right to receive a quality education in the public schools as their nondisabled peers and, in 1975, the Congress passed Public Law 94–142 guaranteeing students with disabilities the right to a free appropriate public education;

Whereas, according to the Department of Education, approximately 6,600,000 children (roughly 13 percent of all school-aged children) receive special education services;

Whereas there are over 370,000 highly qualified special education teachers in the United States;

Whereas the work of special education teachers requires special education teachers to be able to interact and teach students with specific learning disabilities, hearing impairments, speech or language impairments, orthopedic impairments, visual impairments, autism, combined deafness and blindness, traumatic brain injury, and other health impairments;

Whereas special education teachers—

(1) are dedicated;

(2) possess the ability to understand the needs of a diverse group of students;

(3) have the capacity to use innovative teaching methods tailored to a unique group of students; and

(4) understand the differences of the children in their care;

Whereas special education teachers must have the ability to interact and coordinate with a child's parents or legal guardians, social workers, school psychologists, occupational and physical therapists, and school administrators, as well as other educators to provide the best quality education for their students;

Whereas special education teachers help to develop an individualized education program for every special education student based on the needs and abilities of the student; and

Whereas special education teachers dedicate themselves to preparing special education students for success in school and beyond: Now, therefore, be it

Resolved, That Congress—

(1) recognizes the amount of work required to be a special education teacher; and

(2) commends special education teachers for their sacrifices and dedication to preparing individuals with special needs for high school graduation, college success, and rewarding careers.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4814. Mr. MCCAIN (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to Treaty Doc. 111–5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table.

SA 4815. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 4805 submitted by Mr. INOUYE and intended to be proposed 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; which was ordered to lie on the table.

SA 4816. Mr. BROWN of Ohio 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.

SA 4817. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 4805 submitted by Mr. INOUYE and intended to be proposed 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; which was ordered to lie on the table.

SA 4818. Mr. DORGAN (for Mr. VOINOVICH (for himself, Mr. CARPER, Mrs. BOXER, Mr. INHOFE, Mr. ALEXANDER, Mr. BAUCUS, Mr. BROWN of Ohio, Mr. CARDIN, Ms. COLLINS, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mrs. HAGAN, Mr. HARKIN, Mr. KERRY, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. LUGAR, Mr. MERKLEY, Mr. REED, Mr. SCHUMER, Mrs. SHAHEEN, Mr. TESTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WYDEN, Ms. MURKOWSKI, Mr. MENENDEZ, Mr. WEBB, and Mr. LEVIN)) proposed an amendment to the bill H.R. 5809, to amend the Energy Policy Act of 2005 to reauthorize and modify provisions relating to the diesel emissions reduction program.

SA 4819. Mr. DORGAN (for Mr. VOINOVICH (for himself and Mr. CARPER)) proposed an amendment to the bill H.R. 5809, supra.

SA 4820. Mrs. HUTCHISON (for herself, Mr. WICKER, Mr. ENSIGN, Mr. ISAKSON, Mr. THUNE, Mr. DEMINT, Mr. CORNYN, and Mr. COBURN) submitted an amendment intended to be proposed by her 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; which was ordered to lie on the table.

SA 4821. Mr. ROCKEFELLER (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 3082, supra; which was ordered to lie on the table.

SA 4822. Mr. REID proposed an amendment 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.

SA 4823. Mr. REID proposed an amendment to amendment SA 4822 proposed by Mr. REID to the bill H.R. 5281, supra.

SA 4824. Mr. REID proposed an amendment to the bill H.R. 5281, supra.

SA 4825. Mr. REID proposed an amendment to amendment SA 4824 proposed by Mr. REID to the bill H.R. 5281, supra.

SA 4826. Mr. REID proposed an amendment to amendment SA 4825 proposed by Mr. REID to the amendment SA 4824 proposed by Mr. REID to the bill H.R. 5281, supra.

SA 4827. Mr. REID proposed an amendment to the bill H.R. 2965, to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes.

SA 4828. Mr. REID proposed an amendment to amendment SA 4827 proposed by Mr. REID to the bill H.R. 2965, supra.

SA 4829. Mr. REID proposed an amendment to the bill H.R. 2965, supra.

SA 4830. Mr. REID proposed an amendment to amendment SA 4829 proposed by Mr. REID to the bill H.R. 2965, supra.

SA 4831. Mr. REID proposed an amendment to amendment SA 4830 proposed by Mr. REID to the amendment SA 4829 proposed by Mr. REID to the bill H.R. 2965, supra.

SA 4832. Ms. SNOWE submitted an amendment intended to be proposed by her 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; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4814. Mr. MCCAIN (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to Treaty Doc. 111–5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table; as follows:

In the preamble to the New START Treaty, strike ''Recognizing the existence of the interrelationship between strategic offensive arms and strategic defensive arms, that this interrelationship will become more important as strategic nuclear arms are reduced, and that current strategic defensive arms do not undermine the viability and effectiveness of the strategic offensive arms of the Parties,''.

SA 4815. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 4805 submitted by Mr. INOUYE and intended to be proposed 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; which was ordered to lie on the table; as follows:

On page 1068, between lines 17 and 18, insert the following:

SEC. 311. MAINTENANCE OF EFFORT REQUIREMENTS.

Paragraph (10)(A) of section 101 of Public Law 111–226 (124 Stat. 2391) is amended—

(1) in clause (ii), by striking ''or'' after the semicolon;

(2) in clause (iii)(II), by striking ''2006.'' and inserting ''2006; or''; and

(3) by adding at the end the following:

''(iv) for State fiscal year 2011, the State will maintain State support for elementary and secondary education and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students), in the aggregate, at a percentage of the total revenues available to the State that is equal to or greater than the total percentage provided for such support for State fiscal year 2010.''.

SA 4816. Mr. BROWN of Ohio 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 VIII, add the following:

SEC. 836. ADDITIONAL DEFINITION RELATING TO PRODUCTION OF SPECIALTY METALS WITHIN THE UNITED STATES.

Section 2533b(m) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(11) The term 'produced', as used in subsections (a) and (b), means melted, or processed in a manner that results in physical or chemical property changes that are the equivalent of melting. The term does not include finishing processes such as rolling, heat treatment, quenching, tempering, grinding, or shaving.''.

SA 4817. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 4805 submitted by Mr. INOUYE and intended to be proposed 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; which was ordered to lie on the table; as follows:

On page 662, line 6, insert ''*Provided further,* That none of the amounts appropriated under this Act may be used to modify existing policy by providing collective bargaining rights to screeners at the Transportation Security Administration'' before the period at the end.

SA 4818. Mr. DORGAN (for Mr. VOINOVICH (for himself, Mr. CARPER, Mrs. BOXER, Mr. INHOFE, Mr. ALEXANDER, Mr. BAUCUS, Mr. BROWN of Ohio, Mr. CARDIN, Ms. COLLINS, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mrs. HAGAN, Mr. HARKIN, Mr. KERRY, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. LUGAR, Mr. MERKLEY, Mr. REED, Mr. SCHUMER, Mrs. SHAHEEN, Mr. TESTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WYDEN, Ms. MURKOWSKI, Mr. MENENDEZ, Mr. WEBB, and Mr. LEVIN)) proposed an amendment to the bill H.R. 5809, to amend the Energy Policy Act of 2005 to reauthorize and modify provisions relating to the diesel emissions reduction program; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Diesel Emissions Reduction Act of 2010''.

SEC. 2. DIESEL EMISSIONS REDUCTION PROGRAM.

(a) DEFINITIONS.—Section 791 of the Energy Policy Act of 2005 (42 U.S.C. 16131) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(C) any private individual or entity that—

''(i) is the owner of record of a diesel vehicle or fleet operated pursuant to a contract, license, or lease with a Federal department or agency or an entity described in subparagraph (A); and

''(ii) meets such timely and appropriate requirements as the Administrator may establish for vehicle use and for notice to and approval by the Federal department or agency or entity described in subparagraph (A) with respect to which the owner has entered into a contract, license, or lease as described in clause (i).'';

(2) in paragraph (4), by inserting ''currently, or has not been previously,'' after ''that is not'';

(3) by striking paragraph (9);

(4) by redesignating paragraph (8) as paragraph (9);

(5) in paragraph (9) (as so redesignated), in the matter preceding subparagraph (A), by striking '', advanced truckstop electrification system,''; and

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

''(8) STATE.—The term 'State' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.''.

(b) NATIONAL GRANT, REBATE, AND LOAN PROGRAMS.—Section 792 of the Energy Policy Act of 2005 (42 U.S.C. 16132) is amended—

(1) in the section heading, by inserting ''**, REBATE,**'' after ''**GRANT**'';

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''to provide grants and low-cost revolving loans, as determined by the Administrator, on a competitive basis, to eligible entities'' and inserting ''to provide grants, rebates, or low-cost revolving loans, as determined by the Administrator, on a competitive basis, to eligible entities, including through contracts entered into under subsection (e) of this section,''; and

(B) in paragraph (1), by striking ''tons of'';

(3) in subsection (b)—

(A) by striking paragraph (2);

(B) by redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2) (as so redesignated)—

(i) in subparagraph (A), in the matter preceding clause (i), by striking ''90'' and inserting ''95'';

(ii) in subparagraph (B)(i), by striking ''10 percent'' and inserting ''5 percent''; and

(iii) in subparagraph (B)(ii), by striking ''the application under subsection (c)'' and inserting ''a verification application'';

(4) in subsection (c)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by striking paragraph (1) and inserting the following:

''(1) EXPEDITED PROCESS.—

''(A) IN GENERAL.—The Administrator shall develop a simplified application process for all applicants under this section to expedite the provision of funds.

''(B) REQUIREMENTS.—In developing the expedited process under subparagraph (A), the Administrator—

''(i) shall take into consideration the special circumstances affecting small fleet owners; and

''(ii) to avoid duplicative procedures, may require applicants to include in an application under this section the results of a competitive bidding process for equipment and installation.

''(2) ELIGIBILITY.—

''(A) GRANTS.—To be eligible to receive a grant under this section, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

''(B) REBATES AND LOW-COST LOANS.—To be eligible to receive a rebate or a low-cost loan under this section, an eligible entity shall submit an application in accordance with such guidance as the Administrator may establish—

''(i) to the Administrator; or

''(ii) to an entity that has entered into a contract under subsection (e).'';

(C) in paragraph (3)(G) (as redesignated by subparagraph (A)), by inserting ''in the case of an application relating to nonroad engines or vehicles,'' before ''a description of the diesel''; and

(D) in paragraph (4) (as redesignated by subparagraph (A))—

(i) in the matter preceding subparagraph (A)—

(I) by inserting '', rebate,'' after ''grant''; and

(II) by inserting ''highest'' after ''shall give'';

(ii) in subparagraph (C)(iii)—

(I) by striking ''a diesel fleets'' and inserting ''diesel fleets''; and

(II) by inserting ''construction sites, schools,'' after ''terminals,'';

(iii) in subparagraph (E), by adding ''and'' at the end;

(iv) in subparagraph (F), by striking ''; and'' and inserting a period; and

(v) by striking subparagraph (G);

(5) in subsection (d)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by inserting '', rebate,'' after ''grant''; and

(B) in paragraph (2)(A)—

(i) by striking ''grant or loan provided'' and inserting ''grant, rebate, or loan provided, or contract entered into,''; and

(ii) by striking ''Federal, State or local law'' and inserting ''any Federal law, except that this subparagraph shall not apply to a mandate in a State implementation plan approved by the Administrator under the Clean Air Act''; and

(6) by adding at the end the following:

''(e) CONTRACT PROGRAMS.—

''(1) AUTHORITY.—In addition to the use of contracting authority otherwise available to the Administrator, the Administrator may enter into contracts with eligible contractors described in paragraph (2) for the administration of programs for providing rebates or loans, subject to the requirements of this subtitle.

''(2) ELIGIBLE CONTRACTORS.—The Administrator may enter into a contract under this subsection with a for-profit or nonprofit entity that has the capacity—

''(A) to sell diesel vehicles or equipment to, or to arrange financing for, individuals or entities that own a diesel vehicle or fleet; or

''(B) to upgrade diesel vehicles or equipment with verified or Environmental Protection Agency-certified engines or technologies, or to arrange financing for such upgrades.

''(f) PUBLIC NOTIFICATION.—Not later than 60 days after the date of the award of a grant, rebate, or loan, the Administrator shall publish on the website of the Environmental Protection Agency—

''(1) for rebates and loans provided to the owner of a diesel vehicle or fleet, the total number and dollar amount of rebates or loans provided, as well as a breakdown of the technologies funded through the rebates or loans; and

''(2) for other rebates and loans, and for grants, a description of each application for which the grant, rebate, or loan is provided.''.

(c) STATE GRANT, REBATE, AND LOAN PROGRAMS.—Section 793 of the Energy Policy Act of 2005 (42 U.S.C. 16133) is amended—

(1) in the section heading, by inserting ''**, REBATE,**'' after ''**GRANT**'';

(2) in subsection (a), by inserting '', rebate,'' after ''grant'';

(3) in subsection (b)(1), by inserting '', rebate,'' after ''grant'';

(4) by amending subsection (c)(2) to read as follows:

''(2) ALLOCATION.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), using not more than 20 percent of the funds made available to carry out this subtitle for a fiscal year, the Administrator shall provide to each State qualified for an allocation for the fiscal year an allocation equal to 1/53 of the funds made available for that fiscal year for distribution to States under this paragraph.

''(B) CERTAIN TERRITORIES.—

''(i) IN GENERAL.—Except as provided in clause (ii), Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands shall collectively receive an allocation equal to 1/53 of the funds made available for that fiscal year for distribution to States under this subsection, divided equally among those 4 States.

''(ii) EXCEPTION.—If any State described in clause (i) does not qualify for an allocation under this paragraph, the share of funds otherwise allocated for that State under clause (i) shall be reallocated pursuant to subparagraph (C).

''(C) REALLOCATION.—If any State does not qualify for an allocation under this paragraph, the share of funds otherwise allocated for that State under this paragraph shall be reallocated to each remaining qualified State in an amount equal to the product obtained by multiplying—

''(i) the proportion that the population of the State bears to the population of all States described in paragraph (1); by

''(ii) the amount otherwise allocatable to the nonqualifying State under this paragraph.'';

(5) in subsection (d)—

(A) in paragraph (1), by inserting '', rebate,'' after ''grant'';

(B) in paragraph (2), by inserting '', rebates,'' after ''grants'';

(C) in paragraph (3), in the matter preceding subparagraph (A), by striking ''grant or loan provided under this section may be used'' and inserting ''grant, rebate, or loan provided under this section shall be used''; and

(D) by adding at the end the following:

''(4) PRIORITY.—In providing grants, rebates, and loans under this section, a State shall use the priorities in section 792(c)(4).

''(5) PUBLIC NOTIFICATION.—Not later than 60 days after the date of the award of a grant, rebate, or loan by a State, the State shall publish on the Web site of the State—

''(A) for rebates, grants, and loans provided to the owner of a diesel vehicle or fleet, the total number and dollar amount of rebates, grants, or loans provided, as well as a breakdown of the technologies funded through the rebates, grants, or loans; and

''(B) for other rebates, grants, and loans, a description of each application for which the grant, rebate, or loan is provided.''.

(d) EVALUATION AND REPORT.—Section 794(b) of the Energy Policy Act of 2005 (42 U.S.C. 16134(b)) is amended—

(1) in each of paragraphs (2) through (5) by inserting '', rebate,'' after ''grant'' each place it appears;

(2) in paragraph (5), by striking ''and'' at the end;

(3) in paragraph (6), by striking the period at the end and inserting ''; and''; and

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

''(7) in the last report sent to Congress before January 1, 2016, an analysis of the need to continue the program, including an assessment of the size of the vehicle and engine fleet that could provide benefits from being retrofit under this program and a description of the number and types of applications that were not granted in the preceding year.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 797 of the Energy Policy Act of 2005 (42 U.S.C. 16137) is amended to read as follows:

''SEC. 797. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $100,000,000 for each of fiscal years 2012 through 2016, to remain available until expended.

''(b) MANAGEMENT AND OVERSIGHT.—The Administrator may use not more than 1 percent of the amounts made available under subsection (a) for each fiscal year for management and oversight purposes.''.

SEC. 3. AUDIT.

(a) IN GENERAL.—Not later than 360 days after the date of enactment of this Act, the Comptroller General of the United States shall carry out an audit to identify—

(1) all Federal mobile source clean air grant, rebate, or low cost revolving loan programs under the authority of the Administrator of the Environmental Protection Agency, the Secretary of Transportation, or other relevant Federal agency heads that are designed to address diesel emissions from, or reduce diesel fuel usage by, diesel engines and vehicles; and

(2) whether, and to what extent, duplication or overlap among, or gaps between, these Federal mobile source clean air programs exists.

(b) REPORT.—The Comptroller General of the United States shall—

(1) submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a copy of the audit under subsection (a); and

(2) make a copy of the audit under subsection (a) available on a publicly accessible Internet site.

(c) OFFSET.—All unobligated amounts provided to carry out the pilot program under title I of division G of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 814) under the heading ''MISCELLANEOUS ITEMS'' are rescinded.

SEC. 4. EFFECTIVE DATE.

(a) GENERAL RULE.—Except as provided in subsection (b), the amendments made by section 2 shall take effect on October 1, 2011.

(b) EXCEPTION.—The amendments made by subsections (a)(4) and (6) and (c)(4) of section 2 shall take effect on the date of enactment of this Act.

SA 4819. Mr. DORGAN (for Mr. VOINOVICH (for himself and Mr. CARPER)) proposed an amendment to the bill H.R. 5809, to amend the Energy Policy Act of 2005 to reauthorize and modify provisions relating to the diesel emissions reduction program; as follows:

Amend the title so as to read: ''An Act to amend the Energy Policy Act of 2005 to reauthorize and modify provisions relating to the diesel emissions reduction program.''.

SA 4820. Mrs. HUTCHISON (for herself, Mr. WICKER, Mr. ENSIGN, Mr. ISAKSON, Mr. THUNE, Mr. DEMINT, Mr. CORNYN, and Mr. COBURN) submitted an amendment intended to be proposed by her 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds appropriated by this Act may be used by the Federal Communications Commission to adopt or implement, or otherwise bring or litigate any claim or otherwise intervene in, join, participate, or support any claim in any Federal or State court relating to any—

(1) open Internet-based rules, protocols, or standards; or

(2) rules, protocols, or standards regulating the behavior of broadband Internet access service providers with respect to discrimination of broadband traffic, network management practices, managed services, specialized services, or paid prioritization.

SA 4821. Mr. ROCKEFELLER (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him 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; which was ordered to lie on the table; as follows:

At the end of title II of division G, insert the following:

SUSPENSION OF CERTAIN EPA ACTION

SEC. _____. (a) Except as provided in subsection (b), notwithstanding any provision of the Clean Air Act (42 U.S.C. 7401 et seq.), during the 2-year period beginning on the date of enactment of this Act, the Administrator of the Environmental Protection Agency may not take any action under the Clean Air Act (42 U.S.C. 7401 et seq.) with respect to any stationary source permitting requirement or any requirement under section 111 of that Act (42 U.S.C. 7411) relating to carbon dioxide or methane.

(b) Subsection (a) shall not apply to—

(1) any action under part A of title II of the Clean Air Act (42 U.S.C. 7521 et seq.) relating to the vehicle emissions standards contained in Docket No. EPA–HQ–OAR–2009–0171 or Docket No. EPA–HQ–OAR–2009–0472;

(2) any action relating to the preparation of a report or the enforcement of a reporting requirement; or

(3) any action relating to the provision of technical support at the request of a State.

(c) Notwithstanding any other provision of law, no action taken by the Administrator of the Environmental Protection Agency before the end of the 2-year period described in subsection (a) shall be considered to make carbon dioxide or methane a pollutant subject to regulation under the Clean Air Act (42 U.S.C. 7401 et seq.) for any source other than a new motor vehicle or new motor vehicle engine, as described in section 202(a) of that Act (42 U.S.C. 7521(a)).

SA 4822. Mr. REID proposed an amendment 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; as follows:

At the end, insert the following:

The provisions of this Act shall become effective 6 days after enactment.

SA 4823. Mr. REID proposed an amendment to amendment SA 4822 proposed by Mr. REID 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; as follows:

In the amendment, strike ''6'' and insert ''5''.

SA 4824. Mr. REID proposed an amendment 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; as follows:

At the end, insert the following:

The Senate Judiciary Committee is requested to conduct a study, nationwide, on the impact of any delay in implementing the provisions of this Act.

SA 4825. Mr. REID proposed an amendment to amendment SA 4824 proposed by Mr. REID 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; as follows:

At the end, insert the following:

''and include specific data on the impact of families who would benefit from the Act, and submit the data within 5 days of enactment.

SA 4826. Mr. REID proposed an amendment to amendment SA 4825 proposed by Mr. REID to the amendment SA 4824 proposed by Mr. REID 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; as follows:

In the amendment, strike ''5'' and insert ''2''.

SA 4827. Mr. REID proposed an amendment to the bill H.R. 2965, to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes; as follows:

At the end, insert the following:

The provisions of this Act shall become effective immediately.

SA 4828. Mr. REID proposed an amendment to amendment SA 4827 proposed by Mr. REID to the bill H.R. 2965, to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes; as follows:

In the amendment, strike ''immediately'' and insert 5 days.

SA 4829. Mr. REID proposed an amendment to the bill H.R. 2965, to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes; as follows:

At the end, insert the following:

The Senate Armed Services Committee is requested to conduct a study on the impact of implementing these provisions on the family of military members.

SA 4830. Mr. REID proposed an amendment to amendment SA 4829 proposed by Mr. REID to the bill H.R. 2965, to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes; as follows:

At the end, add the following:

''and that the study should focus attention on the dependent children''.

SA 4831. Mr. REID proposed an amendment to amendment SA 4830 proposed by Mr. REID to the amendment SA 4829 proposed by Mr. REID to the bill H.R. 2965, to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes; as follows:

At the end, add the following:

''include any data which might impact local communities''.

SA 4832. Ms. SNOWE submitted an amendment intended to be proposed by her 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. VEHICLE WEIGHT LIMITATIONS.

Section 194 of the Consolidated Appropriations Act, 2010 (Public Law 111–117) is amended—

(1) in subsection (b), by striking ''be in effect during the 1-year period beginning'' and inserting ''take effect''; and

(2) by striking subsection (c).

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. KERRY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 16, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, on behalf of Senator SHAHEEN, I ask unanimous consent that Roger Thoman, a legislative fellow in her office, be permitted floor privileges during the consideration of the START Treaty and any votes related to that matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent that CDR Brent Breining, a defense legislative fellow assigned to my office, be granted floor privileges for the remainder of the debate on treaty No. 111–5, the New START Treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I ask unanimous consent that floor privileges be granted to CDR Andre Coleman, a Department of Defense Fellow, who has been extremely helpful in my office, from the Department of the Navy, during the Senate's consideration in executive session of Treaty Document 111–5, the New START Treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTROLLING SPENDING

Mr. MCCAIN. Mr. President, I would like to note that we just saw a rather extraordinary event on the floor of the Senate. I first came to the U.S. Senate in 1987, and I saw the practice of earmarking and porkbarrel spending grow and grow and grow, to the point where last November 2 the American people overwhelmingly rejected this practice of out-of-control spending and debt that we have laid on our children and our grandchildren.

I also, along with the Republican leader, would like to thank our members of the Appropriations Committee, who clearly heard that message and heard the outcry when the American people began to become aware of what was contemplated to be done in the Congress of the United States. This outcry reverberated all over America, including the State of Arizona. And the outcry was finally heard by at least 42 Members on this side of the aisle.

So I appreciate the fact the majority leader has agreed to a continuing resolution. But have no doubt as to why it happened. It happened because the majority leader didn't have the votes. He didn't have 60 votes that would have then allowed for this monstrosity to be foisted off on the American people.

So I wish to thank Members here on this side of the aisle, and some on the other side, who also said they were ready to stand up against this. But most of all, I wish to thank the American people. I thank those who made the calls, those who sent the e-mails, those who stood up and called in to the talk shows all over America and said: We have had enough. Haven't they listened to the message we were trying to send on November 2?

So I think this is a great victory for the American people today because we would have spent $1.1 trillion, at least $8 billion of it, $8.3 billion, in earmarks that had never had a hearing, that had never had any scrutiny, had never seen the light of day, but had been put in by very powerful Members of this body on the Appropriations Committee.

So I would like to extend my gratitude to the American people, the tea partiers, those who have aligned themselves with the cause to stop the spending and the mortgaging of our children's and grandchildren's future. We have amassed a $40,000 debt for every man, woman, and child in America. The latest commission that reported out clearly indicated we are on a collision course that could bring down the very economy of this country.

So I am encouraged greatly by the action taken tonight to do away with this monstrosity and go back to maybe a one-page continuing resolution to keep the government in business until the new Members of Congress and the new Members of this body who were elected last November can have their voices heard in the deliberations of this body and how their tax dollars are dispensed with and how those that are borrowed are dispensed.

I see the Senator from Missouri is about to speak. I wish to thank her for her efforts in trying to bring about an end to this spending spree.

So I again wish to express my gratitude to all Members, including especially the tough decision made by the Republican members of the Appropriations Committee, to stand so we could stop this thing in its tracks. I want to thank the American people whose voices were heard in this body, and that forced the decision that was made today.

Mr. KIRK. Mr. President, will the Senator yield for a question?

Mr. MCCAIN. Yes.

Mr. KIRK. As the most junior people, for those who don't understand what just happened, did we just win?

Mr. MCCAIN. I think there is very little doubt. The majority leader of the U.S. Senate would not have taken the action he just took if he didn't have 41 votes to stop this monstrosity.

Mr. KIRK. So for economic conservatives, a 1,924-page bill just died?

Mr. MCCAIN. A 1,924-page bill just died.

Mr. KIRK. And 6,000 earmarks will not now move forward?

Mr. MCCAIN. Yes. I feel badly about some of those earmarks because I had so much fun with them.

Mr. KIRK. All of the GOP Senators just signed a letter to the leadership this morning saying we should not move forward with this as representatives of the new mandate. It seems that change has come to the Senate tonight with the death of this $1.1 trillion bill.

Mr. MCCAIN. I have no doubt.

Mrs. MCCASKILL. Mr. President, I——

Mr. MCCAIN. I am not finished. Do I have the floor?

The PRESIDING OFFICER. Yes, the Senator from Arizona has the floor.

Mr. MCCAIN. I appreciate the regular order.

This may be a seminal moment in the recent history of the Senate. This may be a seminal moment that stops the practice which has moved power all to the appropriators in this body—a few—and taken it away from the rest of us and may return us to an authorizing and then appropriating process. But most importantly, I think it is a seminal moment because for the first time since I have been here, we stood up and said: Enough. Stop.

Mr. KIRK. I congratulate the Senator.

Mr. MCCAIN. Thank you.

Mr. President, I yield the floor

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, I agree with my colleague from Arizona on many things when it comes to appropriations, including that I have made a decision that earmarking is not a process that I think is the appropriate way to spend public money. But I am a little confused about some of the righteous indignation coming from the Republican side of the aisle about this bill.

The omnibus 2010 they have sitting out there—they are wanting the American people to think this document came from Democrats. They want the American people to think that omnibus 2010, all of those pages sitting there, were done by Democrats. They weren't done by Democrats. Those pages were done by Democrats and Republicans. Every bit of that document was drafted by Republicans and Democrats, right down to the earmarks. And for the minority leader to stand here and act as if this document is something that is the fault of the Democratic Party when he well knows he has been involved—I have been involved in terms of trying to get the number down, and I am glad we succeeded in getting the number down, as has been referenced, to the Sessions-McCaskill number, but this was a bipartisan effort to get the number down.

The irony is, guess who has earmarks in there. The minority leader, who just voted on a moratorium for earmarks 10 minutes ago. Did he pull his earmarks out? No. Did any of the Republicans who voted for a moratorium on earmarks pull their earmarks out before this bill came to the floor? We could have eliminated a few pages. So I just don't think the righteous indignation works.

This was a bipartisan effort, drafted by Republicans and Democrats. It came to the floor after months of work by Democrats and Republicans. It was presented to this body in a bipartisan way to vote on. I wasn't going to vote for it. I am against it. So I think I have a slight bit of credibility to call these guys on this notion that this is something that sprung from nowhere out of some back room on the Democratic

side of the aisle. This sprung from a bipartisan effort of the Appropriations Committee, and every Member on that side of the aisle knows it. They know it. And they know the earmarks in there—there are almost $700 million of earmarks in there from people who voted on a moratorium on earmarks. That is like being half-pregnant.

They should have said, before this bill ever came to the floor—and they were asked: Would you like your earmarks pulled out? No, no. They were perfectly willing to vote no and take those earmarks home.

So, on one hand, I would have voted no had we had the vote, and I said that from day one. I voted no on the omnibus last year. I voted no on another omnibus because I don't think it is the right way to appropriate. But this is an equal-opportunity sin. The problems with this process don't lie on one side of the aisle; they lie on both sides of the aisle. And the notion that the Republicans are trying to say this is just about the Democrats is the kind of hypocrisy that gives us the lowest ratings we have in terms of confidence of the American people.

We need to own up here. This is not about the Democrats. This is about both sides of the aisle and a flawed appropriations process that couldn't get to the floor because of a lot of obstructionism, and when it finally did get to the floor, it came in one package. But it is not fair for the Republicans to act as though all those pages came from the Democratic side of the aisle. They certainly did not.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I wish to thank the Senator from Missouri for her work in setting the ceiling that was adhered to. I don't support this bill, and I didn't ask for any earmarks, and I know the Senator from Missouri did not ask for any earmarks.

I think there have been a lot of frayed feelings, no question. I think we all know that even at the levels—and I would say that I think the appropriators did agree to a number that was passed out here on the floor. But I think we know that even at those levels, spending is higher than it should be.

What I would ask is that the Senator from Missouri and I continue to work together. I know we have an amendment that was going to be a part of whatever passed to really cap spending and drive it down to the appropriate level of spending relative to our gross domestic product. I know it is going to take both sides of the aisle to do that. I know we have had a deficit reduction commission that has just reported and has done some great work. The Senator from Illinois, to his credit, courageously supported that.

So there are a lot of frayed feelings right now. There is a lot that has been attempted to be done here at the end. I know that has created a lot of conflict.

The page is going to turn here soon. The year is going to end. The holidays will come, and we will be able to share a few moments with our families and then come back. What I hope is that in spite of all that has happened—and again, I did not support this piece of legislation for lots of reasons—many, many reasons. I do agree, though, there was a ceiling that was set. I agree this is going to cause some damage. But it was the right thing. It was the right thing for this bill not to go forward, and I hope what we will end up with and have is a continuing resolution that will take us for several months.

Then I would say to the Senator from Missouri that I look forward to working with her. I look forward to working with the Senator from Illinois so we can put in place a construct so that we know where it is we are going. Each year, it is not just that the appropriations bills don't necessarily come forward, and it happens—it has happened in years past. I understand that. They don't necessarily come forward in a way that allows us to spend time with them—one a week or maybe two a week or whatever. But it is also that we don't really know where it is we are going. We don't really have a construct that is taking us to a place over time. So it is my hope that we will either vote on something bold relating to deficit reduction and tax reform or that we will put in place a construct to take us where we need to go.

I don't think it does any good to cast blame, candidly. We are where we are. I think the Senate is taking actions that are appropriate and responsible by moving to a short-term CR. The thing I think is most beneficial to us about that is it allows us to very quickly, in February or March, start moving toward a downward trending line that I think is much better for our country.

I see the Senator from Missouri standing. I think there is a lot we as a body have to work on together. That, to me, is the most important thing before us, and I hope when we come back we will all work very hard to make that happen.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Let me just say that had the tone of the minority leader's remarks been the same as the Senator from Tennessee, I probably wouldn't have felt as passionately as I did. I agree with the Senator from Tennessee about the vote on this bill. I have publicly said I wouldn't support it. I didn't support it for a number of reasons. But if we want to work together, then we have to quit trying to score cheap political points.

The notion that the minority floor leader tried to give to the American people that this bill was somehow concocted in some back room by Democrats—everybody knows that is not true. Everybody knows that until about 8 hours ago, there were a bunch of Republicans voting for this. Now, am I glad they are not voting for it? Candidly, I am. I am glad you guys managed to get everybody to not vote for it because I am opposed to it. But what I think was most offensive was trying to trot this bill out here and put a label on it and try to say to the American people that this was something that was done at the eleventh hour to be jammed down people's throats. This was something done in a bipartisan way. THAD COCHRAN had a huge role in that bill, as did every other ranking member on all of the subcommittees on appropriations. So it is offensive to me—it is not that we are defeating the omnibus. I like that. But what is offensive to me is that we have gotten into this bad habit of trying to score cheap political points. And for Senators to come to this floor and say ''we won'' and do this kind of stuff when you know how many Republicans worked hard on provisions in that bill—and, in fact, Republicans worked hard—frankly, harder than our side did on McCaskill-Sessions.

We had 17 Democrats supporting it. You had unanimous support. I was pleased that we came together in that bipartisan way to bring the number down. We won in bringing the number down to the level Republicans wanted, along with 17 Democrats. That is what Sessions-McCaskill was. I think if we can go forward in the manner the Senator from Tennessee has spoken of, then it is important that we quit trying to mislead somehow the American people that the bill we were going to consider was the product of the Democratic Party, because it wasn't. That is what causes frayed feelings.

You know, the Senator from Tennessee and I have had long discussions. He was surprised to hear about how angry we were on this side and some of the tactics that were being used. I was surprised to hear about how angry some of the Senators on the Republican side were at some of the tactics that were being used. If there is going to be a moment that we come together, then we need to work a little harder at not scoring cheap political points such as were scored a few minutes ago by the minority leader.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. BEGICH. Mr. President, I say to the Senator from Tennessee, I signed on to the Sessions-McCaskill bill because I think we need to get somewhere with the deficit. We signed a resolution letter to get it under control. I wasn't planning to speak. I was going to head home. But it triggered me when one of our colleagues on that side said, ''who wins tonight?'' That is not what this should be about. It is not who wins or loses. The American people are losing every day that we have this bickering that goes on. Honestly, I didn't see the pile of paper with the logo on it until I got to my seat. That is not necessary for us to get on with our business.

I was listening to the Senator from Tennessee, who was a former mayor,

and I was a former mayor. He was talking like a mayor. That is what we need here, people who think in the long term, how we get there. That is where we need to go. I didn't come here to hear the bickering that just went on a little bit ago and see the prop that was brought out. That is not why Alaska sent me here.

Who wins and loses? My State of Alaska is losing tonight, because we cannot get our work done after a year. Almost a quarter of the Senate sat and worked on this in multiple committees to get this bill to us. Here we are. We can argue the timing and all that, but the fact is, I look to both Democrats and Republicans on the Appropriations Committee. I listen to them, and my staff works with them to hear about the bill that is being put together. I am impressed all the time when I hear the votes that come out of there. They are almost unanimous. That is rare in this world we live in here. We cannot continue to bring props like that down and say who wins and loses, and then giggle about it as they leave the floor.

The public is fed up with that. If there is one thing they told us in November, it was to get busy and quit the gamesmanship. So I am looking forward to the Senator's comments. We had a very productive meeting talking about tax reform, deficit management, and how we need to control spending. That is the direction we have to go in. But we are not going to get there with these games. I know both sides—and you are right, we should not cast blame. We are all at fault here. This may be the moment that we finally say to ourselves, no more show and tell, no more gimmicks. Let's get serious, and the winners should be the American people. I sat here and listened to the Senator and I feel like the mayor was coming out of him. As a former mayor, he has had to reach across to both sides. Senator GREGG said in his farewell speech that we get work done between the 40 yard lines. He is right. We have to get back there and quit being on the fringes for the media that sits up here, and wherever else they watch us from.

I am looking forward to maybe going home and getting a good night's sleep and coming back with a fresh attitude tomorrow. I am controlling my emotions as best I can tonight. The words of the Senator from Tennessee—I wish those were the words that started the debate tonight. That is not what happened. I look forward to whatever we can do to get through this maze and get on with the show and get what the American people are looking for, and that is results from the Congress maybe will go from 13 percent popularity to 14 percent approval.

Thank you, Mr. President. I yield the floor.

Mr. DURBIN. Mr. President, I thank my colleague from Tennessee for the kind words about the deficit commission. It was a controversial vote. I think it was the right vote to deal with our deficit and the problems we face.

I want to put what happened tonight into some perspective in light of the deficit commission. First, the Omnibus appropriations bill. The total amount being spent there was $1.108 trillion. The amount of that bill that was earmarked for specific projects was less than 1 percent of that—$8 billion out of $1.108 trillion. That is less than 1 percent. And that was within the total amount we were limited to spend. It wasn't as if we added it on. We were given a total amount, and less than 1 percent of it was earmarked as to where it was going, with complete transparency and disclosure. Again, it was $8 billion.

It troubles me when I hear Members come to the floor, as some did a few minutes ago on the other side, saying we put an end to porkbarrel spending, and now we are dealing with our deficit. Well, $8 billion is a lot of money to anybody, but in the context of the debt we face as a nation and the need to address it, it is not significant. It is not significant in that context.

I think about the fact that yesterday most of us voted—81 of us—for a tax bill, and included in that tax bill were tax cuts for people who were pretty well off in America; $20 billion a year in tax cuts for the richest estates in America to escape Federal taxation—$20 billion. We voted yesterday, and there weren't a lot of high-fives and glorious speeches given about the fact that we were adding $20 billion to the deficit with that vote yesterday for the wealthiest people in America. And $70 billion of it was for tax cuts for people making over a million dollars a year. Nobody came here and talked about deficits then. In fact, it was considered out of bounds.

We decided yesterday, on a bipartisan basis—and I joined in—that getting this economy moving again was critically important. That is why I voted for it—even though two of those provisions I particularly loathe. That is the nature of a compromise.

I want us to remember, as we talk about going to CRs and reducing spending, the tax bill we passed yesterday, which the House may pass today, is a stimulus to a weak economy, in an effort to help businesses, help individuals create more demands for goods and services, and create more jobs and reduce unemployment. That is what it is.

As we take spending out of the Federal side of this equation, we are removing money from the economy. The deficit commission was sensitive to this and said that before you start the cuts in spending for deficit reduction, get well, get the patient well first. Stop the bleeding before you address the fractured bone. Stop the bleeding of the recession. That is why the deficit commission did not call for significant spending cuts until January of 2013. We talked about it for a long time. If we let the deficit break—and that is what we are going to hear, I am afraid, for some time to come—too early, this economy is going to sputter and fail.

We cannot let that happen. It is not in the interest of either political party. We have to find the right combination that moves us toward long-term deficit reality but the short-term economic reality we face. I think the deficit commission got the right balance. I hope we can build on that. I say to Senator CORKER and Senator ALEXANDER, if at the end of the day those of us in the Senate who voted for the deficit commission—in this case, it would be Senator CONRAD, Senator CRAPO, Senator COBURN, and myself—if we could reach the point where we come together in a bipartisan budget resolution based on that deficit commission, if we have a Senate budget resolution—and take the word ''bipartisan'' out of it—that reflects the feelings of that deficit commission, then that commission will have been a success and put us on the right track, and we can stand strong together.

I hope you agree that would be the best thing for this country. I hope we can reach that point. I thank the Senator for his kind words.

The PRESIDING OFFICER. The Senator from Tennessee, Mr. ALEXANDER, is recognized.

Mr. ALEXANDER. Mr. President, I congratulate my colleague from Tennessee, Senator CORKER, for his usual common sense, as well as the assistant Democratic leader, Senator DURBIN, for his courage on the debt commission.

I believe that the decision made tonight about the omnibus bill is best for the country, but there could have been a better result. It would have been along the lines of what the Senator from Illinois described. If we had been able earlier in the year to agree on a budget in the Senate, which is how much are we going to spend, and if we could have gone committee by committee—and there are 13 subcommittees, and we both serve on the Appropriations Committee—and we could have brought those to the floor by August, voted on them, and got on with it so the government could run, that would by far be a better result.

There is no need to say why that didn't happen, whether it was a Democratic or Republican fault. It didn't happen. So that falls on all of us to look ahead and see if it can't happen in the future. I believe it can. In fact, I believe that it must. We have a time coming up next year when we will be asked to raise the debt ceiling. We will have before us a recommendation from the debt commission that five of the six Senators who served on it voted for. They stuck their necks way out to do that. The Senator from Illinois, the Senator from North Dakota, and three Republican Senators, as well. So I think it is incumbent upon all of us—we can find points of division fairly easily. That is not hard to do. Finding points of consensus is harder. Cutting taxes is easier. Reducing the debt is going to be harder.

So in the next 3 or 4 months, when we come back, I hope we will build on the

conversation that I heard earlier this week with Senators WARNER and CHAMBLISS, and a group of nearly 20 Senators on both sides, who committed themselves to work on the debt commission. I hope we can, in the Appropriations Committee, start out the year with some way of agreeing on a ceiling, and then work together to work within that ceiling so we can run the government.

A continuing resolution for a year is a lousy way to run a government. It wastes money, because you end up funding things that should be cut and not funding things that need increases. I think this was the right result for the American people of the choices we had tonight. But there could be a better choice. It is our responsibility to see next year if we can offer ourselves, and therefore the American people, that choice.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. CORKER. I also thank the Senator from Illinois. I thank the senior Senator from Tennessee, who is always doing and saying the right thing from the floor and leads us in such a great way.

I say to the Senator from Illinois, through the Chair, I hope there is some way that we don't let what happened over the course of the last 3 months on the deficit reduction commission go to waste. I fear that what is happening right now is that people are beginning to talk about some kind of situation where we then revisit all of these things for the next year or so. I know I am not privy to all the details that all of you worked on for so long, but I do think when this debt ceiling vote comes up, which will be in April, May, or maybe the first week in June, it seems to me that is the next moment in the Senate.

I talked with some of the members of the deficit reduction commission on my side and certainly look forward to talking to the Senator from Illinois about the same thing. I hope there is a way that we actually vote on something that is real and not kick this down the road with some meaningless resolution that makes the American people think we have done something, when in actuality we have done nothing and just kicked it down the road.

I thank the Chair and I hope that is the case.

I yield the floor.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, DECEMBER 17, 2010

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Friday, December 17; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to executive session to resume consideration of the New START treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mrs. MCCASKILL. Mr. President, the START treaty will be open to amendments tomorrow. Senators are encouraged to come to the floor to offer and debate their amendments. Rollcall votes are possible to occur throughout the day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mrs. MCCASKILL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 8:36 p.m., adjourned until Friday, December 17, 2010, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Thursday, December 16, 2010:

THE JUDICIARY

CATHERINE C. EAGLES, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF NORTH CAROLINA.

KIMBERLY J. MUELLER, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA.

JOHN A. GIBNEY, JR., OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA.

JAMES KELLEHER BREDAR, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

AUTHORIZING STATUES IN CAPITOL FOR DISTRICT OF COLUMBIA AND TERRITORIES

SPEECH OF

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 2010

Mr. HOYER. Mr. Speaker, the U.S. Capitol features statues from every State in our Union—statues that honor some of the most memorable and influential people in America's history. The people of the District of Columbia are part of our Union, as well: they pay federal taxes, vote in presidential elections, and share citizenship with us. But when it comes to seeing the District's most notable citizens honored here in the Capitol, in their own city, the people of Washington, DC have again been left out. That needs to change.

This bill would give the people of the District of Columbia—along with the people of the territories of Puerto Rico, the U.S. Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands—their due in the U.S. Capitol. I believe, in fact, that the District of Columbia deserves two statues, just like any state; but failing that, I believe that some recognition is better than none.

The people of the District of Columbia have made remarkable contributions to America's history, its culture, and its ongoing work to guarantee equal rights to all—and it's time that those contributions are recognized here in the heart of our democracy. I urge my colleagues to support this bill.

HONORING BRAD ABORN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Brad Aborn upon his retirement as the Mariposa County Supervisor for District 1.

Mr. Aborn has served on the Mariposa County Board of Supervisors since January 2007. During his time on the Board, Mr. Aborn worked tirelessly to serve Mariposa County. He was involved in a number of County projects, including: the Yosemite West Community Plan, the SilverTip Resort project amended site plan application, the new Human Services facility, acquisition of new fire engines and water tenders, funding for 3 new fire stations, obtaining a Fixed Base Operator to oversee the Mariposa/Yosemite Airport, construction of the Red Cloud Library, improvements for Midpines Park, Airport improvement projects, the Seventh Day Adventist Camp project, fuel load reduction projects, road maintenance projects, Agri-nature and Agri-tourism policy, Williamson Act/historical parcels, and the AB 885 statewide issue regarding well and septic system inspections. Mr. Aborn also served as the Board's chair in 2009.

Besides his work on the Board, Mr. Aborn has served the County in a number of other ways. He was the chair of the Local Transportation Commission and the vice president and then president of the Mariposa County Public Financing Corporation.

Mr. Aborn is a dedicated patriot and family man. Before joining the Board, he served in the military for 24 years, first on active duty and then in the reserves. Brad, his wife Irene and their three children now spend their time on the Flying A Ranch, where they breed and raise champion Arabian horses.

Madam Speaker, I rise today to honor Brad Aborn for his dedicated service to the people of Mariposa County. I invite my colleagues to join me in wishing Mr. Aborn many years of continued success.

RECOGNIZING THE ACCOMPLISHMENT OF KAREN LADD

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. BOOZMAN. Madam Speaker, I rise today to recognize Karen Ladd for her outstanding contributions to Arkansas students. Karen's efforts in the classroom earned her the highest recognition our Nation's kindergarten through 12th grade mathematics and science teachers may receive for outstanding teaching, the Presidential Awards for Excellence for Mathematics and Science Teaching.

A Chemistry, Advanced Placement Chemistry, and Physics teacher at Nettleton High School, in Jonesboro, Arkansas, Karen exemplifies what it means to be an outstanding educator. Teaching for 33 years, Karen constantly works to challenge her students to succeed, receiving many classroom grants to provide her students with additional resources.

Karen's teaching is held in high regard and her work inspires her colleagues to do their best to encourage further development in the classroom. Her leadership has helped teachers in her region through the Constructing Physics Understanding and Modeling Physics workshops as well as mentoring other teachers. Karen is working to improve science education and help other teachers use innovative methods in the classroom.

I would like to offer my appreciation for the work of Karen Ladd and her determination to provide her students with the best science education as we work to maintain America's global competitiveness in science.

CALPERS DETAILS SEVERAL KEY WAYS THE HEALTH REFORM LAW IS HELPING THEIR MEMBERS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. STARK. Madam Speaker, I rise to share a letter written to the Department of Health and Human Services Secretary Kathleen Sebelius last week. In this letter, copied below, the CEO for the California Public Employees Retirement System, CalPERS, details several key ways the health reform law is already helping their members.

CalPERS is the largest non-federal purchaser of health benefits in the country outside of the Federal Employees Health Benefits Program, FEHBP. They highlight expanded coverage for young adults, removal of lifetime limits on benefits, and assistance with the costs of retiree health benefits as three key ways reform is already making a difference.

Republicans refuse to look at the benefits of health reform and are continuing to insist they will "repeal ObamaCare."

President Obama should be proud to have the right wing label health reform with his name. As this CalPERS example shows, health reform is expanding and improving health coverage already. As time moves forward, the benefits to working families, small businesses, and large companies only increase.

EXECUTIVE OFFICE, CALPERS,
Sacramento, CA, December 10, 2010.

Hon. Kathleen Sebelius,
Secretary, U.S. Department of Health and Human Services, Washington, DC.

DEAR SECRETARY SEBELIUS: As the nation's largest non-federal purchaser of health care, the California Public Employees' Retirement System (CalPERS) has a keen interest in national health care reform. From the beginning, CalPERS supported the reform necessary to contain costs for employers and their employees while maintaining quality health care.

Many health care elements we have championed, such as guaranteed issue policies; eliminating co-pays for preventive services; bans on pre-existing conditions; stabilizing health premiums; supporting innovative delivery system reforms; and patient protection against medical bankruptcies are now major components of health care reform.

We believe that key elements of national health care reform represent a fundamental and positive shift in the way health care will be purchased and delivered in the United States. Together, they will dramatically shape the future of health care in our country and ultimately benefit everyone.

During our recent open enrollment period, CalPERS emphasized the benefits of many health care reform provisions—including extension of dependent coverage, elimination of lifetime limits, and the Early Retiree Reinsurance Program. We are writing to share some of our implementation successes.

(1) Extension of Dependent Coverage to Age 26

In recognition of young adults' need for health care coverage, CalPERS launched a massive communication effort to educate and inform employers and members of the extended dependent coverage benefit. We developed special enrollment teams, published communication materials, posted information on our website, and issued press releases highlighting this new health care reform provision.

Our efforts successfully resulted in more than 27,000 young adults being added to their parents' health plans effective January 1, 2011. Best of all, adding them to our program resulted in a 2011 health insurance premium increase of less than 1 percent. Families can now rest easier in these uncertain economic times knowing their dependents, regardless of marital status, can be covered up to age 26.

(2) Removal of Lifetime Limits

Most CalPERS health insurance plans have never included lifetime limits on the dollar value of benefits. Further, we proactively monitored our members who were enrolled in the few health plans that did include lifetime limits, so we could work with them to change plans when they approached these limits.

As a result of health care reform, CalPERS has removed lifetime limits from all our plans that had included them, and now our members enjoy more health plan options and less financial risk.

(3) Early Retiree Reinsurance Program (ERRP)

For years, CalPERS health plans have included wellness and disease management programs that promote prevention and manage chronic conditions. These programs, now required of ERRP participants, mitigate the on-going fiscal impact of caring for an older population. It's encouraging that these programs can reduce costs.

Notwithstanding this success, approximately 24 percent of our non-Medicare medical and pharmaceutical costs are associated with early retiree health liability. Recognizing this, the Affordable Care Act included much needed provisions for relief from these costs. CalPERS 2010 health premium rates reflected the lowest increase in 14 years.

In anticipation of the Department of Health and Human Services certifying our ERRP application, CalPERS proactively negotiated 2011 health plan contracts that reduced premium increases by more than 3 percent for our non-Medicare plans. We estimate ERRP will provide premium savings of approximately $200 million based on reimbursement related to more than 115,000 early retirees and their spouses, surviving spouses, and dependents.

We thank you for expeditiously implementing important health care reform provisions and we are committed to being a collaborative partner in ensuring the smooth and successful implementation in the months and years ahead.

If you have any questions regarding our program, please contact me.

Sincerely,

ANNE STAUSBOLL,
Chief Executive Officer.

REQUIRING REPORTS ON MANAGEMENT OF ARLINGTON NATIONAL CEMETERY

SPEECH OF

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 2010

Mr. BRALEY of Iowa. Mr. Speaker, I rise today in support of S. 3860, important legislation to ensure proper oversight of Arlington National Cemetery. I'm proud to have sponsored companion legislation to this bill in the House to see that we fulfill our oversight duties and properly honor our fallen heroes.

Arlington National Cemetery is the final resting place for Presidents, Senators, Representatives, Supreme Court Justices, Generals, Admirals and the countless soldiers, known and unknown, who've died in defense of freedom. It is home to memorials for Iowa heroes like the five Sullivan brothers who were lost at sea in 1942 with the sinking of the USS *Juneau,* but who are honored with tombstones among all of their fallen brothers. Arlington National Cemetery is a national institution that symbolizes the service and sacrifice by our citizens that makes the United States great, but most recently, it's been a sign of government incompetence.

The recent scandal of unmarked and inappropriately marked gravesites is an indignity to the Americans memorialized there, but it is also a stain on America. To date, Arlington Cemetery has spent over $5 million to computerize records to determine who is buried where, with nothing to show for it but continued problems in gravesite identification. The misuse of these funds disrespects our honored dead and is a breach in the trust of the American people.

As the son of a World War II veteran, I have the deepest respect for our Nation's veterans and I want nothing but the best treatment for them in life and in death. We owe them more than they've been given. I had the honor of attending the burial service of Specialist Ross McGinnis of Knox, PA at Arlington Cemetery as one of my first acts in Congress. Specialist McGinnis was killed in action near Adhamiyah, Iraq on December 4, 2006 when he threw himself on top of a grenade thrown into his HMMWV, saving the lives of at least four other soldiers, including one of my constituents. For his actions that day, Spc. McGinnis was posthumously awarded the Medal of Honor.

My bill, and the bill we passed, asks for nothing more than the respect that our distinguished veterans like Spc. McGinnis deserve. I commend my colleagues for their support on this matter.

HONORING VETERAN NEWSPAPER JOURNALIST TYLER WHITLEY FOR 50 YEARS OF EXCEPTIONAL WORK AT RICHMOND, VIRGINIA-AREA NEWSPAPERS

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. SCOTT of Virginia. Madam Speaker, I rise today to honor veteran Richmond Times-Dispatch journalist Tyler Whitley. Mr. Whitley has been a newspaper reporter in Richmond, Virginia, for the last 50 years. He has spent 40 of those years covering the Virginia General Assembly, including the 15 years that I served there.

Mr. Whitley, a Virginia native, is a graduate of Hampden-Sydney College in Hampden-Sydney, Virginia. He started his career in 1960 as an obituary writer at the Richmond News Leader. He later became business editor at the News Leader. In 1992, he joined the Times-Dispatch when the News Leader and the Times-Dispatch merged into a single morning newspaper. He has covered nine governors, fourteen national political conventions, and four redistrictings. He has also traveled to ten countries on assignment.

Mr. Whitley is well-respected by journalists and politicians in Virginia. He is affectionately referred to as the dean of the Virginia capitol press corps. Last week, several journalists and editors, Virginia Governor Bob McDonnell, and former Virginia Governors James Gilmore, L. Douglas Wilder, Gerald Baliles and Linwood Hilton gathered to honor Mr. Whitley. The presence of these Governors at Mr. Whitley's 50th anniversary celebration is a testament to the admirable professional legacy he has built in the Commonwealth of Virginia.

''If it's true that reporters write the first draft of history, then Tyler has written a lot of history,'' former Governor Baliles told the Washington Post.

Madam Speaker, it is my pleasure to honor Tyler Whitley for 50 years of exceptional journalism.

HONORING MARY WILLIAMS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Mary Williams upon her retirement as the Mariposa County Community Services Director.

Mrs. Williams began her career with Mariposa County on September 1, 1988 as Extra-Help Senior Services Information and Referral Specialist. She was hired full-time on September 1, 1989, as Assistant Veterans' Services Officer. Over the years, Mrs. Williams was reclassified a number of times, first as a Veteran/Senior Services Assistant in 1990, then as Community Services Deputy Director on October 1, 1993. On August 3, 1998, Mrs. Williams was appointed Community Services Director.

Mrs. Williams worked tirelessly for the citizens of Mariposa County. Among the many projects she was involved in, Mrs. Williams provided senior services, senior nutrition, transit, outreach and support for seniors, education seminars and special events of help and interest to seniors; arranged for the first restaurant meal program for seniors; was responsible for overseeing the scheduling and implementing of activities and programs for seniors such as the annual Senior Exposition, the Senior Prom and Thanksgiving dinner; organized a wide variety of fundraisers; and overseeing the Veterans' Services which provides assistance to Veterans, their dependents, survivors and the general public in obtaining benefits from Federal, State, and local

agencies administering programs for Veterans, to name only a few.

Besides her commitments to Mariposa County Community Services, Mrs. Williams also served as a member of a number of groups, including the Future Farmers of America/Western Days and the Farm Bureau, was appointed a member of the Fair Board by the Governor and has worked actively with the Junior Livestock Auction Committee since its formation. Mrs. Williams recently celebrated 50 years of marriage to her husband Kenny and they both look forward to spending more time with their family upon her retirement.

Madam Speaker, I rise today to honor Mary Williams for her dedicated service to the people of Mariposa County. I invite my colleagues to join me in wishing Mrs. Williams many years of continued success.

A SALUTE TO WOMEN IN DEFENSE

HON. MARK S. CRITZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. CRITZ. Madam Speaker, I rise to recognize Women In Defense, A National Security Organization that will celebrate its twenty-fifth anniversary this Sunday, December 19, 2010.

Women In Defense began in the fall of 1979 as the brainchild of seven dynamic women, Margo Giordano Anderson, Karen Hopkins, Betty Kimmel, JoHanna Kinley, Diane Lafferman, Lillian Morris, and Rebekah Nottingham. They met and discussed the idea of starting an informal network to assist participants, especially women, in expanding their knowledge of national security issues and of the national defense community in which they participated. The association was incorporated as a nonprofit 501(c)(6) on December 19, 1985.

For 25 years, Women In Defense has provided women a formal environment for professional growth through networking, education, and career development. Its 3,000 members, and 16 chapters throughout the United States, cultivates and supports the advancement and recognition of women in all aspects of national security. Women In Defense also offers the HORIZONS Scholarship, which was established in 1988 to encourage women to pursue careers related to the national security and defense interests, and to provide development opportunities to women already working in these fields.

Madam Speaker, I congratulate Women In Defense for the dramatic impact it has had on professionals who serve the national defense and national security of our nation. Its numerous successes have elevated the presence and stature of women in industry and military leadership. Because of their efforts, the United States benefits from a workforce that is better equipped to serve our great nation.

NATIONAL ALZHEIMER'S PROJECT ACT

SPEECH OF

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 2010

Mr. ISRAEL. Madam Speaker, I rise today to speak in support of the National Alzheimer's Project Act—a bill whose passage will mark the first coordinated and concentrated effort by the Federal Government to meet the challenges posed by Alzheimer's disease.

And, those challenges are many. There's the toll it takes on the physical health of the 5.3 million Americans living with the disease, the toll it takes on the emotional well-being of the 11 million people caring for those with the disease, and the increasingly great toll it takes on the finances of the federal budget. The disease takes and takes. But, with the National Alzheimer's Project Act, we can finally fight back.

The need to do so could not be any clearer.

In 2010, Medicare and Medicaid spent $122 billion caring for people with Alzheimer's disease and other dementias. Without action, the annual cost to those two programs alone from Alzheimer's disease will reach $805 billion in 2050. But, we are not destined to increase the Medicare and Medicaid costs of this disease almost sevenfold.

In fact, we know that a therapeutic intervention that delays the onset of Alzheimer's by five years would cut nearly in half the projected Medicare cost of the disease over the same time period.

To reach that future where the number of Americans with the disease does not rise unabated and the costs spiral out of control we will need to marshal all of our resources. With this bill, we assign a field general.

The bill establishes the National Alzheimer's Project within the Office of the Secretary of Health and Human Services to improve the early diagnosis of Alzheimer's disease, to coordinate research across all Federal agencies, and to accelerate the development of treatments that would prevent, halt, or reverse the advancement of the disease.

The creation of a strategic plan not only provides a vision for fighting Alzheimer's, but also mandates the creation of benchmarks to measure our progress in that fight. Today, we have no way of evaluating outcomes, let alone a way to improve them.

I am pleased to support such a critical piece of legislation which will improve the lives of the millions of Americans living with the disease and the millions of Americans caring for them.

PERSONAL EXPLANATION

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. PENCE. Madam Speaker, I was absent from the House floor on the legislative day of December 14, 2010. Had I been present, I would have voted "yea" on rollcall votes 628 and 630, and "no" on rollcall vote 629.

CALLING ON STATE DEPARTMENT TO LIST VIETNAM AS A RELIGIOUS FREEDOM VIOLATOR

SPEECH OF

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 2010

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to express my support for H. Res. 20, calling on the State Department to list the Socialist Republic of Vietnam as a "Country of Particular Concern" with respect to religious freedom.

The State Department removed Vietnam from the CPC list in 2006, and since then, the human rights situation in that country has deteriorated significantly. After a brief improvement while Vietnam was seeking membership in the World Trade Organization, the Vietnamese government returned to its former ways—intimidation and repression of basic human freedoms. According to the U.S. Commission on International Religious Freedom's (USCIRF) recently released annual report, "The government of Vietnam continues to control government-approved religious communities, severely restrict independent religious practice, and repress individuals and groups viewed as challenging political authority."

Vietnam remains a severe violator of religious freedoms, and the CPC designation is a potentially powerful tool that should be used to highlight this shortcoming and encourage action. USCIRF has recommended CPC status for Vietnam every year since 2001, and continues to do so this year, advising that "[g]iven these ongoing and serious violations, the uneven pace of religious freedom progress after the CPC designation was lifted, the continued detention of prisoners of concern, and new evidence of severe religious freedom abuses, USCIRF again recommends that Vietnam be designated as a CPC in 2010."

I urge my colleagues to support this resolution, and I strongly urge the State Department to follow the advice of the Commission and redesignate Vietnam as a Country of Particular Concern.

THE HALL OF FAME IN HONOR OF AN AMERICAN HERO SPC TIM HALL 173 AIRBORNE BRIGADE, THE UNITED STATES ARMY

HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. HELLER. Madam Speaker, I rise today to honor the heroic sacrifice and service of SPC Tim Hall of the 173rd Airborne Brigade of the United States Army. On June 10, 2010, SPC Hall of Reno, Nevada, was severely wounded by a mortar attack in Kabul, Afghanistan. Although he was severely injured and lost both of his legs, SPC Hall continues his courageous effort on the road to recovery. My sincere gratitude, appreciation, and thoughts are with SPC Hall and all of our service members as they continue to heroically and selflessly sacrifice for our Nation. I am honored to represent SPC Hall and his family in Nevada's 2nd Congressional District. I am proud to submit a poem penned in his honor by Albert Caswell for the RECORD.

THE HALL OF FAME

In our country Tis of Thee. . . .
All in this our Nation of the free . . .
But stand, the greatest of all Americans indeed. . . .
Are but all of those who go off the war, for you and me. . . .
The ones who answer That Call To Arms . . .
Who put themselves, and their families all in such heartache and grave harm. . . .
To our Nation's Hall of Fame, belong. . . .
The ones who now so lie in the soft cold dark graves, so all alone. . . .
And all of those others who come back home. . . .
Without arms and legs, and burns upon their bodies own. . . .
Our best and our brightest, our very bravest who so fight this. . . .
Her most magnificent names. . . . are all but in our Nation's Hall of Fame!
Men, like SPC Tim Hall. . . . of the 173 Airborne, who stood tall. . . .
As a mortar attack, left him dying. . . .
As it was but then his brave heart to him, started crying. . . .
Not to give up or to give in. . . . as this warriors new battle would begin!
With his two fine legs gone, he told himself it was time to move on. . . .
Get Up. . . . Get Moving. . . . Get Airborne!
As so deep down in his heart, so worn. . . .
Was the courage and the faith, to somehow move on. . .
Another Hall of Famer born. . . . with his profiles in courage soars . . .
To new heights. . . . To Teach Us. . . . To So Beseech Us. . . . oh Tim what form!
As he so Reaches Us, and somehow carries on!
As one of Nevada's Finest Sons. . . .
There's gold in his heart, this one!
For this man is Army Strong!
Hoooah, for in his heart beats such a song!
A song of Strength In Honor, all day and all night long!
And if I had a son, I wish he but shine like this one. . . .
As thy will be done, for he's in The Hall of Fame this son!
Showing us all to what new heights a heart can run!
America's Son!
So on this Christmas morning as you awake. . . .
Or during the Festival of lights, would you so take. . . .
So take the time to remember, all of these. . . .
Selfless Souls, who so bring us peace!
Who our Nation's Hall will never cease!

RECOGNIZING THE RETIREMENT OF JUDGE FRANK BELL FROM THE FIRST JUDICIAL COURT OF FLORIDA

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. MILLER of Florida. Madam Speaker, I rise to recognize Judge Frank Bell, upon his retirement from presiding on the county and circuit benches for the past 38 years. Judge Bell spent his career serving the northwest Florida community, and I am proud to recognize his dedication and service.

Judge Bell was born and raised in Pensacola, Florida. After graduating from Pensacola High School, Judge Bell enlisted in the Army. After serving on active duty and in the reserves, Judge Bell attended the University of Southern Mississippi, where he received a B.S. in accounting. He furthered his education at the Cumberland School of Law, Samford University, where he graduated in 1966.

Judge Bell returned to his native Pensacola to practice law. He worked as a sole practitioner, in addition to prosecuting both capital and non-capital cases. In 1972, he was chosen by the people of Escambia County, Florida to serve as a County Judge, and in 1985 he was appointed to the First Judicial Circuit Court of Florida, a job which Judge Bell has carried out with honor and distinction for 25 years.

Judge Bell adheres to the judicial philosophy that impartiality must be preserved to ensure fairness in our legal system. In Judge Bell's view, it is of the upmost importance that judges "convince the litigants that all we want is a fair fight for the party." Some Americans view the justice system with fear and trepidation; however, Judge Bell believes that when citizens experience a fair and impartial judiciary firsthand their opinions change completely. According to Judge Bell, citizens, "after serving on a jury where they see the system work, they develop a positive attitude." Judge Bell's unwavering commitment to upholding the law in an unbiased manner is a prime example of our legal system working at its best and is a great credit to his beloved community.

Madam Speaker, on behalf of the United States Congress, I am honored to recognize Judge Frank Bell for his service to northwest Florida and to the United States of America.

ADVANCING PEACEFUL NEGOTIATIONS IN THE ISRAELI-PALESTINIAN CONFLICT

SPEECH OF

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 2010

Mr. FARR. Mr. Speaker, I believe that we must advance a negotiated peace process in the Israeli-Palestinian conflict. However, I have concerns that H. Res. 1765 only addresses one of the issues that is impeding lasting peace in the region. For the United States to be an honest, effective broker of peace, we must take into account the roles that all parties play in the conflict.

Particularly now, as we try to rebuild the potential for direct talks, we must weigh our actions based on how effectively they will advance the likelihood of all parties coming to the negotiating table. I strongly support American diplomatic efforts to mediate a two-state solution, and I believe we must direct our efforts towards balanced measures that lay the strongest possible foundation for a peaceful resolution.

TRIBUTE TO RAY ABRIL, JR.

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. BACA. Madam Speaker, I rise today to ask Congress to pay tribute to an outstanding friend, mentor and community leader, Mr. Ray Abril, Jr. Ray passed away on December 14, 2010.

Born in Colton, California on June 5, 1932, Ray was raised in South Colton where he dedicated his life to his community and to the improvement of education in the Colton Joint Unified School District.

Ray graduated from Colton High School in 1950. A veteran of the Korean War, he courageously served four years in the Navy.

Ray first became involved in education in the early 1970's, motivated to serve because of the poor state of many local schools at the time. In 1973 he won his first election to the Colton Joint Unified School Board.

Ray often liked to joke that he had a PhD from USC, "The University of South Colton." Throughout his 28 year career with the Colton School Board, Ray played an important part in improving schools. During his time as board member he worked to improve student performance, enhance school safety and increase the number of college-bound students.

A strong advocate for education, Ray was instrumental in advising me on many legislative policy decisions over the years, including my PROUD Act. As a board member, Ray became affectionately known as "The Godfather of the Colton Joint Unified School District." He held the office of Clerk for thirteen years and served as Board President for six years. Ray retired from the Colton Joint Unified Board of Education after 28 years of dedicated service.

Because of Ray's lifelong commitment to education, the Colton Joint Unified School Board decided to recognize him by including his name in the campus of the new high school in Grand Terrace. When complete, the school will be known as the Grand Terrace High School at the Ray Abril, Jr. Educational Complex.

An active member of the community, Ray was involved in a number of organizations including the San Bernardino Countywide Gangs and Drugs Task Force, the Knights of Columbus and the San Bernardino County Superintendent of Schools Advisory Committee. Ray was also a co-founder of the Mexican-American Parent & Student Organization, a group that advocated educational improvements in Colton.

His legacy of work on local issues such as the BNSF rail crossing and his founding of Colton First had a lasting impact on communities across the Inland Empire. After his many years of service, Ray was awarded the Assistance League of San Bernardino's "Living Legend Award" during its 50th anniversary celebration.

Ray was a loving family man. He and his beloved wife Hortensia were married for 53 years before her unfortunate passing. Ray leaves behind his daughters Melinda Medina, Rebecca Gonzales, Nellie Carnero as well as his three sons, Nick, Michael and Dominic. He also leaves behind 19 grandchildren and 29 great-grandchildren.

The thoughts and prayers of my wife, Barbara, Mayor pro tem Joe Baca, Jr., Jeremy, Natalie, Jennifer and I are with his family at this time. I ask my colleagues to join me in remembering a superb American citizen and dedicated community leader. He will be greatly missed and I extend my sincere condolences to his extended family upon the very sad loss of Mr. Ray Abril, Jr.

HONORING SYLVIA L. WARNER

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. ROGERS of Michigan. Madam Speaker, I rise today to pay tribute to Sylvia L. Warner for her outstanding service to the people of Michigan's Eighth Congressional District.

Ms. Warner was born and raised in Roanoke, Virginia. After graduating from Jefferson Senior High School, she began her career in journalism at the Belding Banner where she worked from 1969 through 1973. In her dual role as photographer and reporter, she covered local news in Michigan's Ionia County. It was during this time that she developed her passion for journalism and honed many of her reporting talents.

After leaving the Belding Banner in 1973, she joined The Daily News in Greenville, Michigan. Ms. Warner was promoted through the ranks at the paper where she held several positions. She began as the local reporter for the Family Living Section, then the Managing Editor ending her career with the paper as the Editor. Ms. Warner was instrumental in managing a 10 member staff of reporters and photographers. After 20 years of editorial work focusing on local news and events, Ms. Warner left the publication to pursue other interests.

In 1993, Ms. Warner moved to Lansing, Michigan, and combined her editorial expertise with her passion for politics. She joined the Michigan House Majority Communications Office as a Communications Specialist. Her experience with local and community communications proved to be invaluable to the freshmen House members she was assigned to assist. In 1997, Ms. Warner joined the Michigan Senate Majority Communications Office as Senior Writer and Media Specialist. She was tasked with coordinating special media events and supervising junior writers.

In 1999, I was honored to have Ms. Warner join my Senate Majority Floor Leadership office. She quickly became an invaluable member of my staff. With Ms. Warner's experience and guidance, my ability to communicate and work with media was dramatically improved.

In 2000, when I decided to run for the U.S. House of Representatives, I enlisted Ms. Warner's expertise to serve as my press secretary. With the guidance of a talented team I became the U.S. Representative to Michigan's Eighth Congressional District. This would not have been possible without the years of experience, guidance and faith of such talented people like Ms. Warner.

Since my first congressional race, Ms. Warner has served as an exceptional Press Secretary and has been a cornerstone of my team. After many years of dedicated service, she has decided to move to Michigan to be closer to her children, grandchildren and great grandchild.

I, along with the constituents of Michigan's Eighth District, owe Sylvia Warner a debt of gratitude for her unwavering commitment to public and civic service throughout the years. She will be greatly missed.

I ask my colleagues to join me in thanking Sylvia L. Warner for her service and wish her the best in her retirement.

TRIBUTE TO PATTY BENTLEY

HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. OWENS. Madam Speaker, I rise today to congratulate Ms. Patty Bentley of Plattsburgh, New York on her retirement after 41 years as a librarian at Plattsburgh State and other institutions.

Patty was born in Kentucky, spent her early childhood in Michigan, and began her career as a medical librarian at the University of Cincinnati in 1970. Since 1977, she has worked to improve the quality of education for upstate New York students at Plattsburgh State. For 34 years, she has served to make her community a better place by volunteering countless hours with various local organizations. Simply put, Plattsburgh would not be what it is today without her tireless efforts.

I have the privilege of calling Patty my friend, and I continue to look to her for guidance on local issues. At the end of this year, Patty will become a retiree, but I am confident that she will never stop serving the community. Mr. Speaker, I thank Patty Bentley for her years of service and congratulate her on 41 wonderful years on the job.

PERSONAL EXPLANATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mrs. MCCARTHY of New York. Madam Speaker, I was unavoidably absent on December 15, 2011. If I was present, I would have voted on the following: H.R. 5446—rollcall No. 631—"yea"; H. Res. 1759—rollcall No. 632—"yea"; S. Con. Res. 72—rollcall No. 633—"yea"; H.R. 6205—rollcall No. 634—"yea"; H. Res. 1764—rollcall No. 635—"yea"; H. Res. 1761—rollcall No. 636—"yea"; H. Res. 1743—rollcall No. 637—"yea"; H.R. 2965—rollcall No. 638—"yea."

HONORING DON SIMMS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Don Simms upon his retirement as the Assistant District Supervisor for the Wildlife Services Central District.

Mr. Simms began his career with the USDA/APHIS/Wildlife Services as an Animal Damage Control Trapper in 1971 in Mariposa County. He eventually left Mariposa County and worked in a number of places in the state and country, including Santa Clara County, Modoc County, San Diego County at the San Diego Wild Animal Park on the wild cheetah project, Alameda County, San Mateo County, and finally on Kodiak Island, Alaska, on a raccoon rabies project. In 1983, Mr. Simms came back to Mariposa County to become the Assistant District Supervisor for the Wildlife Services Central District.

Mr. Simms has been a dedicated employee of the Wildlife Services program and of Mariposa County. His trapping skills are legendary and he has developed a number of control devices and techniques that have been used in the County and throughout other western states. Mr. Simms has also made presentations on his techniques to Wildlife Services employees in other western states. Mr. Simms has dealt with a wide variety of animals in his time with Wildlife Services, including rattlesnakes, feral pigs, bears, mountain lions and even a Bengal tiger.

In addition to his service to the county, Mr. Simms is a dedicated family man. Don and his wife Judy look forward to having more time to enjoy with their children and grandchildren.

Madam Speaker, I rise today to honor Don Simms for his dedicated service to the people of Mariposa County. I invite my colleagues to join me in wishing Mr. Simms many years of continued success.

NATIONAL ALZHEIMER'S PROJECT ACT

SPEECH OF

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 2010

Ms. LINDA T. SÁNCHEZ. of California. Madam Speaker, I rise today to support S. 3036, the National Alzheimer's Project Act. This bill would provide critical federal support and coordination to overcome the growing Alzheimer's crisis.

Today, the effects of Alzheimer's disease are devastating. An estimated 5.3 million people are living with the disease. We must act decisively, or the devastation of Alzheimer's disease will grow far worse. Alzheimer's disease is the sixth leading cause of death in the United States, and is the fastest growing of the 10 leading causes of death. In 2010, Medicare and Medicaid will spend $122 billion caring for people with Alzheimer's disease and other dementias.

The National Alzheimer's Project Act would establish an inter-agency advisory council to address the government's efforts on Alzheimer's research, care, institutional services, and home and community-based programs. It would also increase awareness, support, and outreach for those confronted with Alzheimer's disease and for their families to help better equip our nation to face this disease.

To decrease health disparities, this bill will work to ensure the inclusion of ethnic and racial populations who are at higher risk for Alzheimer's or who are less likely to receive care in clinical, research, and service programs.

Legislation that advances a cure for Alzheimer's disease is near and dear to my heart because of my father and the millions of others like him who live every day with this disease.

I urge my colleagues to support such a critical piece of legislation. It's a monumental step forward in our battle against Alzheimer's and other dementias.

ISLAND ELDERLY HOUSING ON MARTHA'S VINEYARD

HON. BILL DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. DELAHUNT. Madam Speaker, I rise today to pay tribute to Island Elderly Housing, an organization that has done an outstanding job of serving the people of Martha's Vineyard.

Island Elderly Housing (IEH) was formed in 1976 by local residents of the Island who were active in healthcare, housing, serving elders and the ministry to provide decent, safe and affordable housing for low and moderate income elderly and handicapped persons. Under the able leadership of Carol Lashnits, the agency has created twelve developments totaling 165 units, using both donated land and buildings and financing from the USDA and HUD.

IEH has grown to become a leader in the advocacy and provision of residential and related services for Island elderly and handicapped residents. Since 1981 when IEH received its first construction loan of $1.9 million from the Farmers Home Administration's Section 515 program, the agency has received more than $26 million in federal and state grants and loans, and private grants and donations.

As the nonprofit developer and manager for all of the units, IEH is responsible for the fiscal management for all of the development funds as well as the ongoing operating budgets.

Careful management of its funds and its fiscal responsibility has resulted in ongoing receipt of grants and contributions to IEH and its programs from foundations, local religious organizations, and area citizens.

In 2007, Carol Lashnits left her position as Executive Director for IEH and was replaced by Ann Wallace. Under Wallace, with the help of the larger community and a staff of fifteen, supportive services to aging residents have improved and increased and now include transportation, health, education, advocacy, community building, recreation, exercise, yoga, a meals program, spiritual opportunities, gardening and intergenerational activities.

At the present time the IEH's Board and Executive Director are analyzing the present and future needs of elders on the Island as it plans for its own future activities. It is my hope that its next 30 years will be as productive as its first 30 years have been.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Ms. WOOLSEY. Madam Speaker, on December 14–15, 2010, I was unavoidably detained and was unable to record my vote for Rollcall No. 628–638. Had I been present I would have voted:

Rollcall No. 628—"yes"—Longfellow House-Washington's Headquarters National Historic Site Designation Act.

Rollcall No. 629—"yes"—Census Oversight Efficiency and Management Reform Act of 2010.

Rollcall No. 630—"yes"—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.

Rollcall No. 631—"yes"—Harry T. and Harriette Moore Post Office.

Rollcall No. 632—"yes"—Expressing support for designation of January 23rd as "Ed Roberts Day".

Rollcall No. 633—"yes"—Recognizing the 45th anniversary of the White House Fellows Program.

Rollcall No. 634—"yes"—Private Isaac T. Cortes Post Office.

Rollcall No. 635—"yes"—Providing for consideration of the Senate amendment to H.R. 2965.

Rollcall No. 636—"yes"—Congratulating Auburn University quarterback and College Park, Georgia, native Cameron Newton on winning the 2010 Heisman Trophy for being the most outstanding college football player in the United States.

Rollcall No. 637—"yes"—Congratulating Gerda Weissmann Klein on being selected to receive the Presidential Medal of Freedom.

Rollcall No. 638—"yes"—Don't Ask, Don't Tell Repeal Act of 2010.

INTRODUCTION OF THE QUILEUTE TRIBE TSUNAMI PROTECTION ACT

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. DICKS. Madam Speaker, today I am introducing the Quileute Tribe Tsunami Protection Act. This legislation will provide land to the Quileute Tribe to enable the re-location of many facilities outside the tsunami zone. Many of you may know that the Quileute Tribe is featured in the Twilight series of movies.

For people like the Quileutes living along the Pacific coast of the Olympic Peninsula in Washington State, a tsunami is a very real threat they face every day. The Quileute day care facility, the elder center, Tribal offices and Tribal members' homes are directly in the path of the tsunami that one day will surely come. Getting the Tribe out of danger is of great concern to all of us, and I am very pleased to introduce legislation to help the Tribe move their people and infrastructure out of the danger zone.

The Olympic National Park completely surrounds the one-mile-square Quileute Reservation, most of which is threatened either by tsunami or the Quillayute River flood zone. The only way to get the Tribe out of the danger zone is for the Park to transfer higher, safer lands to the Tribe. For many years there has been a dispute between the Park and the Tribe about the northern boundary of the Reservation, and this legislation resolves that dispute to the benefit of the Park, the Tribe and the general public. In addition to protecting the Tribe from tsunami threat, this legislation will permanently preserve public access to some of the most beautiful beaches on the Washington State coast, and will permanently protect as wilderness thousands of acres currently in the Olympic National Park.

I want to thank the Quileute Tribe, National Park Service Director Jon Jarvis and Olympic National Park Superintendent Karen Gustin for their hard work over many years to resolve this dispute. There must be Congressional approval for this settlement, so I ask my colleagues to consider the present danger to the Tribe and to support this bill.

HONORING NORMAN YOSHIO MINETA

SPEECH OF

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 2010

Mr. BECERRA. Madam Speaker, I rise today in support of H. Res. 1377, a resolution honoring the accomplishments and legacy of a great American patriot, Norman Yoshio Mineta.

Mr. Mineta's life began like that of so many other Americans. He was born in 1931 in San Jose, California, the son of immigrant parents. However, unlike the typical American story, he and the Mineta family were forced to leave their home and live in the Heart Mountain internment camp near Cody, Wyoming, during World War II. Norm Mineta overcame this experience and went on to graduate from the University of California at Berkeley and serve his country as an intelligence officer in the United States Army.

Most of us know Norm Mineta as Secretary Mineta. In 2000, Secretary Mineta became the first Asian American to serve in a Presidential Cabinet when he was appointed Secretary of Commerce by President William J. Clinton. He continued to break new barriers when he became the first Asian American to serve as Secretary of Transportation in President George W. Bush's cabinet. He went on to become America's longest serving Secretary of Transportation.

For many of us, Norm will always be "Secretary Mineta" because of the respect and leadership which has become synonymous with his name. He is a true political trailblazer and leader of the Asian American and Pacific Islander community. In 1967, he was the first Asian American to serve on the San Jose city council and he became the first Asian American mayor of a major United States city when he was elected to lead San Jose in 1971.

From 1975 to 1995, Secretary Mineta continued to serve the San Jose community as its Representative in the U.S. House of Representatives. During his twenty years in the House, he championed legislation that established Asian Pacific American Heritage Week, the Commission on Wartime Relocation and Internment of Civilians, and the Civil Liberties Act of 1988, the seminal reparations bill where the United States Government officially apologized for sending families of Japanese descent to internment camps during World War II. He helped author the Americans with Disabilities Act, which became law in 1990. He also co-authored the Intermodal Surface Transportation Efficiency Act of 1991, which gave state and local governments control over highway and mass transit decisions. Under his leadership, then-Congressman Mineta founded and chaired the bicameral and bipartisan Congressional Asian Pacific American Caucus, which continues to promote and advocate Asian American and Pacific Islander concerns and issues.

To this day, Secretary Mineta remains a prominent leader within the Asian American and Pacific Islander community through his work with numerous civic organizations. He is a recognized expert on transportation and homeland security issues. He received the highest civilian award in the United States when he was awarded the Presidential Medal of Freedom in 2006.

Of course, we could spend a good portion of our lifetime reciting Norm Mineta's achievements. I, however, would like to close my remarks by simply heralding what I believe to be the true mark of this great American statesman: through thick and thin, Norm Mineta has carried his country on his shoulders. With Secretary Mineta, no one is left behind and America can never have a bad day. For that, Norm Mineta has earned our eternal affection and commands our grateful respect.

Mr. Speaker, I urge all of my colleagues to support H. Res. 1377, a tribute to a distinguished former member of this body, Norman Yoshio Mineta.

RECOGNIZING DENNIS M. DIEMER

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. GEORGE MILLER of California. Madam Speaker, I rise with my colleagues Congressman JOHN GARAMENDI, Congresswoman BARBARA LEE, Congressman JERRY MCNERNEY, and Congressman PETE STARK to recognize East Bay Municipal Utility District General Manager Dennis M. Diemer and congratulate him as he approaches his well-earned retirement.

Mr. Diemer's career in public service demonstrates his lifelong commitment to the citizens and communities of the East Bay. We are grateful to him for his service to our constituents.

He began his career with EBMUD in 1981 as a senior environmental engineer, and over the ensuing years he was promoted to positions of increasing responsibility at the agency. In 1995, the board of directors selected him to serve as acting general manager, and he was appointed as general manager on February 13, 1996.

In California, where our water fights are legendary, Dennis' collaborative approach helped EBMUD make strides toward a secure water future. Working with the district's board of directors, Dennis and his team focused on identifying and working with partners for water supply projects. He played a significant role in ending years of water wars between the East Bay, the Sacramento area, and the environmental community, an effort which evolved into the Freeport Regional Water Project.

Dennis' work has made a long-term difference in the environmental quality of the Bay Area. He has long promoted protection of San Francisco Bay, from his work in the 1980s managing a collaborative effort with local communities to abate uncontrolled sewage discharges into San Francisco to more recent efforts to forge agreements that put EBMUD and local communities on a long term path toward controlling wet weather discharges to the Bay. In addition, under his watch, the district's new long range plan included a pioneering analysis of the potential impacts of climate change on future water supply. These actions will result in better protection of public health and the environment.

Dennis has demonstrated exceptional leadership for EBMUD, making the organizational and process improvements necessary to anticipate and adapt to changes in regulations, technology, the environment, and the world around us.

Madam Speaker, I invite our colleagues to join us in honoring General Manager Dennis Diemer for his dedicated service to the people of California and the Bay Area. We are pleased to join with his family, colleagues, and friends in congratulating Dennis on a long and highly successful career and wish him a happy and healthy retirement.

TRIBUTE TO SUPERVISORS GAIL STEELE AND ALICE LAI-BITKER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. STARK. Madam Speaker, I rise today to pay tribute to Gail Steele and Alice Lai-Bitker, who have chosen to retire from their exemplary service on the Alameda Board of Supervisors at the end of this year. Supervisors Steele and Lai-Bitker have served their districts with honor and distinction.

Supervisor Steele has held many positions of leadership in organizations in Alameda County including Alameda County Mental Health Advisory Board; Chair, Alameda Alliance for Health; Chair, Alameda County Children's Memorial Grove and Flag Committee; President of Oakland-Alameda County Coliseum/Area Joint Power Authority; Chair, Local Agency Formation Commission; Executive Committee of the Association of Bay Area Governments; and the Liaison Committee of the East Bay Regional Parks.

She served on the Hayward City Council from 1974 to 1982, and has represented the Second Supervisory District since June 1992. She served as President of the Board of Supervisors from January 1995 to January 1997, and again from January 2003 to January 2005.

Alice Lai-Bitker was unanimously appointed to the Alameda County Board of Supervisors in December 2000. She was re-elected twice by voters in District Three, where she is serving until her tenure ends at the end of December 2010. In January 2009, she was selected by her colleagues to serve as President of the Board for 2009 and 2010.

During her tenure as Supervisor, Ms. Lai-Bitker has been a strong advocate for increasing health care for children. She spearheaded the No Wrong Door policy in Social Services to ensure quick and efficient service. Her work on domestic violence includes A Day of Remembrance, honoring victims of domestic violence and assisting in obtaining federal funds for a Family Justice Center in Alameda County.

Ms. Lai-Bitker chairs the Board's Health Committee and serves on the Social Service Committee. She is a member of the Alameda County Transportation Authority and she represents the Board of Supervisors on the Bay Conservation and Development Commission. She is a member of the Board of the George Mark Children's House, the UC Berkeley School of Social Welfare Community and California State University East Bay Institute for Mental Health and Wellness Education.

Supervisors Steele and Lai-Bitker have many notable accomplishments, and have won many awards for their contributions. I join the community in thanking each of these outstanding women for the significant impact they've had in our community.

HONORING BRIAN MULLER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Brian Muller upon his retirement as the Mariposa County Sheriff/Coroner/Public Administrator.

Mr. Muller has served Mariposa since February of 1981, when he started in the Sheriff's Office as a Jail Officer/Dispatcher. In November of 1985, he became a Deputy Sheriff, after which he received a series of promotions: to Sergeant in 1998, to Lieutenant in 1999 and finally to Undersheriff in 2003. Finally, Mr. Muller was appointed as the Sheriff/Coroner/Public Administrator in January 2008 and he has ably served the County in that capacity since.

While working for the Sheriff's Office, Mr. Muller was responsible for a wide range of duties in the County, including 9–1–1 dispatch, patrol, an adult detention facility, investigations, court security, boat patrol, animal control, coroner, public administrator duties, and Sheriff's Community Organized Policing Effort (SCOPE). Mr. Muller also successfully applied for a number of grants from the State of California that benefited Mariposa County. For his service to the County, Mr. Muller received a number of awards, including the Mariposa Gazette Best Peace Officer award and Law Enforcement Officer of the Year from Mountain Crisis Services.

In addition to his many duties as Sheriff, Mr. Muller has contributed to the County in other ways. Brad and his wife Sarah are actively involved in their church and regularly assist at the Senior Center.

Madam Speaker, I rise today to honor Brad Muller for his dedicated service to the people of Mariposa County. I invite my colleagues to join me in wishing Mr. Muller many years of continued success.

HONORING CLARKE WARDLAW MCCANTS, JR.

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. BRADY of Texas. Madam Speaker, I rise today to honor the late Clarke Wardlaw McCants, Jr., of Columbia, South Carolina, who passed away on December 3 of this year. Clarke Wardlaw McCants, Jr., was a brilliant legal mind. Growing up in Columbia in the 1930s, he distinguished himself among his peers as a fine attorney and was recognized by The Best Lawyers in America in its Trusts

and Estates Section. An active member of the American Bar Association, he even served as the Editor of the Association's Journal of Real Property and Probate Trust Law.

Not just an outstanding lawyer, Clarke McCants was a kind man who raised a fine family that he took great pride in. He is survived by his wife of 54 years, Anne Lucius McCants and many loving children and grandchildren. It is important that the people of our nation step forward to serve their communities and give back to their country. This was not lost on Clarke McCants who gave generously of his time to his community.

Educated at the University of South Carolina as both an undergraduate and a law school student, he was a very active participant in the student government and many various extra curricular programs on campus such as Omicron Delta Kappa, President of Pi Kappa Alpha, and the debate team.

Between his undergraduate and law school education, Mr. McCants served us all in the United States Army Air Corps as a flight radio operator. His service in World War II earned him one Bronze Star. We are thankful for his service and we can all learn from the life experiences of Clarke Wardlaw McCants, Jr.

In closing, I just wanted to take a moment to share my condolences to the family of Clarke Wardlaw McCants, Jr. The entire staff and I are sorry for your loss and the pain this has caused you and your family.

INTERNATIONAL PROTECTING GIRLS BY PREVENTING CHILD MARRIAGE ACT OF 2010

SPEECH OF

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 2010

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in support of S. 987, legislation that would authorize the United States to provide assistance for the prevention of child marriage in the developing world. Regrettably, child marriage continues to be an all-too-common practice in many third-world countries. We as a nation have a moral obligation to do all that we can to assist with the prevention of this deplorable custom. Marrying before puberty or during early to mid-adolescence places young women in dire circumstances—where they face severe health risks in pregnancy and childbirth, where they are trapped in positions of complete dependence and where they are subjected to verbal and physical abuse at the hands of their spouses. It is imperative for the United States to take a strong stance against this practice by investing in efforts to prevent child marriage and empower susceptible young women in these developing nations.

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

CONGRATULATING GREENWOOD, SOUTH CAROLINA'S SELF REGIONAL HEALTHCARE

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. BARRETT of South Carolina. Madam Speaker, I rise today to congratulate Greenwood, South Carolina's Self Regional Healthcare on receiving the South Carolina Governor's Quality Award. Presented by the South Carolina Quality Forum; an affiliate of the South Carolina Chamber of Commerce, the Governor's Quality Award recognizes organizations across the state that have mirrored the superior standards of the Malcolm Baldrige National Quality Award.

As my colleagues know, the Baldrige Program's mission is to improve the competitiveness and performance of U.S. organizations. It is the only formal recognition of performance excellence given by the President of the United States to companies and organizations in the business, healthcare, education, and nonprofit sectors.

Five years in the making, Self Regional was recognized for improving the quality of patient care while simultaneously improving the outlook of its long-term financial performance. I give credit to the team of 2,300 physicians, administrators and volunteers who worked tirelessly to put their patients first. To each and every one of them, I say, a job well done.

I am pleased to see everyone involved at Self Regional being recognized for their hard work and dedication by the Governor's Quality Award. While congratulations are certainly in order, I concur with Mr. Jim Pfeffier, President and CEO of Self Regional, who said, "It is important to note the real winners in this are our patients, for quality and safety are especially important when it comes to addressing the health needs of others."

Since making the commitment to improve its level of patient care, Self Regional has received the Quality Forum's Silver Award twice and the Explorer's Award once. With such a stellar track record, Self Regional is making a name for itself in not only South Carolina, but also, across the nation. I am pleased to add my name to the many that offer Self Regional their heartfelt congratulations on this award.

IN RECOGNITION OF JULIE LANCELLE

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Ms. SPEIER. Madam Speaker, I rise to honor Julie Lancelle for her outstanding community service in Pacifica, California, since 1986.

Julie moved to Pacifica in 1986 with her husband and daughter and was quickly drawn into the public activism intrinsic to this coastal town. One of her first causes was the opposition to extending the Highway 1 freeway south of Rockaway Beach. The following year she was appointed to the Pacifica Open Space Task Force.

In 1992, Julie was first elected to the Pacifica City Council. After serving a two-year term, she left to spend more time with her children. In 1997, she recommitted herself to community service and became a member of the Pacifica Land Trust Board where she used her years of experience to preserve open space.

She was again elected to the city council in 2002 and during her eight years of service was instrumental in the completion of the Pacifica Strategic Plan, the Palmetto Streetscape Plan and the expansion of the Community Emergency Response Team Program. She advocated for the preservation of the habitat at Sharp Park, balancing environmental concerns with the recreational pursuits of golf and archery. Julie also represented her community on the Bicycle Pedestrian Advisory Committee and the City/County Association of Governments.

Throughout her life, Julie has been passionate about the outdoors and the preservation of open space. One of the highlights in her career was the purchase of Mori Point and its inclusion into the Golden Gate National Recreational Area. She launched a campaign for that purchase and organized the community to raise money to partner with the Trust for Public Land, the Park Service and the Coastal Conservancy. Thanks to Julie, Mori Point is now a spectacular hiking area open to everyone.

Madam Speaker, it is right to honor my friend and colleague Julie Lancelle for her outstanding advocacy and dedication to her community, particularly on December 15, 2010, the day she retires from the Pacifica City Council.

HONORING CHRIS EBIE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Chris Ebie upon his retirement as the Mariposa County Auditor.

Mr. Ebie began his career with Mariposa County in September of 1987 as Account Clerk III in the Auditor's Office. In November of 1988, he was promoted to Assistant Auditor. In April 2005, Mr. Ebie briefly left Mariposa County but returned in January 2006 as the Board-appointed County Auditor. In June 2007, Mr. Ebie was officially elected to the position of County Auditor.

In his time with the County, Mr. Ebie worked on a number of projects, including coordinating efforts in assuring the County's compliance with Governmental Accounting Standards Board (GASB) 45, maintaining the County's software and budget structure and implementing the Alternative Measurement Method (AMM) for reporting costs and liabilities associated with health and other non-pension benefits for public employees.

In addition to his service to the County, Mr. Ebie is a dedicated family man. Chris and his wife Grace are the proud parents of four children and the proud grandparents of four grandchildren.

Madam Speaker, I rise today to honor Chris Ebie for his dedicated service to the people of Mariposa County. I invite my colleagues to join me in wishing Mr. Ebie many years of continued success.

HAITI EARTHQUAKE

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Ms. CLARKE. Madam Speaker, I rise today to draw attention to the plight of Haiti. As we all know, Haiti suffered a devastating earthquake in January 2010. The magnitude 7 quake claimed the lives of hundreds of thousands of Haitians, displaced over a million and left the capital of Port-au-Prince and outlying country areas in ruins.

Haiti's road to recovery has been long and arduous. Despite overwhelming support from the international community, the success of redevelopment and rebuilding efforts has been extremely limited. Even today, thousands remain in international displacement camps, many overrun with disease and violence. To date, more than a thousand have died due to the cholera outbreak. Even more continue to suffer in unspeakable poverty and squalor.

One of the strongest obstacles to meaningful recovery in Haiti has been a political environment long plagued with corruption and dishonesty. Despite the presence of over 100 observers, Haiti's presidential election two Sundays ago was overrun with allegations of fraud and overtly questionable practices. It is my hope that the election results are indeed as accurate as possible and that the former First Lady Mirlande Manigat and ruling party candidate Jude Celestin are the true, democratically elected candidates to participate in the Presidential run-off.

Although Haiti experienced numerous political and economic problems prior to the earthquake, the current level of challenges the Haitian people are facing is no longer tolerable. The United States and the international community cannot continue to accept the pace at which Haiti's recovery is taking place, while human lives are at stake. We can all do better, and to choose complacency over deliberate action would be a grave insult to humanity.

As we approach a new year and a new Congress, I urge my colleagues to never forget Haiti and the challenges its people continue to face. As the Representative of a large Caribbean-American constituency and as a daughter of Caribbean, Haiti has always been close to my heart. However, my commitment to helping Haiti does not solely come from my constituency or my familial background. It comes from my identity as a public servant and a citizen of the world. In all of my work, I will continue to give the people of Haiti a voice. I will not give up until my colleagues recognize Haiti and Haiti resurges as the pearl of the Caribbean once again.

Let us never forget that as we unite with the people of Haiti, Haitian-Americans and the Haitian Diaspora to assist with the development of this great nation, we are forever guided by the words etched indelibly on the Haitian flag, 'L'Union fait la force' (Loon yon feh la force) . . . through unity, there is strength!

SUPPORTING A NEGOTIATED SOLUTION TO THE ISRAELI-PALESTINIAN CONFLICT

SPEECH OF

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 2010

Ms. ROS-LEHTINEN. Mr. Speaker, 17 years have passed since the signing of the Oslo Peace Accords in 1993, but a final resolution to the Israeli-Palestinian conflict has yet to be achieved.

The question is: Why?

Only by first understanding the reasons that the conflict continues, can the United States set and implement a policy that can help to encourage a true and lasting peace.

So let us consider the conduct of both sides.

One Israeli government after another has been willing and able to make painful sacrifices, including territorial withdrawals, to achieve peace.

As Secretary of State Clinton has noted, the current Israeli government has made unprecedented concessions in pursuit of peace, including a ten-month moratorium on housing construction in the West Bank in order to encourage the Palestinians to negotiate directly with Israel.

In short, Israel has proven its commitment to peace.

However, Mr. Speaker, Israel does not seem to have a partner in this endeavor.

Palestinian leaders still never miss an opportunity to miss an opportunity, and continue to default on their international obligations.

They continue to refuse to negotiate directly with Israel, without preconditions.

Instead of encouraging the Palestinian people to accept Israel as a permanent neighbor with whom they should live in peace, the leaders in Ramallah continue to tolerate, encourage, and even participate in anti-Israel incitement.

They continue to refuse to recognize Israel's right to exist as a democratic, Jewish state.

Even as the Palestinian leadership seeks a state for the Palestinian people, it would deny the right of the Jewish people to a state in their own homeland.

We are not talking about isolated, fringe elements.

Palestinian rejectionism and non-compliance flows from the very top.

Earlier this year, the leader of the Palestinian Authority and the PLO, Abu Mazen, praised the recently-deceased mastermind of the PLO's massacre of Israeli athletes at the 1972 Munich Olympics.

Abu Mazen also expressed what he called his "firm rejection of the so-called Jewishness of the state [of Israel]," saying that "This issue is over for us; we have not and will not recognize it."

Last year, Abu Mazen said that "Presently, we are against armed struggle, because we cannot cope with it. But things could be different at some future phase."

And a former PA foreign minister and senior associate of Abu Mazen has announced that the PA would be intensifying its diplomatic and economic offensive against Israel, with the aims of isolating Israel, preventing it from building its ties with the European Union, and expelling Israel from the U.N.

Already, the PA tried—unsuccessfully—to block Israel's candidacy for membership in the OECD.

And now, instead of sitting down with the Israeli government to negotiate directly, the Palestinian leadership is conducting an extensive campaign to seek recognition of a Palestinian state by foreign governments and within the U.N. and other international organizations.

Unfortunately, in response to a request from Abu Mazen, the Brazilian government recently agreed to recognize a Palestinian state, instead of urging the Palestinians to fulfill their commitments.

The governments of Argentina and Uruguay have also indicated that they intend to recognize a Palestinian state.

The Palestinian leadership is aggressively lobbying other nations to do the same.

Mr. Speaker, this is not a partner for peace.

But as we've seen over and over, Palestinian leaders are not going to make the tough decisions and change their ways unless they have to.

By providing over $2 billion in assistance in the last five years alone—with hundreds of millions more planned—the U.S. is only rewarding and reinforcing bad behavior by Ramallah.

Enough is enough.

We should finally hold PA leaders accountable, which is why I will soon introduce legislation to clarify and tighten existing U.S. laws that deny funding to the PA until they meet their commitments.

The Administration should also reverse its decision to allow the PLO office in DC to call itself a "General Delegation" and to fly the Palestinian flag.

That decision sent the wrong signal to other governments, who concluded they should also upgrade the PLO's status in their countries.

Furthermore, the U.S. should stop pressuring the Israeli government to make more and more concessions, and must not attempt to impose the terms of a solution.

Mr. Speaker, I will support the resolution before us because it reinforces Congressional opposition to unilateral efforts by Palestinian leaders to gain recognition from other governments or within the U.N.

I would draw particular attention to the fact that the resolution calls on the Administration to publicly affirm that it will: deny recognition to any unilaterally declared Palestinian state; and veto any U.N. Security Council resolution to establish or recognize a Palestinian state.

The Administration must also oppose efforts by the Palestinians to seek recognition from, or membership in, any international organizations.

I would like to thank my distinguished colleague from Texas, Congressman POE, for introducing the resolution that served as the basis for the measure before us today.

Judge POE went out of his way to ensure that his resolution was fully bipartisan, securing the support of many Democrat cosponsors, including my distinguished colleague from Nevada, Ms. BERKLEY.

We had requested that the Poe-Berkley resolution be considered on the floor.

Regrettably, the Majority decided to introduce a new resolution on this issue instead.

Supporting the pursuit of Middle East peace, and supporting our ally Israel, is one area that has strong bipartisan support in Congress, and by and large, the text of this resolution reflects that bipartisanship.

But this matter could have and should have been handled better.

I urge my colleagues to support the resolution before us.

RECOGNIZING THE CENTENNIAL ANNIVERSARY OF CALIFORNIA STATE UNIVERSITY, FRESNO

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. NUNES. Madam Speaker, I rise today to recognize California State University, Fresno as it celebrates its one hundred-year anniversary.

Beginning in 1911 as a small teachers college, Fresno State has built a reputation for its academic standards as well as its athletic achievements. Located in the heart of the San Joaquin Valley, Fresno State has played an important role in the history of the valley, including making it the most productive agricultural region in the world.

Fresno State is one of the few universities in the country to have an on-campus diversified farm of over 1,000 acres. The campus was also the first in the country fully licensed to produce, bottle, and sell wine.

Home to the largest library in the California State University System, Fresno State has educated innovative professionals in everything from winemaking to nursing to liberal arts. The extensive range of degrees offered by the college mirrors the diversity of the valley.

In addition to outstanding academic standards, Fresno State has gained a reputation for its championship-winning athletic program. This includes the Bulldogs baseball team winning the 2008 College World Series.

From its beginnings as the Fresno Normal School, Fresno State has become one of the leading academic institutions in the San Joaquin Valley. I am proud to have the Fresno State campus in my district and congratulate past and present students, teachers, and administrators for 100 years of success.

DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS (DREAM) ACT OF 2010

SPEECH OF

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. MORAN of Virginia. Madam Speaker, I rise today in support of the Development, Relief, and Education for Alien Minors Act.

This legislation provides minors who were brought to the U.S. as children a path to legal status, and eventually citizenship. To qualify for conditional status for five years. an individual must be 29 years old or younger, have lived in the U.S. for 5 years prior to enactment, graduate from an American high school, and meet numerous other requirements. After five years, an individual may apply for an additional five years of conditional status only if they have completed at least two years of post-secondary education or served two years in the U.S. Armed Forces. Following this second five year period, a person that has continued to meet the conditions of this bill would be able to file for legal permanent status. Only, after three years in this status, 13 years total. would a person be eligible to apply for citizenship.

Contrary to the rhetoric on the other side, the DREAM Act is anything but amnesty. Instead, this bill is a bipartisan acknowledgement that a significant number of children currently live in this country with no legal status and no avenue to gain legal status. Without this legislation. we are essentially telling individuals who have grown up here, assimilated to our culture, and obtained a high school education that the only home for them is in another country. That is both wrong and counterproductive.

Those that would be eligible under this legislation are motivated, smart young people who want nothing more than to utilize their skills and education here in America by going to college or serving in the Armed Forces. Not only is the passage of this bill the right thing to do, but it would be foolish for a country whose economic prosperity depends upon an educated workforce to let these young people take their talents abroad.

The DREAM Act provides young people who have done nothing wrong the opportunity to come out of the shadows, build a life in America, and contribute to the prosperity of our nation.

I encourage my colleagues to join me in voting for this important legislation.

PERSONAL EXPLANATION

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. BURTON of Indiana. Madam Speaker, due to severe weather which delayed my return to Washington, D.C., I was unable to be on the House Floor for rollcall votes 628, 629 and 630. Had I been present I would have voted: yea on rollcall vote 628; nay on rollcall vote 629; and yea on rollcall vote 630.

GERRY HOUSE

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. COOPER. Madam Speaker, today I rise to honor Mr. Gerry House on the occasion of his retirement from WSIX radio and the end of his famous radio show, Gerry House and the House Foundation. Mr. House is an award-winning American radio personality, talented songwriter, stand-up comic and an outstanding Tennessean.

The king of morning radio in Nashville, Gerry has kept listeners company in their cars, offices and homes for three decades. He will be the first-ever country music DJ to join other American radio and television luminaries in the National Association of Broadcasters Hall of Fame.

Gerry is truly engaged in all levels of the music industry. He has written songs for legends like George Strait, Reba McEntire, LeAnn Rimes, Brad Paisley, Randy Travis, and the Oak Ridge Boys. A savvy businessman, Mr. House also operates a music publishing company, House Notes, which owns the songs he has written.

The sustained excellence of Gerry House and the House Foundation has been recognized by virtually every respected country music and radio association in the United States. It has received three awards from the Country Music Association, seven from the Academy of Country Music, eight Billboard Awards, and nine R&R awards. Gerry is also the recipient of the NAB Marconi Radio Award for Large Market Air Personality of the Year.

Gerry cited his desire to devote more of his time to other projects as his reason for retiring. His loyal fans are eagerly waiting to see what these projects will turn out to be because we all want more of Gerry.

And so, Madam Speaker, it is my privilege to ask my colleagues to join me in saluting Gerry's leadership and accomplishments. The people of Nashville and Middle Tennessee are grateful for Gerry waking us up in the morning in such an enjoyable way. It's hard to make a long commute fun, but Gerry House did it for 30 years.

DON'T ASK, DON'T TELL REPEAL ACT OF 2010

SPEECH OF

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 2010

Mr. MORAN of Virginia. Mr. Speaker, I rise in strong support of this legislation to repeal the discriminatory ''Don't Ask, Don't Tell'' Policy.

Enacted in 1993, DADT was billed as a compromise that would allow gay and lesbian Americans to serve their country in the Armed Forces without harming military effectiveness or violating privacy rights. After over 15 years of experience, it is clear this policy is a failure.

Over 14,000 service members have been discharged under DADT, including more than 800 mission-critical troops and dozens of Arabic and Farsi linguists. A Government Accountability Office report and independent studies have estimated the cost of this policy, in lost recruitment and training costs, at over $350 million. Yet, from 2003–2007, the military lowered medical, conduct, and education standards significantly in order to meet recruitment goals. Serious misdemeanors and felony conviction waivers increased from 5,000 to over 10,000, including 3 soldiers who had been convicted of manslaughter, 11 convicted of arson, 142 convicted of burglary, and 7 convicted of rape or sexual assault. Discharging qualified gay soldiers while simultaneously lowering the enlistment standards for others weakens our military.

DADT also offends the values of our country, discriminating against some individuals based upon an innate characteristic that has no bearing on the ability to serve honorably in the military. Currently, 24 other nations allow openly gay service, including Australia, Israel, Great Britain and Canada. Numerous studies have found no adverse effect on enrollment or retention in any of these countries. On the

other hand, nations like Russia, China, North Korea, and Iran all ban gay service. I believe the interests of the U.S. are best served by following the lead of other democratic nations, our allies, rather than the policies of the most oppressive regimes in the world.

Study after study has shown that open service does not affect military readiness or unit cohesion. In the recently released Department of Defense review, 70 percent of service members responded that repeal would not have a negative effect on the military. Of those who had actually served alongside someone who they thought to be gay. 92 percent of respondents said that it did not have an impact on unit cohesion. Repeal is also strongly supported by the American public, with a recent Washington Post poll showing 77 percent of the public supports open military service. It is clear our Nation and our military is ready for this change.

The most urgent reason for repeal, however, is that DADT places honorable young men and women in the decidedly dishonorable position of lying about who they are in order to serve. It is unconscionable that we would continue to make the lives of soldiers, many of whom face daily threats to their lives, more difficult by placing upon them the burden of lying about their sexual orientation.

Earlier this year, I read into the CONGRESSIONAL RECORD an email from a current service member who happens to be gay. He shared how he and his partner of 10 years managed the stress and hardship that comes with 3 deployments to Iraq and Afghanistan. Despite their shared sacrifices, his partner receives no official support from the military. would not be the first to be informed of his death, and cannot make emergency decisions. While serving in active duty, he was aware of several other soldiers who were gay. In one case, he didn't know a friend was gay until after he died of wounds from an IED and received a letter from the deceased soldier's partner expressing how much he had loved the Army and the sense of family he felt among his fellow soldiers. These are the real victims of DADT.

No one should have to lie in order to serve, but that is what current policy requires for the estimated 65,000 gay and lesbian Americans currently in the military. The time for debate, and procrastination, and procedural stalling tactics is over. The choice today is clear: continue to stand beside a harmful and discriminatory policy that the American public and our Nation's military leaders do not support or vote to repeal it.

I encourage my colleagues to do the right thing—support this legislation, and finally put an end to the era of "Don't Ask, Don't Tell."

STANDING WITH OUR ALLY SOUTH KOREA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. WOLF. Madam Speaker, I was deeply saddened and outraged by North Korea's recent attack on Yeonpyeong island which killed four South Koreans and wounded 20. Officials estimated that the North had fired roughly 200 artillery shells onto Yeonpyeong. The November 23 attack was the first on civilian-populated areas since the Korean War.

This is just the latest provocation on the part of Pyongyang—a regime infamous for its deplorable human rights record and Soviet style gulags.

Recently North Korea showed Dr. Siegfried Hecker, the former head of the U.S. Los Alamos National Laboratory, a new modern uranium enrichment facility with 2,000 centrifuges. The North Koreans claimed it is producing low enriched uranium destined for fuel for a new light-water nuclear reactor. According to the Congressional Research Service, "Although Dr. Hecker has said that the centrifuge plant and the new reactor appear to be designed primarily for civilian nuclear power, the uranium facilities could also be used to produce fissile material suitable for nuclear weapons."

These are deeply troubling developments. During this time of heightened tensions in the Korean Peninsula we must actively work with our long-term ally South Korea to ensure a lasting peace in the region and continue to expose the true nature of the North Korea regime which the international community can no longer deny.

SUPPORTING A NEGOTIATED SOLUTION TO THE ISRAELI-PALESTINIAN CONFLICT

SPEECH OF

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 2010

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in support of H. Res. 1765, a resolution supporting a negotiated solution to the Israeli-Palestinian conflict and condemning unilateral declarations of a Palestinian state.

As a co-chair of the Democratic Israel Working Group, I would like to thank my colleague, Chairman HOWARD BERMAN, for bringing this important resolution to the House floor.

I have been to Israel and the West Bank on numerous occasions. I can personally vouch for the yearning of the people of Israel and the Palestinian territories to come to a peaceful settlement that will end decades of discord and violence.

A negotiated two-state solution between Israelis and Palestinians is the underpinning of the peace process. It is the official policy of the U.S. Government, the Israeli Government and of the Palestinian Authority.

Only through direct negotiations can difficult compromises be reached on core issues like borders, water, refugees, the status of Jerusalem, and security.

Unfortunately, Palestinian leaders are pursuing a coordinated strategy to bypass the negotiations process to seek recognition of a unilaterally declared Palestinian state by the United Nations and other international forums.

Recently, the governments of Brazil, Argentina and Uruguay unilaterally recognized the State of Palestine upon request from Palestinian Authority President Mahmoud Abbas.

Unilateral declarations of statehood will not eliminate the sources of the conflict. Rather, they undermine the peace process and endanger the safety and security of the Israeli and Palestinian people.

This country and this Congress remain the largest grantor of assistance to help the Palestinian Authority build the political, economic and social infrastructure to support a future state. The unilateral statehood effort will undermine the ability of the United States to continue playing a constructive role.

I call upon my colleagues to vote in support of the peace process, of a secure Israel and viable, democratic Palestinian state and in favor of this resolution.

BROTHER . . . BROTHER . . . COMBAT MEDIC SPC JEROD HEALTH OSBORNE, UNITED STATES ARMY

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. HALL of Texas. Madam Speaker, I rise today to honor a great American family, and a fallen hero and his brother. On July 5, 2010, Combat Medic SPC Jerod Heath Osborne of Royce, Texas of the 4/73 82nd Airborne, died during an IED explosion in Afghanistan. In his short life he was a combat medic, an Angel on the Battlefield, the ones who rush in while all around the face of hell is going on. The lives that he has saved in his brief but great life will be measured in the future, with children and heroes that he has saved. His brother, a SSG in the 22nd Infantry, on September 21 of that same year almost died in a mortar attack and is currently fighting to save his leg. This family, throughout the generations, has served our nation in the Armed Forces. The very bed of our Nation's freedom is built upon selfless families, our prayers and thoughts go out to them. SSG Grillett has said that his brother Jerod always wanted to be just like him, but now he wants to be like his brother.

Brother . . . Brother . . .
Brother . . . Brother . . .
My . . .
My Brother's Gift . . .
So very precious, as was this . . .
My Brother's Faith, shall forever so wave . . .
My Brothers life, one of such so sure selfless sacrifice . . .
All in his amazing grace . . .
My Brothers life, so very short . . . yet shines so bright!
Moments, are all we have!
To grab hearts, To Make A Difference . . . to Heaven rise!
As an Angel on The Battlefield . . .
As into the face of death Jerod, you so ran . . . and not to yield. . . .
To but so save sacred life, as was your mission . . . as was his most divine light!
From dusk to dawn, as a battlefield combat medic your courage worn!
As all around you Jerod, the face of death so swarmed!
And what child may be born?
All from your love Jerod, upon battlefields of honor adorned!
That might so save the world, who now lives on . . .
And all those lives you saved, just moments from the grave . . .
And what children, all on this morning will awake?
With but the greatest gift of all, in their hearts to take!
With a Mother or Father, a Sister or Brother whose fine lives you saved . . .
Brother . . . Brother, oh how it's for you I cry!

A promise I've made, as I wipe these tears from my eyes!
That I will live for you, each and every new day, every sunrise!
To the fullest! All in your fine name!
And if ever I have a new son, your name will be his . . . this one!
Brother . . . Brother . . . I am so very proud of you!
All in what you have done . . . oh yes it's true!
Only the good die young, as now you shine all up in Heaven's sun!
As an Angel In The Army of our Lord, with your new battle begun!
To watch over us, as Thy Will Be Done!
Brother . . . Brother . . .
All across Texas this night . . .
As we lay our heads down to rest, as comes a gentle rain . . .
As upon us, are but our Lord's tears to wash over us . . .
And so bless us, to so ease our pain!
As he cries for your most sacred sacrifice, this rain . . .
Brother . . . Brother . . . I can not wait until up in Heaven we meet again. . . .
And we won't have to cry anymore, all in this pain . . .
Brother, Brother, once you so wanted to be just like me . . .
Now, I'm the one who so wants . . . to be like you!
Brother . . . Brother . . . Amen. . . .

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. PUTNAM. Madam Speaker, on Thursday, December 9, 2010, Tuesday, December 14, 2010, and Wednesday, December 15, 2010, I was not present for twelve recorded votes. Had I been present, I would have voted the following way: Roll No. 626—"yea"; Roll No. 627—"yea"; Roll No. 628—"yea"; Roll No. 629—"nay"; Roll No. 630—"yea"; Roll No. 631—"yea"; Roll No. 632—"yea"; Roll No. 633—"yea"; Roll No. 634—"yea"; Roll No. 635—"nay"; Roll No. 636—"yea"; Roll No. 637—"yea."

CELEBRATING THE 50TH ANNIVERSARY OF THE COLLEYVILLE GARDEN CLUB

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. MARCHANT. Madam Speaker, I rise today to recognize the 50th anniversary of the Colleyville Garden Club. Over the last 50 years, the Colleyville Garden Club has been committed to the improvement of Colleyville's parks and gardens.

On January 11, 1961, Florence Eudaly, wife of Colleyville's first mayor, along with several other women, organized the Colleyville Garden Club. The club began by meeting in member's homes with established yearly dues of $1.00. Since then, the Colleyville Garden Club has grown in membership and continues to support projects in the community with the underlying goals of promoting interest in all phases of gardening, horticultural education, civic beautification, and conservation of natural resources.

The Colleyville Garden Club has spent countless hours involved in projects in the Colleyville community such as Keep Colleyville Beautiful, Arbor Day, Promenade Garden Tour, and many others. The Colleyville Garden Club has designed and installed gardens throughout the local community including the Colleyville Center, Leone Hodges Butterfly Garden at Kidsville, Colleyville City Hall, Colleyville Parks and Recreation Office, Sparger Park, and Webb House. From 2008 to 2010, the Club generously donated two bronze sculptures and three Lyman Whitaker wind sculptures to McPherson Park.

On behalf of the 24th Congressional District of Texas, it is my distinct pleasure to recognize the Colleyville Garden Club for its 50 years of service in the Colleyville community.

IN RECOGNITION OF THE CENTENNIAL ANNIVERSARY OF CALIFORNIA STATE UNIVERSITY, FRESNO

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. COSTA. Madam Speaker, I rise today with my colleagues, Mr. RADANOVICH and Mr. CARDOZA to extend our sincerest congratulations to California State University, Fresno as they celebrate their centennial anniversary.

As Fresno State celebrates its 100th anniversary, the university is "Powering the New California" in our rapidly changing region as we move forward in the 21st Century. California State University, Fresno, also known as Fresno State, has evolved from its founding as a teachers college to become a renowned center for higher learning in the Central Valley with eight schools and colleges serving over twenty thousand students.

Fresno State was originally founded as Fresno State Normal School on September 11, 1911 under the guidance of its first president Mr. Charles L. McLane. In 1921, Fresno State Normal School changed its name to Fresno State Teachers College and began to share a campus with another fine local institution, Fresno City College, to provide a quality education to local students for whom the distance of universities such as the University of California and Stanford University was too great a hardship. Fresno State Normal School would change its name again to Fresno State College in 1934, and in 1949 the first advanced degrees in English and Education were granted. Forty-five years after Fresno State first opened its doors, it relocated to its present location on Shaw and Cedar Avenues in 1956, where it currently sits on over three hundred acres of land. In 1961, Fresno State College became the charter institution of the California State University System and would officially become known as California State University, Fresno in 1972.

Today, Fresno State enrolls more than 21,500 undergraduate students and 4,400 graduate students and offers Bachelor's, Master's, and Doctoral degrees. In 2011, Fresno State will graduate its 100th class with an anticipated 5,500 students graduating from the institution. Notable among the academic programs at Fresno State, the Sid Craig School of Business has been nationally recognized by the Princeton Review as a "Top Business School," the Jordan College of Agricultural Science and Technology oversees the only commercial winery in the country run by a university, and the Lyles College of Engineering has the only Geomatics undergraduate program in the Nation. Fresno State is also home to the Henry Madden Library, which with over one million books is the largest academic library between Sacramento and Los Angeles, and serves as a learning resource for the entire region. It is programs and institutions such as these that truly embody the excellence of Fresno State.

Fresno State has not only established itself as a leader in academics, but also in athletics; the school has gained national recognition through their various sports programs such as football, baseball and soccer. For instance, in 1998, Fresno State's women's softball team won the NCAA Women's College World Series by defeating the defending two-time former champions, the University of Arizona. Additionally, a decade later, the Fresno State men's baseball team climbed their way through the College World Series as the lowest ranked seed in post-season play to capture the 2008 NCAA title in a shocking defeat of the University of Georgia. Fresno State's distinguished alumni include Mayor of Fresno, California Ashley Swearingin, three-time Olympic Gold Medalist Laura Berg, former NASA Astronaut and Mission Commander of the Space Shuttle *Columbia* Colonel Rick Husband, U.S. Ambassador to Colombia and Honduras Phillip V. Sanchez, former U.S. Secretary of the Treasury Paul H. O'Neill, former Nevada Governor Kenny Guinn, and 2001 Super Bowl winning quarterback Trent Dilfer.

Madam Speaker, I ask my colleagues to join with Mr. RADANOVICH, Mr. CARDOZA and myself, in recognizing California State University, Fresno as they celebrate their centennial anniversary and continue their outstanding educational leadership for students throughout the Central Valley and the State of California.

INTERNATIONAL PROTECTING GIRLS BY PREVENTING CHILD MARRIAGE ACT OF 2010

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. CROWLEY. Mr. Speaker, I rise today to support the International Protecting Girls by Preventing Child Marriage Act of 2010.

This bill is a measure that represents the best of American foreign policy. It addresses an abuse that I think all of us agree should not happen in the 21st century.

Girls should have the chance to enjoy their childhood in the peace and security of their own families—not be married off to the highest bidder, or anyone else for that matter.

And, research shows that this is not just about girls—while the vast majority of those trapped in child marriage are girls, boys too are among the victims.

This is a moral issue. By passing this bill, we have a chance to state clearly and on the record that child marriage is a human rights abuse.

But, this is not only a moral issue—it is also about improving health, reducing maternal mortality, slowing the spread of HIV/AIDS and reducing poverty.

Study after study has shown that when we do these things, we not only help create a safer world for women and children, but we also help improve the security of the United States.

It is true that there may be some very minor costs associated with this bill. However, they pale in comparison to our obligation to do what is right.

I want to thank my colleague from Minnesota BETTY MCCOLLUM and Senator DICK DURBIN from Illinois for leading this effort. Both of them have been indefatigable champions of the rights of women and children and we wouldn't be considering this bill today without them.

I urge all of my colleagues to support the International Protecting Girls by Preventing Child Marriage Act.

HONORING GAIL NEAL

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Gail Neal upon her retirement as the Mariposa County Chief Probation Officer.

Ms. Neal began her career with Mariposa County as clerk II for the District Attorney's office in April 1978. In September 1981, she transferred to the Sheriff's Office, where she was a dispatcher and then a jail officer. In November 1987, Ms. Neal transferred back to the District Attorney's office, where she served as a Clerk III for a short time before being promoted to legal secretary. Ms. Neal began in Probation as a probation aide in May 1989. From there, she received a number of promotions: to Acting Deputy Probation Officer in September of 1990, Deputy Probation Officer in January of 1991, Deputy Probation Officer II in January of 1993, Deputy Probation Officer III in May of 1995, Deputy Chief Probation Officer in January of 2001, Interim Chief Probation Officer in March of 2001 and Chief Probation Officer two weeks later in March of 2001.

Ms. Neal has displayed outstanding leadership, organization and commitment in her time with Mariposa County Probation. Her duties included planning, organizing, directing, supervising and administering actives and operations of the County Probation Department and Juvenile Hall. She also developed and oversaw the Revenue & Recovery Division.

Besides her commitments to Mariposa County Probation, Ms. Neal served as a member of a number of groups, including of the Chief Probation Officers of California, California Probation, Parole and Corrections Association, American Probation and Parole Association, Mariposa County Domestic Violence Coordinating Council, Mariposa County Alcohol & Drug Advisory Board, and was Chair on Mariposa County Juvenile Justice Coordinating Council. In her free time, Ms. Neal also ran a side business as a candle maker.

Madam Speaker, I rise today to honor Gail Neal for her dedicated service to the people of Mariposa County. I invite my colleagues to join me in wishing Ms. Neal many years of continued success.

RESTORE ONLINE SHOPPERS' CONFIDENCE ACT

SPEECH OF

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 2010

Mr. SPACE. Madam Speaker, I rise in support of S. 3386, the Restore Online Shoppers' Confidence Act, bipartisan legislation critical to protecting online consumers in Ohio and across the country.

Online shopping is becoming a common and critical part of our Nation's economy. The convenience of shopping and making purchases from home is an exciting revolution in commerce, and one that has broadened the opportunities and access available to American consumers.

As we saw on Cyber Monday, Americans are not hesitating to take advantage.

In particular, for people like my constituents who live in rural areas, online shopping offers an opportunity to avoid lengthy trips, saving both time and the cost of gas.

However, as the number of consumers taking advantage of these new opportunities continues to grow, I fear that the number of pitfalls for consumers is beginning to grow.

In particular, I am concerned about a growing new trend that is putting consumers on the defensive. Companies are using misleading Web sites and offers to sign up unsuspecting consumers for expensive subscription services. These companies are engaging in a new practice called post-transaction marketing, in which they purport to make special offers to consumers who have just completed a transaction.

Before they know it, consumers have unknowingly signed up for services, and their credit card information is on the way to the new company. Oftentimes, these same consumers don't even realize they have signed up for the service until they get their credit card statements.

This practice is egregious, and it is flat wrong.

We must act to bring it to a stop.

While I, like many of my moderate colleagues, fear the consequences of extending the reach of government too far into the economy, I also believe that there is a time when we, as legislators, have a mandate to act. This is one of those occasions.

Earlier this year, I introduced H.R. 5707, the Restore Online Shoppers' Confidence Act. This legislation would take initial first steps toward ending what is clearly a deceptive and troubling practice.

Specifically, the legislation would require that companies engaging in post-transaction marketing clearly disclose the terms of any agreement proposed to consumers, ensuring that they have full knowledge of the services for which they are subscribing.

In addition, it would also require that these same companies provide easy ways to opt out of any agreement or subscription service, empowering consumers to control their enrollment.

Recently, the Senate passed companion legislation, S. 3386 by unanimous consent. This bipartisan show of support indicates just how serious the problem is facing American consumers, as well as the common-sense nature of the legislation before us.

Now, the time has come for the House to act in kind.

We have before us a choice today—act on behalf of our constituents who every day use the internet for information and commerce.

Or, we can fail to act, and allow more American consumers to fall victim to a frightening practice that separates from them their hard-earned income.

I would be remiss if I didn't also raise a point that I have raised a number of times during my time in the House. The internet is an exciting and powerful tool. In particular, high-speed internet has brought a wealth of exciting new opportunities to American consumers.

However, not all consumers have access to this basic tool. Too many of my constituents do not have access to reliable and affordable broadband service, taking away their ability to participate in online shopping, distance learning, and all the basic services that many of us take for granted.

I hope that this body will continue to take seriously the plight of those individuals on the other side of the digital divide, and will rise to the occasion to address a major challenge facing rural America.

RECOGNIZING THE SERVICES OF CAMP PATRIOT

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. SMITH of Washington. Madam Speaker, I rise today to recognize Camp Patriot and their tremendous service to veterans in the Greater Seattle Area and throughout the country.

Camp Patriot was founded in 2006 to help provide the 2.3 million disabled U.S. veterans with the opportunity to take outdoor trips. The nonprofit group organizes fishing, hunting, skiing, hiking, and motorcycling trips for our brave veterans. Camp Patriot enables disabled veterans the chance to develop relationships with other fellow veterans through outdoor adventures and team building exercises. The program works with outdoor organizations and financial sponsors that provide equipment, supplies, and clothing, and allow veterans to attend the camp free of cost.

Camp Patriot is a relatively new organization yet has done much in their outreach to veterans and their families. One major goal they are currently working toward is the construction of a lodge on Lake Koocanusa in Montana, which would accommodate 20 disabled veterans a week at no charge to the veterans.

Among Camp Patriot's major activities is the annual hike to the summit of Mount Rainier. The inaugural climb took place in July 2007. Most recently, the Camp Patriot team reached the 14,411–foot summit on July 14, 2010. Each year, before the climb, participants travel to Seattle to dine at Qwest Field and tour the stadium with the Seattle Seahawks. Participants also attend a week-long training sponsored by Iron90 Workplace Wellness. Iron90 prepares the veterans for the grueling hike up

the summit. Founder Micah Clark, a fellow veteran, often accompanies the hikers on the climb and sees first-hand the effect his organization can have on disabled veterans.

The Greater Seattle community has been very supportive of Camp Patriot's mission in the area. Joint Base Lewis-McChord volunteers moved to help put up tents and prepare food for the participants. They also participate in fishing and hunting trips, assisting Camp Patriot veterans on the way. Additionally, Washington State organizations have helped provide services and materials to help the nonprofit and its participating veterans.

Madam Speaker, I ask that my colleagues in the House of Representatives please join me in honoring Camp Patriot for their commitment to provide for disabled veterans who have given so much for our safety.

RECOGNIZING THE PATCHOGUE-MEDFORD LIBRARY

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. BISHOP of New York. Madam Speaker, I rise to honor the Patchogue-Medford Library for earning the prestigious National Medal for Museum and Library Service. This award recognizes the Patchogue-Medford Library for its commitment to making a difference in the lives of individuals, families, and its community and serves as our Nation's highest honor for libraries and museums.

The Patchogue-Medford Library enjoys a long and colorful history, having served the people of Suffolk County for nearly 130 years. Originally housed in the back room of Floyd Overton's shoe store on East Main Street, the library was formed under the direction of the Patchogue Library Association in June, 1883. The library opened its doors just two months later in August, 1883, housing 635 volumes that included the likes of Mark Twain, Charles Dickens, Jules Verne, and Alexis De Tocqueville.

Following brief stints in a music store and the Lyceum Community Center, the library was adopted in 1899 by Sorosis, an all-purpose women's organization new to the Patchogue neighborhood, with the intention of transforming the private library into a public facility. Sorosis greatly enhanced the library, raising enough funds and community support for the construction of a permanent home in 1908.

Aided by the financial backing of philanthropist Andrew Carnegie, the library earned acclaim across New York State. Today, the Patchogue-Medford Library serves as the sole New York State-designated Central Library for Suffolk County, providing support and innovative services to the people of the First Congressional District of New York.

Throughout all of the changes, growth, and iterations of the Patchogue-Medford Library, the goal of universal literacy has remained at the forefront of the library's agenda. Serving a diverse community, of which nearly one-quarter of the population is Hispanic, the library has taken a non-traditional approach toward literacy in the community.

The library is committed to bringing quality programming to both English-speaking and Spanish-speaking communities, often combining the two groups for mutually beneficial learning experiences. Children are often exposed to bilingual story times, teens engage with each other in the Language Café, and Spanish language computer instructions are offered to more than 2,100 adult students. The Patchogue-Medford Library demonstrates that literacy is important in all its forms, from reading books to reading one another.

Madam Speaker, I am honored to recognize the Patchogue-Medford Library for receiving the National Medal for Museum and Library Service, and I commend the library for its continued commitment to providing vital services to the people of the First Congressional District of New York.

IN HONOR OF PROFESSOR ROBERT SUMMERS' RETIREMENT

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. ANDREWS. Madam Speaker, I rise today to honor Cornell Law School Professor Robert S. Summers, whose tireless dedication to his students and intense passion for the law are worthy of recognition.

Professor Summers grew up on his family's farm in rural Oregon. There, his parents imbued in him a strong work ethic, which he credits for his extensive career of publication and scholarship. He went from driving tractors and school buses to studies at the University of Oregon, and Harvard Law. He has spent the last 50 years as a law professor, 42 of them at Cornell Law School. December 1, 2010 was his final class.

Professor Summers has been an unwavering advocate for his students. He ardently supported increased minority enrollment within law schools, and saw this goal through to fruition, traveling the country holding recruiting and preparatory sessions.

Professor Summers demanded analytical excellence in the classroom. He taught using the traditional Socratic Method, forcing students to learn through argument and questioning, instead of simply providing them with the answers. I was a student in Professor Summers's Contract Law class for first year students, and the class was a formative experience for me. Being called upon to answer questions from Professor Summers was rewarding and challenging and it helped make me the person I am today.

In addition to his laudable career in education, Professor Summers has also made significant contributions to the field of law. He co-authored the Universal Commercial Code, outlining procedures for numerous commercial transactions, and was also called upon by the governments of Russia, Egypt, and Rwanda to help draft their civil codes. He is simply the type of lawyer that many law students aspire to be when they first enter school, but that very few become.

Madam Speaker, Professor Summers' commitment to the legal education of the nation's law students and service to the field of law merit recognition. I am sure Professor Summers will embody the same honor and morality in his retirement as he did throughout his distinguished career.

TRIBUTE TO JAMES L. OBERSTAR

SPEECH OF

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 14, 2010

Ms. CORRINE BROWN of Florida. Madam Speaker, this is a very sad day for the U.S. House of Representatives as we say goodbye to Washington's true transportation guru, Chairman JAMES OBERSTAR. Your expertise and long history in developing transportation policy for our nation will be sorely missed as we continue to fight for the type of infrastructure funding that will keep our nation going strong.

You've guided the committee with wisdom and fairness. Continued the committee's longstanding bipartisanship, and steered major pieces of legislation affecting every sector of our transportation system. Your leadership will long be felt on this committee and throughout the nation long after you depart the chairman's seat.

The trips we took to Haiti were some of my most memorable times serving in Congress. Traveling there with Chairman OBERSTAR was like spending time with a native.

It was an honor working with you on so many issues over the years and I look forward to continuing to work with you as you remain a major player in transportation policy. Thank you Mr. OBERSTAR for all you have done.

A TRIBUTE TO DR. RICHARD BREITMEYER IN RECOGNITION OF HIS EXEMPLARY PUBLIC SERVICE

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I rise today to recognize and honor Dr. Richard Breitmeyer, who has provided exemplary public service for over 25 years.

Dr. Richard Breitmeyer has served as the California State Veterinarian at the California Department of Food and Agriculture since 1993—rising to this position through a series of senior appointments at CDFA since 1988. He has also served at the United States Department of Agriculture in Ames, Indiana and Plum Island, New York. Before joining the CDFA in 1984, Breitmeyer was in private veterinary practice.

Throughout his professional career, Dr. Breitmeyer has been a member of both the California and American Veterinary Medical Associations. He also served as president of the U.S. Animal Health Association since 2009 and was co-chair of the USDA Secretary's Advisory Committee for Foreign Animal and Poultry Diseases.

In 2001, USDA Secretary Ann Veneman asked California to loan Dr. Breitmeyer to the USDA to provide leadership in addressing the very real possibility that Foot and Mouth Disease might migrate from the United Kingdom to the United States. It is a testament to Breitmeyer's leadership that this virulent and devastating livestock disease did not enter the

United States. Due to this work, the USDA presented Dr. Breitmeyer with the Honor Award in 2002.

Dr. Breitmeyer also led the effort in California to develop animal health emergency response planning with the Governor's Office of Emergency Services—an effort put to the test during the successful eradication of exotic Newcastle disease from Southern California in 2003.

Dr. Richard Breitmeyer is loved and respected by his wife and family, by the team that worked for him at CDFA, and by all those who have interacted with him during his professional life. I am grateful that since his retirement on September 30, 2010, Dr. Breitmeyer has joined the staff at the California Animal Health and Food Safety Laboratory at the University of California, Davis, to continue his outreach activities for livestock and poultry health.

I am pleased to recognize and congratulate Dr. Richard Breitmeyer upon his retirement, and applaud him for his dedication to California.

HONORING REVEREND BRUCE HENNING DAVIDSON

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. HOLT. Madam Speaker, I rise today to recognize the Reverend Bruce Henning Davidson, Director of the Lutheran Office of Governmental Ministry of New Jersey, who is retiring January 1, 2011. The Office of Governmental Ministry is an advocacy ministry of the Evangelical Lutheran Church of America and communicates the official policies and actions of the church to leaders in state government, particularly on issues of hunger and poverty, and more recently, immigration reform, detention practices, refugee issues and marriage equality.

Reverend Davidson is recognized statewide as an inspiring pastor, an energetic community activist, and as an advocate for justice for all people. Since becoming Director of the Lutheran Office of Governmental Ministry of New Jersey, Reverend Davidson has been a tireless laborer in the vineyard of social service. He founded the New Jersey Advocacy Network to End Homelessness and the Anti-Poverty Network of New Jersey and a number of other community service organizations.

Heeding the biblical command to feed, clothe and shelter the poor and needy, Bruce Davidson made it his business to search out ways for people in need to have an opportunity for a better life. He recognized that the homeless are often people with bad luck—lack of a job, a sick child and no health insurance, a lack of education, or a traumatizing war experience can cause a person to become homeless and this can happen to any of us. He believes that no one should be homeless in America and inspires us to join in the fight against the poverty and indifference that allows this to happen.

Bruce Davidson was born on March 10, 1948 to David E. and Anne H. Davidson. He is a graduate of the Philadelphia school system and Temple University and was ordained following his graduation from the Lutheran Theological Seminary in 1974. He has spent his entire career in New Jersey, ministering to congregations from Cape May in Southern New Jersey to Bergen County in the north.

Wherever he has lived and preached, Bruce Davidson has made an impact, as evidenced by the many organizations that have honored him for his leadership in the community. He received the Equal Justice Award from Legal Services of New Jersey and was recognized by New Jersey Citizen Action and the Bergen County Chapter of NAACP. He was chosen a Distinguished Alumnus by the Community College of Philadelphia.

I have known Bruce Davidson for many years and my admiration for his life's work has no bounds. He is an unselfish and humble man who inspires the best in all of us. He deserves a happy and healthy retirement, with much time to spend with his long-time partner, Donald Barb, and a bit of leisure. But it is hard to think that he will not continue his advocacy for the unfortunate. Please join with me in recognizing Pastor Bruce Davidson and thanking him for a life of service.

10TH ANNIVERSARY OF THE DELTA REGIONAL AUTHORITY (DRA)

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mrs. EMERSON. Madam Speaker, I rise to recognize the Delta Regional Authority, DRA, on the occasion of its 10th anniversary. Ten years ago, President Clinton signed into law legislation establishing the DRA. He did so with the widespread bipartisan support of Members of Congress who were eager to give this region a strong foothold up the ladder to success.

The DRA has proven to be effective in leveling the playing field for the Delta region. The DRA helps connect opportunity with the sheer grit, intelligence, and willpower that already exists in the people of the region. For ten years, DRA has made great strides in bridging the gaps that have kept the region isolated from progress.

The DRA is a federal-state partnership that serves 252 counties and parishes in parts of Tennessee, Alabama, Arkansas, Illinois, Kentucky, Louisiana, Mississippi and Missouri. These counties and parishes hold great promise for access and trade in bordering the world's greatest transportation arterial—the Mississippi River.

It has been a privilege for me to work alongside DRA and the people of the Delta region over the years. The educators, healthcare providers, farmers, local officials, small business owners and workers in this part of the country have all made meaningful contributions to overcome unique challenges and make the Delta region a wonderful place to live and work.

The people of the Delta region are fortunate to have a reliable federal partner in the DRA. In its first ten years of work, the DRA has made significant progress tackling the region's unique challenges. For example, the DRA operates a highly successful grant program in each of the eight states it serves, allowing cities and counties to leverage money from other federal agencies and private investors.

An independent report from the U.S. Department of Agriculture's Economic Research Service found that per capita income grew more rapidly in counties where the DRA had the greatest investment. Anyone who knows what it is like to live and work in an area without the most basic infrastructure systems will understand how important the DRA work is to bring critical infrastructure such as new water and sewer services to more than 43,000 families.

I look forward to working with the DRA as it continues to expand its regional initiatives in the areas of health care, transportation, leadership training and information technology, small business development and entrepreneurship, and alternative energy jobs. I am proud to recognize the DRA's first ten years of achievements, and I look forward to working with the DRA to build an even stronger region for our future.

INTERNATIONAL PROTECTING GIRLS BY PREVENTING CHILD MARRIAGE ACT OF 2010

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 2010

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in strong support of S. 987, the International Protecting Girls by Preventing Child Marriage Act. I'd like to thank Congresswoman MCCOLLUM and Senator DURBIN for introducing this legislation and for their longstanding leadership on this issue.

Child marriage is a true tragedy, as well as a serious human rights violation. Sixty million girls worldwide, some as young as eight years old, have been forced into early marriage. Child brides have little, if any, control over their lives, their bodies, and their futures. Not only do girls forced into early marriage lose the opportunity to attend school and develop as children, they also face serious health consequences and substantially higher rates of domestic violence.

Girls who are married at a young age are also typically forced into early sexual activity, but their bodies are not physically suited for giving birth. According to the International Center for Research on Women, pregnancy is the leading cause of death worldwide for girls aged 15–19.

Child marriage is often linked to a lack of education, opportunity, and resources. Girls from poor households are far more likely to be given away as child brides; some families view it as a way to guarantee their daughters' future, while others see girls as an economic liability. Either way, studies have shown that girls who are married before 18 are more likely to remain poor and less likely to receive education.

We need to do much more to prevent child marriage. I am an original cosponsor of the International Protecting Girls by Preventing Child Marriage Act, which makes preventing child marriage an international priority for the U.S. Government. This legislation requires the State Department, as part of their annual Country Reports on Human Rights, to report on countries with high rates of child marriage in their annual, and the White House to create an action plan on combating child marriage.

Mr. Speaker, by passing this legislation, we take an important step toward ending child marriage around the world, and ensuring that all girls have the opportunity to learn and grow as children. I urge my colleagues to join me in supporting this legislation.

TRIBUTE TO THE LIFE OF JOSEPH EUGENE QUINN

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. COSTA. Madam Speaker, I rise today with my colleagues Mr. CARDOZA, Mr. KENNEDY, Mr. LANGEVIN and Mr. NEAL, to pay tribute to Mr. Joseph Eugene Quinn who passed away on December 3, 2010 at the age of seventy. Mr. Quinn was an extraordinary man who will long be remembered.

Joseph Eugene Quinn was born in Pawtucket, Rhode Island on March 1, 1940, the third of four sons to the late Joseph L. and Mary E. Quinn. Joseph Eugene, known as Gene by friends and family, attended St. Raphael Academy in Pawtucket and excelled on the football and basketball teams. He graduated from Providence College in 1960 and maintained a life-long commitment to the intellectual and spiritual traditions of the Dominican Order.

After graduation, Gene enlisted in the United States Army. While serving in the military, he travelled extensively and befriended a wide spectrum of people who delighted in exchanging viewpoints on religion, politics and sports.

After his discharge from the Army, Gene moved to Largo, Florida where he became president of Bardmoor Country Club, a real estate and resort development. Gene later moved to Washington, DC and worked on Ronald Reagan's reelection bid in 1984. Mr. Quinn went on to hold a series of increasingly important positions with the Federal Government, and being a fond admirer of President Reagan, he took great pride later in his career when telling friends that he worked in the Ronald Reagan Building. At the time of his passing, Gene was an international trade specialist and project officer for Global Trade Programs at the U.S. Department of Commerce.

Although Mr. Quinn lived in the Washington area for three decades he considered Rhode Island his home and always enjoyed spending summers there.

Mr. Quinn leaves behind his loving wife, Marguerite Slocum Quinn, to whom he was married twenty-three years. They were both founding members of the Anacostia Gracious Arts Program, an urban afterschool arts program for underprivileged youth in Washington. Gene was also a member of the Spouting Rock Beach Association in Newport, RI, the Clambake Club of Newport, the Providence College Alumni Association, and the American Ireland Fund.

In addition to his wife, Mr. Quinn is survived by his daughter, Tara, her husband Andrew Reilly, and his grandchildren, Andrew and Fiona of Middletown, RI. He is also survived by his brothers, Paul of McLean, VA, Thomas of Washington, DC, Francis of New York City, and their families.

Madam Speaker, I ask my colleagues to join Mr. CARDOZA, Mr. KENNEDY, Mr. LANGEVIN, Mr. NEAL and I in remembering the life of this remarkable man as we offer our condolences to his family and celebrate his memory and service to our country.

HONORING JAMES R. BOMBARD

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. BISHOP of New York. Madam Speaker, I am proud to recognize my constituent, James R. Bombard of Port Jefferson, New York, for his hard work and commitment to America's veterans. Jim will retire on December 23rd after twelve years of service at the New York State Division of Veterans Affairs. Jim's many contributions and achievements over a career dedicated to public service have undoubtedly enhanced the lives of our Nation's veterans and expanded opportunities afforded to them.

During his service as an Army paratroop commander during the Vietnam War, Captain Bombard was decorated with the Silver Star and Purple Heart. Following his service, Jim continued on a path of service by advocating for future generations of servicemen and women.

In the late 1980s, Mr. Bombard served as Special Assistant to Congressman Robert J. Mrazek of New York. He worked on the American Homecoming Act of 1988, which allowed Vietnamese children, born of American fathers, to immigrate to the United States. This legislation resulted in America welcoming nearly 100,000 Asian Americans and relatives, enriching our vibrant Vietnamese-American community.

Continuing his dedication to veterans, Jim served as Chief of the New York State Division of Veterans Affairs' Bureau of Veterans Education, working to improve the "veteran friendliness" of New York institutions of higher education. As Legislative Director, two-term President, and Chief of the National Association of State Approving Agencies, Jim has enhanced the policy and curricula that promote quality education and training opportunities for veterans.

Jim's experience in state government, industry, and the halls of Congress have also informed the development and implementation of the post 9/11 GI Bill, which extended full tuition and benefits to the newest generation of American heroes.

Madam Speaker, building a career on expanding opportunity to veterans is a calling of the highest honor. James R. Bombard deserves our gratitude and recognition for his outstanding service and enduring contributions to improving the lives of America's veterans. We wish him continued success in his future endeavors as well as a long and fulfilling retirement.

HONORING JEANNE KAIDY FOR HER ACHIEVEMENT IN BEING SELECTED AS A RECIPIENT OF THE PRESIDENTIAL AWARD FOR EXCELLENCE IN MATHEMATICS AND SCIENCE TEACHING

HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. REED. Madam Speaker, I rise today to honor Jeanne Kaidy, a recipient of the Presidential Award for Excellence in Mathematics and Science Teaching.

Ms. Kaidy has been teaching at McQuaid Jesuit High School in Rochester, NY, for twelve years, currently teaching Biology and AP Environmental Science. Ms. Kaidy serves as chair of the Science Department at the high school and an adjunct instructor at Monroe Community College in Rochester, NY. Her lessons have encouraged her students to develop skills in collecting and analyzing field data; as a result, Ms. Kaidy's students continuously achieve some of the highest marks among schools in New York State on the AP Environmental Science exam. Ms. Kaidy's commitment to the academic growth of her students and dedication to her work is deserved of this high honor.

I am proud to honor her for the outstanding achievement of this award. I hope her excellence will be an example to the whole Nation and its hard working teachers.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $13,879,785,054,580.12.

On January 6th, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $3,241,359,308,286.32 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

SUPPORTING A NEGOTIATED SOLUTION TO THE ISRAELI-PALESTINIAN CONFLICT

SPEECH OF

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 2010

Mr. PRICE of North Carolina. Mr. Speaker, while I do not intend to call for a recorded vote on this resolution, I would like to express my serious reservations about both the content of the measure before us and the circumstances under which it is being considered. Once again, we are being asked to consider a resolution about one of our Nation's most important foreign policy challenges that was rushed

to the floor without any real chance for debate, without any consideration by the committee of jurisdiction, and without any opportunity for constructive input from the many Members of this body—Democrats and Republicans—who care deeply about peace in the Middle East.

This resolution is significant not for what it says, but for what it leaves unspoken. Of course most of us believe that a just and lasting peace between Israelis and Palestinians will only be achieved through a negotiated two-state solution. And of course any unilateral action by either side—or by a third party—that undermines the peace process should be cause for concern for this Congress, and for anybody else who believes that a two-state solution is still possible.

But that is precisely the point: this resolution says absolutely nothing about the long history of unilateral actions taken by Israeli governments that have progressively undermined confidence in the ability of negotiations to deliver peace. It says nothing about the fact that formal negotiations broke down last week due in large part to Israel's refusal to extend its freeze on unilateral settlement construction for a mere three months. It says nothing about the understandable frustration felt by Israelis and Palestinians alike when they see their leaders fail yet again to make good on their promises of peace.

Moreover, we must ask ourselves whether approving this resolution at this highly sensitive moment would in fact be counterproductive to its stated goal of supporting the peace process. With negotiations on life support and the Administration working overtime to determine the best path forward for the United States, should we really be making definitive statements about what the United States might or might not do if such a unilateral declaration were actually made? Or asking the State Department to shift its focus to preventing other countries from granting diplomatic recognition, rather than continuing to focus on the peace process itself?

One would think that we should rather be urging the Obama Administration to stand firm in its efforts to bring Israeli and Palestinian leaders back to the negotiating table. The Administration was wise to abandon its offer to give Israel a generous package of security guarantees to do something that is manifestly in its own self-interest to begin with, but Secretary Clinton and Senator MITCHELL have made clear their commitment to pursuing alternative courses of action.

Instead of stirring the pot at this delicate time with pronouncements and condemnations, we should be offering hope and encouragement to their efforts.

Ultimately, I agree with the basic points made in this resolution. But I strongly urge the leadership of this House, on both sides of the aisle, to allow for a more balanced, transparent, and deliberative process next time we are asked to express the sense of Congress on a matter of such critical importance to our Nation.

IN HONOR OF JOHN BELSKI AND HIS 23 YEARS OF EXEMPLARY SERVICE TO OUR COMMUNITY AT WAVE3 NEWS

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. YARMUTH. Madam Speaker, I rise this morning to mark the retirement of one of Louisville's finest meteorologists and his 23 years of service to my hometown.

Like most Louisvillians, I have trusted John Belski's dependable forecasts for the last two decades. No easy task, especially given that our community has faced ice storms, floods, and wind storms in the last two years alone. But, through it all, Louisville could count on John Belski to deliver accurate reporting with an award-winning smile.

In his tenure at WAVE 3, Belski reported on weather so unprecedented that it would make even the most seasoned professional nervous. Day in and day out, his attention to detail and calm demeanor provided reassurance and even life-saving information to thousands during the most trying of times.

His talents are not limited to just meteorology. Belski authored an internationally recognized weather folklore book, and was the 2005 World Dainty Champion—a feat achieved while broadcasting live on the air.

We in Louisville are grateful to John and will surely miss his expertise. I am proud to join all of our community in thanking him for his work and wishing him the best in the next chapter of his life.

HONORING MAJOR GENERAL MATTHEW KAMBIC

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. AUSTRIA. Madam Speaker, I rise today to recognize Major General Matthew Kambic for his service to the State of Ohio and our nation on the occasion of his retirement.

It is an honor to join the people of Ohio's 7th Congressional District in congratulating General Kambic upon his retirement as the Assistant Adjutant General for the Ohio Army National Guard for the State of Ohio.

Showing exemplary leadership, he has commanded at many levels including the detachment, troop, battalion and brigade levels. As Assistant Adjutant General for Army he worked to support Ohio's Army National Guard by overseeing the readiness of over 11,000 service members and creating administrative policies and priorities.

General Kambic has a distinguished military background. Prior to joining the Ohio National Guard, he served in the U.S. Army, 66th Armor Battalion, 2nd Armored Division for four years achieving the rank of Sergeant.

He joined the Ohio National Guard while attending Youngstown State University and was commissioned as an armor officer in 1981. In his career, General Kambic also earned his Master of Science in Administration from Central Michigan University.

Previous to his role as Assistant Adjutant General, he served as the Chief of Staff at Joint Force Headquarters, Deputy Chief of Staff for Operations and Plans at Joint Force Headquarters, and Commander of the 37th Armored Brigade.

General Kambic holds many awards and distinctions including the Legion of Merit, the Meritorious Service Medal with five oak leaf clusters, and the Army Commendation Medal with four oak leaf clusters.

For his many years of dedication to the State of Ohio and to this nation, I again join the people of Ohio's 7th Congressional District in extending our best wishes upon his retirement and wish him success in all his future endeavors.

NANCY CHEN: A FIGHTER FOR WORKING WOMEN

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Ms. SCHAKOWSKY. Madam Speaker, I want to recognize Nancy Chen, who is retiring after 26 years of service. Nancy is a remarkable woman who has devoted much of her life to promoting and creating policies to help working women and to empowering women and immigrants.

Nancy led the Midwest regional office of Women's Bureau for 13 years. This is the only federal agency designated by Congress to address issues and concerns of working women. Part of the U.S. Department of Labor, its mission is to develop policies and standards to safeguard the interests of working women by advocating for their economic security and that of their families; and promoting quality work environments. Nancy directed and developed the regional program through collaboration and partnership with women's organizations, employers, unions, and other government agencies in the states of Illinois, Indiana, Minnesota, Michigan, Ohio and Wisconsin.

Under Nancy's leadership, the regional office has effectively promoted non-traditional occupations for women, including green jobs and careers in science, technology and engineering. She has helped achieve concrete advances in workplace flexibility and pay equity.

Nancy's career highlights include public and community service in Illinois and Washington, DC. Prior to joining the Women's Bureau, Nancy served as Director of Asian Pacific American Outreach at the Office of Presidential Personnel in the Clinton White House. Before that, she was Director of U.S. Senator Paul Simon's Chicago office, overseeing the Senator's legislative and constituent program relating to Chicago and northern Illinois for 6 years. As a key advisor, she played an important role in Senator Simon's achievements relating to family immigration legislation and economic development in Chicago's immigrant communities.

Nancy serves on the Board of Counselors at the Paul Simon Public Policy Institute. She is also a member on the Gender Equity Advisory Committee for the Illinois State Board of Education. Nancy's community service includes being the founder and past president of the National Women's Political Caucus of Greater Chicago from 1992 to 1994; member of the Illinois Advisory Committee to the United States Commission on Civil Rights for over 10 years;

and co-chair of the Obama's Asian American and Pacific Islander, AAPI, National Leadership Council in 2007 and 2008.

Nancy received the 2009 Milestone Award from the Asian American Institute and the first Sandra Otaka Legacy Award from the Asian American Action Fund, Chicago Chapter. She was the recipient of the 2004 Risk Taker and Enabler Award from the Organization of Chinese Americans and the 2009 Distinguished Career Service Award from the U.S. Department of Labor.

Nancy is a skilled organizer, an expert networker, true public servant, and a good friend. Her advocacy and the policies that she helped create will continue to empower and strengthen working women even after her retirement. Her accomplishments are many, and I want to congratulate her on her decades of service to women and families.

BRIEFING ON ''SAUDI ARABIA: FUELING RELIGIOUS PERSECUTION AND EXTREMISM''

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. FRANKS of Arizona. Madam Speaker, I would like to submit the following for the RECORD:

REMARKS OF MARIA MCFARLAND, DEPUTY WASHINGTON DIRECTOR, HUMAN RIGHTS WATCH

In the last couple of years, Saudi King Abdullah has received praise in some circles for having taken a few cautious steps in support of religious tolerance through his Interfaith Dialogue Initiative. But that initiative has been limited to international settings.

Within Saudi Arabia, repression of religious freedom continues unabated, particularly with respect to Shia Muslims. Saudi textbooks, including those used abroad, include material that promotes hostility toward the Shia creed and other religions and may in some cases justify violence. The right of non-Muslims to worship in private is subject to the whims of the local religious police. Public worship of faiths other than Islam remains prohibited as a matter of policy.

Shia Saudis, who make up an estimated 10–15 percent of the population, are the group most affected by repression of religious freedom. Shia face systematic exclusion in employment, as well as discrimination in religious education and worship.

In some cases, this discrimination amounts to persecution. Professing Shia beliefs in private or in public may lead to arrest and detention. Saudi Shia visiting the holy shrines in Mecca and Medina regularly face harassment by the Wahhabi religious police. A government promise to update the vague law outlining religious police jurisdiction and powers has remained unfulfilled for three years.

In al-Ahsa' province, the governor, Prince Badr bin Jilawi, has repeatedly had Shia citizens arrested and detained on his authority and in violation of Saudi criminal procedure law simply for praying together in private or publicly displaying banners or slogans or wearing clothing associated with certain Shia rituals. In late January or mid-February, six young Shia of al-Ahsa', between 19 and 24 years old, were detained on Prince Badr's orders because of their peaceful exercise of their religious beliefs. As of mid-September, they remained in detention without charge or trial despite a limit of six months for pre-trial detention under the Saudi criminal procedure code. The Saudi government has yet to take meaningful steps to stop these abuses or bring to justice those responsible.

Shia face officially sanctioned discrimination in the judicial system too. There has been no progress in affording Shia outside of the Eastern Province with courts for personal status matters to conclude marriages and adjudicate divorces, inheritances, child custody disputes, and such matters. This affects the so-called Nakhawila, Twelver Shia in Medina, and the Ismailis in Najran province as well as a small group of Zaidi Muslims in Jizan and Najran provinces. There is no separation of secular from religious law in Saudi courts, and all Shia, including in the Eastern Province where they have their own personal status courts, must follow Sunni law as interpreted in Saudi Arabia. Shia are sometimes not allowed to testify in court.

Saudi officials who engage in anti-Shia speech rarely face any reprimand for doing so. For example, on December 31, 2009, Shaikh Muhammad al-'Arifi, the government-paid imam of the Buradi mosque in Riyadh, as well as Salih bin Humaid, Saudi chief judge, visited frontline troops in southern Saudi Arabia fighting Yemeni Huthi rebels, who belong to a branch of Shiism, albeit different from that of most Saudi Shia. Al-'Arifi can be seen in photos wearing camouflage, firing weapons, and preaching to soldiers. Press reports said al-'Arifi stressed the necessity of jihad (holy war) and commended the soldiers for performing their national and religious duty. Upon returning to Riyadh, al-'Arifi, in a sermon on Friday, January 1, 2010 condemned the Huthi rebels and called Ayatollah Ali al-Sistani—an Iranian living in Iraq, who is the highest religious authority for many Saudi Shia-an ''obscene, irreligious atheist.''

Meanwhile, Saudi authorities have taken steps to silence Shia critics. Saudi domestic intelligence agents have been holding Munir al-Jassas, a Shia who criticized state repression against the Shia online, in detention without charge for over a year. On June 22, 2008, authorities arrested Shia cleric Shaikh Tawfiq al-'Amir, after he spoke out in a sermon against a May 30 statement signed by 22 prominent Saudi Wahhabi clerics, in which they called the ''Shia sect an evil among the sects of the Islamic nation, and the greatest enemy and deceivers of the Sunni people.'' Of the 22 signatories, II were current government officials and 6 were former government officials.

In its annual reports on religious freedom on Saudi Arabia, the United States Department of State has consistently and accurately documented severe repression of religious freedom and systematic violations against certain groups, including especially the Shia. Yet, while the United States has for years designated Saudi Arabia as a Country of Particular Concern, it has failed to take meaningful steps to promote reform in Saudi Arabia. The United States has continually waived sanctions provided under the law, and aside from issuing the annual report, has remained mostly silent in public on the subject.

The United States has also applauded King Abdullah's Interfaith Dialogue Initiative (IDI) as evidence of greater promotion of religious tolerance. Cynical observers would see the IDI as a promotional tour of Western countries designed to soften Saudi Arabia's image of an exporter of religious hatred. Uncritical supporters of the initiative claim it as evidence that the kingdom is opening up.

Whatever its motivation, the fact remains that this initiative abroad has had no policy repercussions at home. Saudis recognize domestic state-controlled media reporting on the IDI as an official campaign, and it only serves to highlight the stark contrasts between ideals upheld abroad and the harsh reality of repression at home. If the United States is serious about promoting religious tolerance in Saudi Arabia, it cannot remain content to publish a report once a year about religious repression or to praise Saudi Arabia for symbolic commitments to religious tolerance. Instead, it must take a clear, public stance on Saudi Arabia's systematic repression of religion and press the Saudi government to undertake effective institutional reforms to end discrimination and repression on the basis of religion in that country.

REMARKS OF MANSOUR AL-HADJ, EDITOR, AAFAQ

At the outset, I would like to say that my paper is based on my personal experience as someone who was born and grew up in Saudi Arabia, and has always been concerned about Saudi Arabia—since it's my homeland and also since I have been monitoring the Saudi media closely for the last four years as co-founder of the liberal Arabic-language website Aafaq, of which I am currently editor-in-chief.

There is great conflict and tension between liberals and conservatives in Saudi Arabia—but it is unfortunately a fake war, because both sides are working for the government—that is, the House of Saud. Both the liberals—who are actively writing articles for government-owned newspapers or appearing on government-owned TV channels—and the conservatives—who are active in mosques and on websites and who are also appearing on government-owned TV channels—are well aware of their limits and of the red lines that they must not cross.

The one red line that neither conservatives nor liberals dare to cross is talking or writing anything about political reform or the rights of religious minorities. Those who refuse to follow these limits are banned from writing in Saudi newspapers, and many of them are imprisoned and/or prohibited from leaving the country.

Saudi liberals are very hesitant to question the illegal arrest and persecution of reformers. One such case, that went completely unreported in Saudi Arabia, is that of Hadi Al-Mutif, an Ismai'i Shi'ite who has been imprisoned since 1993, serving what is by now the longest prison sentence ever in Saudi Arabia for insulting the Prophet Muhammad. Also, not a single Saudi newspaper reported on the arrest of Mokhlif Al-Shammari, a Saudi human rights activist accused of annoying others for posting online articles criticizing radical sheikhs who call for the eradication of the Shi'ites.

Saudi liberals have never advocated for the reformers who openly demand political and constitutional reform—such as Ali Aldumaini, Matrook Al-Faleh, and Abdallah Al-Hamid, who are officially banned from writing in Saudi newspapers and from traveling outside the country. The liberals do not dare to question the brutal punishments of beheading, amputation and flogging carried out by the Saudi authorities. They avoid writing about the plight of the Shi'a minorities whose mosques are repeatedly shut down and whose imams are arrested for conducting prayers in their homes. They never dare to call for a new and modern interpretation of the Koran, never dare to advocate for gays' and lesbians' right to not be punished or even killed for something they could not choose. All of these issues are on the other side of the red line that they cannot cross.

Last month, Saudi women's rights activist Wajeha al-Huwaider was interviewed by the LBC (Lebanese Broadcasting Corporation)

''No Censorship'' show, with airing scheduled for October 2010. However, the show has not yet aired. Observers said that a high-level Saudi official ordered LBC not to broadcast Wajeha's interview, in which she talked about women's right to drive cars in Saudi Arabia, the plight of the Shi'a minorities in the country, the male guardian system, and the unjust punishment of Saudi reformers. Wajeha is banned from writing in Saudi newspapers.

Last week, the Saudi daily Al-Jazirah refused to publish an article by female university professor Fawziyah Abdallah Abu Khaled. In her article, Abu Khaled called the government to allow those who oppose its policies to be part of society and for it to stop persecuting and criminalizing them. She wrote: ''Peaceful opposition is part of the social power of any society, and it should not be handled with hostility, eradication, or constant persecution.''

The only people who enjoy freedom of expression are the radicals—as long as they do not call for Jihad against the House of Saud. Sheikh Abdel Rahman Al-Barak has called many times for the killing of Shi'ites and many Saudi liberals, and issued a new fatwa stating that the U.S. is the real enemy of the Muslims and that Jihad cannot be superseded by international conventions.

You might ask, what about the launch of the Saudi national dialogue, the establishment of King Abdullah University of Science and Technology, the appointment of the first female vice minister for women's education, the municipal election, the interfaith conferences organized by the Saudi government to which Christians and Jews were invited, and the recent ruling restricting the right to issue fatwas to senior religious leaders.

The national dialogue has accomplished nothing; the new university is a closed and isolated institution for international students and a very few Saudis that is aimed at producing Saudi engineers and doctors, not at encouraging unfettered research, and certainly not to produce new and modern interpretations of the Koran that are peaceful and that respect the Universal Declaration of Human Rights. This university is one of dozens of Islamic universities in Saudi Arabia. The appointment of Noura Al-Fayz as the first female member of the Saudi Arabia Council of Ministers means nothing—she still cannot drive a car, travel by herself, go jogging or engage in other sports, choose her own husband, or receive decent child support if she divorces. Regarding the election, we all know that women were not allowed to vote; and the interfaith conferences will remain meaningless until a church is built in Saudi Arabia and Christians are allowed to worship freely. As to the restriction on fatwas, no one pays any attention at all; new fatwas are issued on a daily basis.

The House of Saud has used its oil wealth to control people's lives. Whether conservative or liberal, ultimately people need to put food on the table, and as long as almost everything in the kingdom is controlled by the government, it will be very difficult to both cross red lines and make a living. That is how the House of Saud maintains its game of balance.

I understand this on a very personal level; I have seen how people struggle to swim upstream under totalitarian regimes. What I cannot understand, however, is how a country like the U.S. that has always championed human Rights and religious freedom has been unable to free a young man who has been imprisoned for 17 years because of his religious belief as an Isma'ili Shi'ite. I can only hope that the House of Saud is not aiming to play the game of balance internationally—because I have heard that a $60 billion arms deal is in the works.

REMARKS OF NINA SHEA, DIRECTOR, HUDSON INSTITUTE'S CENTER FOR RELIGIOUS FREEDOM

Last Sunday, a December 2009 cable that was cited by the New York Times but has not yet been posted by Wikileaks says that Saudi donors remain the chief financiers of Sunni militant groups such as Al Qaeda.

America's top financial-counterterrorism official, Treasury Undersecretary Stuart Levey, believes there's a strong link between education and support for terror. As he wrote in the Washington Post last June, to end support for such terror, among other steps: ''we must focus on educational reform in key locations to ensure that intolerance has no place in curricula and textbooks. . . . [U]nless the next generation of children is taught to reject violent extremism, we will forever be faced with the challenge of disrupting the next group of terrorist facilitators and supporters.''

Saudi Arabia is one such ''key location.'' The kingdom is not just any country with problematic textbooks. As the controlling authority of the two holiest shrines of Islam, Saudi Arabia is able to disseminate its religious materials among the millions of Muslims making the hajj to Mecca each year. Such teachings can, in this context, make a great impression. In addition, Saudi textbooks are also posted on the Saudi Education Ministry's website and are shipped and distributed free by a vast Sunni infrastructure established with Saudi oil wealth to many Muslim schools, mosques and libraries throughout the world. In his book The Looming Tower, Lawrence Wright asserts that while Saudis constitute only 1 percent of the world's Muslims, they pay ''90 percent of the expenses of the entire faith, overriding other traditions of Islam.'' Others estimate that, on an annual basis, Saudi Arabia spends three times as much in exporting its Wahhabi ideology as did the Soviets in propagating Communism during the height of the Cold War. From the Netherlands and Bosnia, to Algeria and Tunisia, to Pakistan and Afghanistan, and to Somalia and Nigeria, nationals of these countries have reported that over the past twenty to thirty years local Islamic traditions are being transformed and radicalized under intensifying Saudi influence. The late President of Indonesia Abdurrahman Wahid wrote that Wahhabism was making inroads even in his famously tolerant nation of Indonesia.

To understand why Jim Woolsey and other terrorism experts call Wahhabism as it spreads through the Islamic diaspora ''kindling for Usama Bin Laden's match,'' it is important to know the content of Saudi textbooks. They teach, along with many other noxious lessons, that Jews and Christians are ''enemies,'' and they dogmatically instruct that that it is permissible, even obligatory, to kill various groups of ''unbelievers''—apostates (which includes Muslim moderates who reject Saudi Wahhabi doctrine), polytheists (which can include Shias and Sufis, as well as Christians, Hindus, and Buddhists), Jews, and adulterers. The texts also teach that the ''punishment for homosexuality is death'' and discusses that this can be done by immolation by fire, stoning or throwing the accused from a high place.

Under the Saudi Education Ministry's method of rote learning, these teachings amount to indoctrination, starting in first grade and continuing through high school, where militant jihad on behalf of ''truth'' has for years been taught as a sacred duty. The ''lesson goals'' of one of the text books is to have the children list the ''reprehensible'' qualities of Jewish people and another, that Jews are pigs and apes.

Reformist Muslims can also be labeled as ''apostates,'' and thus they can be killed with impunity. In the opening fatwa of a Saudi government booklet distributed to educate Muslim immigrants in 2005 by the Saudi embassy in the United States, the Grand Mufti of Saudi Arabia (a cabinet level government post) responded to a question about a Muslim preacher in a European mosque who said ''declaring Jews and Christians infidels is not allowed.'' The Grand Mufti accused the unnamed European cleric of apostasy: ''He who casts doubts about their infidelity leaves no doubt about his own infidelity.''

The intellectual pioneer of takfiri doctrine is the medieval Islamic scholar Ibn Tamiyya. He is cited as a moral guide in the Saudi textbooks—including in the newly edited, heavily redacted texts used in the Islamic Saudi Academy, a school operated in Fairfax County, VA, by the Saudi embassy. Students of Saudi high school textbooks are instructed to consult his writings when they face vexing moral questions. West Point's Center for Combating Terror found that Ibn Tamiyya's are ''by far the most popular texts for modern jihadis.''

Saudi foreign-affairs officials and ambassadors do not dispute the need for education reform. Their reactions, though, have alternated over the years between insisting that reforms had already been made and stalling for time by stating that the reforms would take several years more to complete, maybe banking on the hope that American attention would drift.

Four years ago, the Saudis gave a solemn and specific promise to the United States. Its terms were described in a letter from the U.S. assistant secretary of state for legislative affairs to Sen. Jon Kyl, then chairman of the Senate Judiciary Committee's Subcommittee on Terrorism and Homeland Security: ''In July of 2006, the Saudi Government confirmed to us its policy to undertake a program of textbook reform to eliminate all passages that disparage or promote hatred toward any religion or religious groups.'' Furthermore, the State Department letter reported that this pledge would be fulfilled ''in time for the start of the 2008 school year.''

Saudi Arabia has failed to keep its promise to the United States. One Wikileak cable from the U.S. embassy reports that Saudi education reform seems ''glacial.'' In its newly released 2010 annual report on religious freedom, the State Department itself asserted, albeit with diplomatic understatement, with respect to Saudi Ministry of Education textbooks: ''Despite government revisions to elementary and secondary education textbooks, they retained language intolerant of other religious traditions, especially Jewish, Christian, and Shi'a beliefs, including commands to hate infidels and kill apostates.'' (emphasis added.)

Meanwhile, Saudi royals have stepped up their philanthropy to higher education around the world, for which they have garnered many encomiums and awards. Hardly a month goes by without a news report that one of the princes is endowing a new center of Islamic and Arabic studies, or a business or scientific department, at a foreign university. The king himself recently founded a new university for advanced science and technology inside Saudi Arabia.

These efforts have bought the royal family much good will, but they should not distract our political leaders from the central concern of the Saudi 1–12 religious curriculum. This is not the time for heaping unqualified praise on the aging monarch for promoting ''knowledge-based education,'' ''extending the hand of friendship to people of other faiths,'' promoting ''principles of moderation tolerance, and mutual respect,'' and the like (phrases with which our diplomatic statements on Saudi Arabia are replete).

The State Department needs to begin regular and detail reporting on the remaining objectionable and violent passages in Saudi government textbooks and to press in a sustained manner for the kingdom to keep its 2006 pledge to us regarding textbook reform. As USCIRF recommends, the administration should also lift the indefinite waiver of any action pursuant to the designation of Saudi Arabia as a ''Country of Particular Concern'' under the International Religious Freedom Act—the only ''CPC'' to receive an indefinite waiver.

In one of the Wikileaks cables written earlier this year on Saudi King Abdullah to Secretary Clinton, U.S. Ambassador James Smith makes the following observation: ''Reflecting his Bedouin roots, he judges his counterparts on the basis of character, honesty, and trust. He expects commitments to be respected and sees actions, not words, as the true test of commitment. . . .''

Bedouin or not, we should start demanding the same from him.

REMARKS BY R. JAMES WOOLSEY, FORMER DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

I met on several occasions with the late President of Indonesia, Abdurrahman Wahid, after his Presidency but while he was leading the world's largest libertarian Muslim organization, Nandlatul Ulama. What a truly magnificent man he was. Nandlatul Ulama's members, as is the case for the vast majority of Indonesia's Muslims, espouse essentially the Enlightenment's embrace of reason and in particular it's separation of the spiritual and secular realms. Indonesia's traditions in this regard harken back hundreds of years, and this country that contains more Muslims than any other does not call itself a Muslim nation.

There are hundreds of millions of such truly moderate Muslims in the world, including a very substantial share of those in the U.S. They should be regarded as our colleagues and friends in trying to build a peaceful and prosperous modern world. To use a very rough analogy to the Cold War years, such truly moderate Muslims are something like the Social Democrats and Democratic Socialists—George Orwell, Helmut Schmidt—who were our colleagues in winning the Cold War against a communist empire that called itself ''socialist'' but whose essence was totalitarian.

Of course terrorists, whether Muslim or not, are not our colleagues and friends but our enemies through and through, just as were the communists' instruments of violence such as the Spetznaz. But some have come to believe that in the world of Islam today these two groupings—moderate Muslims and terrorists—are the only ones that exist. Sadly such is not the case.

During the Cold War there were non-violent totalitarians—such as many members of the American Communist Party—who fervently worked for the triumph of communism and the establishment of a dictatorship of the proletariat but utilizing non-violent means. So also today there are some Muslim groups and individuals who work hard to replace our Constitution with the totalitarian socio-political doctrine that Islam calls shariah. Shariah has as its objective the establishment of a world-wide caliphate—a theocratic totalitarian state. Along the way to this objective adherence to shariah entails accepting a set of doctrines that calls for: death to apostates and homosexuals, brutal treatment of women, rejection of democracy (and indeed all man-made law), anti-semitism, and much else.

In order to bring about the caliphate—the complete rejection of Article VI of the Constitution—it is not always tactically wise to utilize violence, or violent jihad. Sometimes what Muslim Brotherhood writers call ''civilization jihad'' is a shrewder tactic. It is well-defined in a document, ''An Explanatory Memorandum: On the General Strategic Goal for the Group'' entered into evidence in the 2008 case, United States v. Holy Land Foundation. The document was written by Mohammed Akram, a senior Hams leader in the U.S. and a member of the Board of Directors of the Muslim Brotherhood in North America. The document makes it clear that what is involved is a ''settlement process'' lead by the Muslim Brotherhood that constitutes a ''grand jihad in eliminating and destroying the Western civilization from within and 'sabotaging' its miserable house by their hands and the hands of the believers so that it is eliminated. . . .''

In the Holy Land Foundation case, which dealt with terrorist financing, it was established that a number of Muslim Brotherhood organizations such as CAIR and ISNA, though not indicted, were part of the terror-financing conspiracy.

In short, as during the Cold War, we need to understand that the central distinction is between those who accept democracy and the rule of (man-made) law and those who do not. We were on the same side during the Cold War as socialists George Orwell and Helmut Schmidt and both the Red Army and Gus Hall were on the other. Today we can make common cause with all Muslims who are neither planning to blow up airliners nor working on ''eliminating and destroying the Western civilization from within.''

But we must not ignore those who are making such efforts or be deterred from dealing with them just because they engage in name-calling, such as labeling those who call them to account as ''Islamophobes.'' Those who bravely stood up against the Spanish Inquisition—whether Muslims, Jews, or Christians—were not ''Christianophobes.'' We need to find Constitutional means—drawings on our experiences during the Cold War—to thwart the Islamist sabotage called for by the Muslim Brotherhood document and to do so in such a way as to protect the rights of those Muslims who are not engaged in either violent jihad or ''civilization jihad'' against us.

This will require us to think clearly about how to deal with Saudi Arabia, our ally on some aspects of fighting terrorism, but also the principal source of funding of a major share of the terrorists who attack us and the teaching of hatred that fuels the civilization jihad as well.

Above all, we cannot begin to deal with these issues unless we speak clearly. It is time to end the euphemisms and the verbal dancing. One is hot accusing all Christians of burning women at the stake if one examines how the Salem witch trials grew out of some Puritan thinking. So too with totalitarian offshoots of any religion, including Islamism. Islamists' efforts to establish a caliphate and sabotage our Constitution have to be called what they are—they are not random acts of ''violent extremists.'' They are, for Islamists, jihad. And they must be defeated.

HONORING JOSHUA MATTHEW LEVINE

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. BISHOP of New York. Madam Speaker, I rise to mark the untimely passing of an outstanding young man, Joshua Matthew Levine, one of my constituents who lived in North Haven, NY. Josh, who was only 35 years old, was a much beloved and well-known advocate for organic farming and healthy living. He left a successful job in New York City to move to the Hamptons where he became involved in the burgeoning organic farming movement that has recently attracted so many talented young people across our nation. He began as a volunteer at Quail Hill Farm in Amagansett, a stewardship project of the Peconic Land Trust, a non-profit land preservation organization. Quail Hill is one of the original CSA (Community Supported Agriculture) farms in the United States and serves 200 families as well as supplies food to local restaurants, schools and food pantries. After working a year as a volunteer at the 30-acre farm, he became an apprentice and then was hired as the farm's marketing manager. He also operated the organization's weekly Saturday Farmer's Market.

Along with his wife Susan Ann Jones Levine, he threw himself wholeheartedly into the business of promoting healthy food and healthy living and he would go out of his way to explain the benefits of sustainable agriculture and organic farming to others. He was devoted to his wife and their two children, three-year-old Willa and six-month-old Ezra. At a time when many think of the Hamptons as the land of glitz and glamour, it is refreshing to encounter a young person of such substance with an unwavering dedication to values that make our world a better place—cooperation, hard work and respect for the earth we live on. Josh Levine truly lived his beliefs. He was devoted to the idea of sustaining the land for future generations. On days when the Farmer's Market was open, he would arise at 5 a.m. and go to the farm to get the food and deliver it to the market in time for the opening at 9 a.m. More than 600 people attended his funeral and told stories about how hard he worked and how much he did to help others understand the benefits of healthy living.

One woman recalled how she inadvertently left a large bunch of kale that she had purchased at the farm stand one Saturday. Josh knew that she needed the kale to help in her fight against cancer, and he spent three hours tracking her down after the farm stand had closed and successfully delivered the kale to her freshly packed on ice so that it would not wilt in the sweltering August heat. He believed in what he was doing, and his passion and enthusiasm attracted others. He enjoyed cooking and was an avid follower of the slow food movement. As a tribute to his good works, the mayor ordered the flag to be flown at half mast on the day of his funeral, a tribute usually reserved for military personnel.

It is with great sadness that I mark the passing of such a vibrant young man, so involved in his community and devoted to his beliefs.

HONORING MAJOR GENERAL GREGORY WAYT

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. AUSTRIA. Madam Speaker, I rise today to recognize Major General Gregory Wayt for

his service to the State of Ohio and our nation on the occasion of his retirement.

It is an honor to join the people of Ohio's 7th Congressional District in congratulating General Wayt upon his retirement as Adjutant General for the State of Ohio. Serving as Adjutant General since 2004, General Wayt commanded the Ohio National Guard and was responsible for overseeing the day-to-day operation and management of the readiness, fiscal, personnel, equipment, and real property resources of the Guard.

The Ohio National Guard consists of the Ohio Army National Guard, Ohio Air National Guard, Ohio Military Reserve, and Ohio Naval Militia, totaling more than 17,000 personnel.

A 1975 alumnus of The Ohio State University, General Wayt is a Distinguished Military graduate of the university's Reserve Officer Training Corps program. He then served on active duty as an Air Defense Artillery Officer with the U.S. Army until joining the Ohio Army National Guard in 1980.

As a member of the Ohio Army National Guard, General Wayt has commanded and has held staff officer assignments at all levels. Prior to serving as Ohio's Adjutant General, he served as the Commander for the 145th Regiment and the Ohio Regional Training Institute.

He also served as the Deputy Chief of Staff for Plans, Operations, Training, and Military Support and as the Joint Chief of Staff for the Joint Force Headquarters for the Ohio National Guard.

General Wayt has led a distinguished career and holds many awards including the Legion of Merit with one Bronze Oak Leaf Cluster, the Meritorious Service Medal with one Silver Oak Leaf Cluster and One Bronze Oak Leaf Cluster, and the Army Commendation Medal with three Bronze Oak Leaf Clusters.

Ohio's 7th Congressional District has been well served by General Wayt as the district includes the Springfield Air National Guard Base and the Air and Army National Guard Units located at the Rickenbacker International Airport. He has also coordinated efforts in cooperation with the Wright-Patterson Air Force Base and the Defense Supply Center of Columbus. I personally have worked alongside General Wayt as he has been an integral part of supporting our national guard and military facilities across Ohio and our nation.

For his many years of dedication to the State of Ohio and to this nation, I again join the people of Ohio's 7th Congressional District in extending our best wishes upon his retirement and wish him success in all his future endeavors.

INTERNATIONAL PROTECTING GIRLS BY PREVENTING CHILD MARRIAGE ACT OF 2010

SPEECH OF

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 15, 2010

Mr. CONYERS. Mr. Speaker, I rise in support of H.R. 2103, the International Protecting Girls by Preventing Child Marriage Act. This important legislation will ensure a healthy life for young women across the globe by recognizing child marriage as a human rights violation and developing a comprehensive strategy that will include preventive approaches to ending the harmful practice of child marriage.

Child marriage, also known as ''forced marriage'' is a common tradition in poor and rural communities. Poverty is a common thread in developing countries that carry this tradition of forced marriages. Limited family resources result in families offering their daughters in marriage with the hope of securing a better future and thus, escaping the trap of poverty. However, millions of girls who marry young are instead stripped of their childhood and deprived of their basic human rights as well as opportunities for education, employment and health. Moreover, they are subjected to extreme poverty, hard labor, domestic violence and maternal health risks that often ultimately lead to their death. In fact, child marriage is the leading cause of death for girls ages 15 to 19 in developing countries.

These facts are troubling and daunting. Nevertheless, we have the resources to change and eradicate this practice by supporting comprehensive policies that will advance the necessary education and health awareness that will cause these communities to question this tradition's consequences. According to the United Nations Children Fund (UNICEF), an estimated 60 million girls in developing countries, now ages 20 to 24, were married under the age of 18. If present trends continue, more than one hundred million more girls in developing countries will be married as children over the next decade, according to the Population Council. This is a dangerous trend that the world cannot allow to continue or endure.

It is important that the United States support these voiceless young girls and recognize child marriage as a human rights violation. This issue must be addressed, monitored, and prevented. The way of doing this is by passing this bill. I urge all of my colleagues to support vote ''yes.''

IN RECOGNITION OF THE SERVICE OF THE PROFESSIONAL STAFF OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. OBERSTAR. Madam Speaker, as my service in Congress and my term as Chairman of the Committee on Transportation and Infrastructure come to a close, I would like to take this opportunity to recognize the professional staff of the Committee. These are the dedicated individuals who do the research, the analysis, the drafting, the corrections, the negotiations, and the leg work needed to bring legislation to the Floor of this House and get it enacted into law.

I honor them all for their diligence, tenacity, intelligence, insightfulness, loyalty, and friendship.

David Heymsfeld has served the Committee on Transportation and Infrastructure for 35 years, as Democratic Staff Director of our Subcommittee on Aviation from 1975 to 1995, and as Democratic Staff Director of the full Committee from 1996 to 2010. He has been the lead staff on legislative and oversight issues in aviation, and, since 1995, has directed all staff activities of the Full Committee.

His responsibilities have required him to master the policy issues involved, to understand the positions of all interested parties and of government officials, to negotiate solutions, which achieve the Committee's policy objectives, to draft legislation, and to plan strategies for passing legislation. He has carried those responsibilities for major aviation legislation, and, since 1995, he has also played a major role in legislation affecting the Federal programs for highway and transit, rail, Coast Guard, water resources, and public buildings.

Our Director of Communications, Jim Berard, has been the voice of the Democratic side of the Committee for 13 years, and served in my personal office and that of Sen. KENT CONRAD for a decade prior. An award-winning journalist before coming to Capitol Hill, Jim has proven himself to be a master communicator, adept at interpreting complex legislative issues for lay audiences.

Jim has been at the center of nearly every major transportation issue I have faced in the past 23 years, handling inquiries from the media, getting them answers, shaping our message, and delivering that message to the public.

Jim is also an accomplished writer, a published author, an historian, and a humanitarian who spends his free time helping build homes for Habitat for Humanity in Maryland, and the St. Bernard Project in Louisiana.

He has been a trusted Member of my personal and Committee staff, and I am grateful to him for his service.

Mary Kerr's extensive communications and public policy experience, along with her legal education, have made her an invaluable member of my team for the past fifteen years. When I became Chairman in 2007, Mary moved from my personal office, where she had served as Communications Director and Legislative Assistant for eleven years, to become Press Secretary for the Committee on Transportation and Infrastructure. For the past four years, she has served very effectively as the principal spokesperson for four subcommittees: Coast Guard and Maritime Transportation; Economic Development, Public Buildings, and Emergency Management; Railroads, Pipelines, and Hazardous Materials; and Water Resources and Environment.

As T&I Committee Press Secretary, Mary has executed all phases of a comprehensive public affairs program to drive the Committee's visibility in the national news and trade media. She has led the way to successfully promote the Committee's priorities, such as protecting the Nation's waters, holding the railroad industry to the highest level of safety, and making comprehensive reforms to prevent future offshore drilling accidents.

Julie Carpenter Lotz has been a part of the Transportation and Infrastructure Committee staff for four years, working as a Communications Assistant in the Committee's Communications Office.

Julie has been a welcome asset to the Committee and to me. In addition to her professional knowledge and abilities, she has been a great resource for me in personally providing unique information on Committee-related issues that aren't ordinarily noticed. I have found this to be a valuable service.

Julie is intelligent, hard-working and extremely competent. Her communication skills,

both written and verbal, as well as her editing abilities, are excellent.

Also, she has been eager to learn new procedures and to expand her knowledge whenever possible.

Julie has an excellent rapport with both staff members and public figures, and is respected by her colleagues for her considerate nature and helpful attitude.

Trinita Evon Brown has over twenty years of experience working for the House and has been with the Committee for seventeen years. She has served the Committee very effectively as Senior Counsel for Oversight and Investigation.

Ms. Brown is responsible for the Committee's oversight and investigations of all six Subcommittee jurisdictions. She has a proven record of accomplishment of high quality work, dedication, and public service. Her efforts have led to millions in recouped Federal tax dollars and the cession of numerous policies and practices harmful to our nation's interests.

Trinita has served the Committee in a variety of positions, including: Counsel for Emergency Management and Counsel for Railroads. In addition, she performed superbly with Full Committee responsibilities including highways, budget and appropriations and Committee jurisdiction.

Her keen judgment and integrity have been an asset to the Committee.

Ken Kopocis has served the Committee as senior counsel conducting oversight. Ken began with the Subcommittee on Water Resources and Environment in 1985 and served as staff director of that Subcommittee for 13 years. Ken possesses the skills to anticipate, understand and exceed the needs of Members of Congress. He has unparalleled knowledge and experience related to protecting and improving water quality and water resources. His areas of experience include matters relating to water resources development, conservation and management; water pollution control and water infrastructure; hazardous waste cleanup; transportation; and, emergency and disaster response.

Ken has been part of every Water Resources Development Act for a generation. He has worked tirelessly to advance water quality and public health, including initiatives such as the Clean Water Act, the Oil Pollution Act, the response to the events of September 11, 2001, efforts to protect the Great Lakes, Chesapeake Bay and the Everglades, the Superfund program, and invasive species legislation.

Joseph Wender has worked as a Counsel for Oversight and Investigations for nearly two years. He joined the Committee in February 2009, the same month in which Congress enacted the American Recovery and Reinvestment Act. Joe's primary responsibilities have included coordinating the Committee's vigorous oversight of that legislation. Joe served as the lead staffer on nearly a dozen Recovery Act oversight hearings and also worked prodigiously to publish a monthly Committee Recovery Act report.

Joe always ensured that Committee Members had the most accurate and up-to-date information on Recovery Act implementation. In fact, I carry a 'pocket guide,' which Joe produced, which details the use of Recovery Act funds, including projects out to bid, under contract, and underway. I have used that pocket guide daily, and am grateful to Joe for providing such useful irrefutable information. I am proud of the standard he set in carrying out our oversight of the stimulus legislation.

During his service as counsel to the Aviation Subcommittee since February of this year, Alex Burkett has demonstrated insight and abilities as a judicious advocate, writer, and critical thinker. A pilot and lawyer with jet fuel in the veins, Alex has provided thoughtful advice steeped in deep substantive knowledge of aviation and the law. He is a tireless advocate on issues of particular significance to me, including airline competition and aviation safety.

This year Alex took the lead role in planning the Subcommittee's hearing on the United-Continental merger. In the midst of intense conference negotiations on milestone aviation legislation, Alex researched the issues presented by the merger and planned the hearing. His briefing memorandum to Members summarizing the many important issues raised by the merger was insightful and extremely well-written, as is everything he writes, and reflected his steady judgment, natural curiosity, and reliable expertise.

Michael Rodriguez joined the staff of the Subcommittee on Coast Guard and Maritime Transportation as Senior Professional Staff in October 2009. As a 1979 graduate of the United States Merchant Marine Academy, a Navy reserve officer and veteran of Operation Enduring Freedom, and an experienced merchant mariner, Mike has brought a unique and valuable perspective to the Subcommittee.

Mike was an important contributor to the process that led to the Coast Guard Authorization Act of 2010 becoming law on October 15, 2010. During the Deepwater Horizon oil spill and response, Mike helped draft legislation to address several issues related to the operation of the rig. He was able to bring his experience as a mariner to discussions about the accident with some of the Deepwater Horizon survivors. Mike's reputation throughout the U.S. maritime industry and his knowledge of international maritime affairs have made him a much appreciated asset to the Subcommittee.

Also, I would be remiss not to recognize the dedication of our Coast Guard Fellow, Lieutenant Commander Zeita Merchant. With over 13 years of Coast Guard service, she became an asset to my Coast Guard and Maritime Transportation Subcommittee, and worked diligently on a wide range of maritime issues making significant contributions to oversight hearings and legislation.

During her short time on the staff, Lieutenant Commander Merchant made noteworthy contributions on major legislation with her expertise in marine inspections and environmental response. Her knowledge and experience were critical in drafting legislation in response to the Deepwater Horizon oil spill and the passing of the first Coast Guard Authorization legislation to become law since 2006. These efforts resulted in significant increases in the Coast Guard's Marine Safety ranks; significant strides in enhancing the Coast Guard's ability to manage complex major acquisitions; and a keen focus on enhancing the diversity and Equal Employment Opportunities with the Coast Guard.

For the last four years Michael Herman has served as the Senior Counsel for the Subcommittee on Economic Development, Public Buildings, and Emergency Management, with a particular focus on emergency management issues.

During this time, Mike has demonstrated an unmatched understanding of the laws, programs and history of emergency management. Mike's mastery of emergency management is reflected in H.R. 3377, the Disaster Response, Recovery, and Mitigation Act of 2009.

When disasters strike, Members of the Committee and the House as a whole, including the Speaker, rely on his knowledge, counsel, and experience. After tornadoes devastated Wadena County in my district this summer, Mike's unique knowledge and experience supported my work with the affected communities. He also worked directly with local officials helping them navigate the recovery process and understand the assistance available to them.

For the past four years, Jim Kolb served as Staff Director for the Subcommittee on Highways and Transit. Jim's insight and guidance has been invaluable to all Committee Members and staff on a surface transportation issues.

During his service with the Committee, Jim played a key role in the development of legislation to strengthen and improve the nation's intermodal surface transportation network. Jim managed and led the development of the Committee's comprehensive six-year authorization to transform the Federal highway, highway safety, and transit programs, as well as the Committee's response to the I–35W Bridge collapse and efforts to improve the safety and condition of the nation's highway bridges.

Throughout his service, Jim has been a hard-working, and dedicated public servant, whose advice and counsel I have valued.

Amy Scarton, Counsel to the Subcommittee on Highways and Transit, first joined the Committee staff as a legal intern after graduating from Duke University School of Law nearly a decade ago. Though she left us to work for Congressman EARL BLUMENAUER during the 108th Congress, and then to serve as Chief of Staff to Commissioner Frank Mulvey at the Surface Transportation Board; Amy returned to the Committee in early 2007.

In her role as the lead transit attorney for the Committee, Amy has been instrumental in developing major aspects of my surface transportation reauthorization bill, as well as several other energy and transit bills. Amy's dedication to progressive transportation policies is not only evident in her hard work; she and her husband bike daily to Capitol Hill from their home in Northwest D.C. I will greatly miss Amy's enthusiasm, loyalty, and expertise, and I thank her for her service.

In his two years as Director of Highway Policy for the Subcommittee on Highways and Transit, Todd Kohr has proven himself to be an extremely capable, dedicated, and effective member of the Subcommittee's staff.

Todd joined the staff of the Subcommittee at a pivotal moment for the U.S. transportation system: during the development of my six-year bill to authorize and fundamentally transform the Federal highway and transit programs. Within this process, he drafted the majority of the bill's $337 billion highway title—displaying an ability to advance my priorities amidst a landscape of transportation policy issues, procedural considerations, competing interest group dynamics, and the complexities of Federal highway law.

In addition to his work on the authorization bill, Todd has acted as the Subcommittee staff

lead on a broad portfolio of highway-related issues. His expertise, his attention to detail, his discretion, and his counsel have served me and the Subcommittee well.

Jackie Schmitz, Professional Staff with the Subcommittee on Highways and Transit, has served on my Committee staff for five and a half years. Her dedication to public service and commitment to sound transportation policy have made her an asset to the Committee on Transportation and Infrastructure.

Jackie's work has focused on promoting bicycle and pedestrian infrastructure, improving highway safety, and advancing transportation research and technology. She has assisted the Members of this body in addressing the needs of their communities and has made significant contributions to the Committee's improved standards of ethics and transparency.

I am particularly proud of the work Jackie has done to advance the Safe Routes to School program, which is leaving a legacy of safety and wellness for the next generation. Her hard work is driven by her recognition that all Americans deserve transportation choices that are safe, reliable, and accessible, and I am grateful for her service to the Committee.

Peter Gould, Legislative Assistant for the Subcommittee on Highways and Transit, has served the Committee for the past four years with a high level of professionalism, dedication to serving the public, and a good-natured sense of humor.

For the past two years Peter has helped me craft the Committee's message through speeches, op-eds, and floor statements, making the case for greater investment in the nation's surface transportation infrastructure as part of the transformational Surface Transportation Authorization Act. As my colleagues and I pressed for this transformational legislation, I was always confident of Peter's messaging and political acumen on presenting this issue to the American public.

Jennifer Esposito has been a key staff member of the Committee since June 2004. As Staff Director of the Subcommittee on Railroads, Pipelines, and Hazardous Materials, Jennifer led the Committee's efforts to enact historic legislation to reauthorize Amtrak and the Federal Railroad Administration's rail safety program, and to develop legislation to address rail security concerns in the wake of the September 11, 2001 attacks. She also led the Committee's efforts to enact the Passenger Rail Investment and Improvement Act of 2008, which created new grant programs for development of high-speed and intercity passenger rail in the United States.

Jennifer also has developed legislation to reauthorize the Department of Transportation's pipeline and hazardous materials safety programs, and conducted extensive oversight investigations of the programs which led to major changes within the Pipeline and Hazardous Materials Safety Administration. Most recently, she conducted an oversight investigation of an Enbridge pipeline rupture in Marshall, Michigan, which unveiled major safety deficiencies.

Rachel Carr has been a staff member on the Committee on Transportation twice over the past ten years. She first served as Staff Assistant for the Subcommittees on Aviation and Railroads from March 2000 to May 2002, while earning her law degree at night. After graduating with honors from the American University Washington College of Law, Ms. Carr continued her legal career in transportation, then rejoined the Committee in March, 2009, as Counsel on the Subcommittee on Railroads, Pipelines and Hazardous Materials.

In her current role, Ms. Carr has been involved with drafting legislation to reauthorize the Department of Transportation's hazardous materials safety program and has been an integral part in oversight of the DOT's implementation of the high-speed and intercity passenger rail and pipeline safety programs

Joseph E. Connelly is another member of my staff serving with the Subcommittee on Railroads, Pipelines and Hazardous Materials. Though Joe has been with the staff a very short time, having served a little less than two years as Professional Staff and a Fellow from the Federal Railroad Administration, he has helped instill a culture of safety into all of the federal agencies and entities under the jurisdiction of the Committee.

Joe has contributed to the Committee by painstakingly conducting concise, thorough investigations, analyzing complex data and reducing that data into easily definable terms. The results of these investigations helped transform the Pipeline and Hazardous Materials Safety Administration into a science-based, data-driven Agency. For over 30 years, Joe Connelly has proudly served the American people as a member of the legislative and executive branch. He has made safety his life's work and has contributed immeasurably to the safe transportation of hazardous materials throughout the United States.

I would like to recognize Ryan C. Seiger for his 12 years of service to the Subcommittee on Water Resources and Environment, the last 4 of which he served as Staff Director and Senior Counsel. Ryan has been a thoughtful and dedicated advocate for improving the overall environmental health of the nation for future generations and for taking the steps necessary to achieve the Clean Water Act's goals of ''fishable and swimmable'' waters. He has a deep understanding of the challenges that remain in protecting the Nation's waters, and has served this country well in exploring innovative ways to overcome these challenges.

I also want to express my gratitude for his encyclopedic knowledge of water resource law, which served us so well in his role as lead House negotiator on the Water Resources Development Act of 2007. Thanks to his work and the work of the rest of the Subcommittee staff, Congress was able to achieve what was only the 107th successful override of a Presidential veto in the history of the nation.

Finally, Madam Speaker, I want to thank Navis Bermudez for her service as Professional Staff to the Subcommittee on Water Resources and Environment. Despite the fact that she has only been with the Subcommittee for the past year, her service to the Committee and to the Congress has been exemplary. During this year, Navis helped the Committee develop and move legislation (H.R. 3534) to address many of the legal shortcomings of the Oil Pollution Act and the Clean Water Act that were exposed by the Deepwater Horizon oil spill disaster. Navis has also been integral in Congressional efforts to reauthorize and strengthen several of the Environmental Protection Agency's targeted watershed programs, including House passage of legislation to reauthorize the National Estuaries Program (H.R. 4715), and efforts to reauthorize EPA's Long Island Sound and Chesapeake Bay program offices.

Navis has proven to be a strong advocate for protecting the nation's water-related environment, and has performed her job with professionalism and competence.

Madam Speaker, the people I have mentioned here are part of the Committee's professional staff. There are many others who perform administrative duties that are equally important to the work done by the Committee. I intend to recognize their contribution in a subsequent statement.

HONORING PRIVATE FIRST CLASS AUSTIN G. STAGGS

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. WESTMORELAND. Madam Speaker, it is with great sadness that I come before the U.S. House of Representatives tonight to celebrate the life of Private First Class Austin G. Staggs. PFC Staggs answered his nation's call of duty in 2009 after graduating from North Hills Private School in Millsap, Texas near his hometown of Weatherford, Texas. On November 29, 2010 Austin made the ultimate sacrifice while serving his country and fellow servicemen in the Nangarhar Province of Afghanistan.

Private First Class Staggs was deployed to Afghanistan as part of 101st Airborne Division based in Fort Campbell, Kentucky. He left behind his mother and father, two brothers, two sisters, his wife Sheena Staggs and his son Kallen Staggs. His father Byram Staggs of Senoia, Georgia recalls how adamant he had been about joining the U.S. Army. It had always been his dream he says.

His family also recalled a loving young man who was adored by his siblings. His father said, ''He was the most big-hearted kid you've ever met.'' His stepmother Kelly smiles when she talks about his Skype video calls to their house from Afghanistan. She said he was adored by his nieces and nephews so much that they would push each other out of the way to see him when he called. PFC Staggs' mother, Kaye missed his last call during the Thanksgiving holidays, but his grandmother said she saved his last voicemail so that she can listen to him say ''I love you'' any time she wants.

Like any soldier PFC Staggs received great satisfaction from the job that he and all fellow U.S. servicemen were doing in Afghanistan. He served his country bravely and took pride in the fact that the work he was doing everyday was touching millions of lives both at home and abroad.

It pains me that fine young men such as PFC Staggs have been killed protecting the freedom of this great country. I know that no words can lessen the sorrow that Austin's family feels, but I am proud to salute such a fine son, brother, husband and father.

PERSONAL EXPLANATION

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. BONNER. Madam Speaker, on Wednesday, December 15, 2010, I was unavoidably detained and unable to cast my vote on H. Res. 1761, a resolution congratulating Auburn University quarterback Cameron Newton on winning the 2010 Heisman Trophy as the most outstanding college football player in the United States.

As an original cosponsor of this legislation, had I been present, I would have voted ''aye'' on H. Res. 1761.

SENATOR PAUL SIMON WATER FOR THE WORLD ACT OF 2009

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 2010

Mr. CONYERS. Madam Speaker, I rise tonight, as I have the previous two nights, in order to prod this body to act to save lives before it is too late. It is simply unconscionable that 4,100 children die every day from diarrheal diseases spread through poor sanitation and hygiene. The mortality rate for children killed by waterborne diseases is six times as large as the number of children killed by HIV/AIDS and four times as many as killed by malaria.

Melanie Nakagawa of the National Resources Defense Council has called the international water and sanitation crisis ''the most poorly addressed environmental problem of our day.'' Indeed, nearly one billion people lack safe drinking water. According to the World Health Organization, two and a half billion people lack sufficient water sanitation facilities.

Many of us have seen the impacts of this ongoing tragedy first-hand—from the United States, to Africa, to Haiti, where people are dying every day from cholera because of a lack of access to clean water and sanitation facilities.

The gap between access to safe drinking water and proper sanitation is widening between those living in poverty and the wealthy. The former South African president, Nelson Mandela, challenged global leaders to make access to clean water a basic human right and to put water and sanitation much higher up on the political, economic and social agendas. ''The absence of access to clean water'' he stated ''is most stark in the widespread impoverishment of the natural environment.''

The U.N. agreed with Mandela at the Earth Summit, noting that water is the greatest obstacle to sustainable development and the most visible symbol of the growing gap between the rich and the poor. As the Archbishop Desmond Tutu said, ''No issue has ever been more neglected than water and sanitation. And it is neglected because it is of concern mainly to the poor and powerless.''

Kofi Annan, former United Nations Secretary General, stated that ''access to safe drinking water and sanitation is a fundamental human need and therefore, a basic human right.''

We have legislation before Congress that will address these inequities and demonstrate our government's commitment to the fundamental human right of safe and clean water. H.R. 2030, the Senator Paul Simon Water for the World Act of 2009, would give the U.S. government the tools to provide 100 million people with first-time access to clean water and sanitation.

The Senate, which has been repeatedly criticized for not addressing the hundreds of bills passed by this body during the 111th Congress, has already approved the companion to H.R. 2030. And the Senate passed that legislation on September 20, 2010 by unanimous consent.

Despite the occasional partisan differences here in Washington DC, this critical issue has support on both sides of the aisle. There are ten Republican cosponsors of the House bill and eight Republican cosponsors of the Senate bill.

Water for the World is also supported by a broad spectrum of advocates, including Water Advocates, the Natural Resources Defense Council, ONE, Mercy Corps, International Housing Coalition, CARE, and Population Services International, Millennium Water Alliance, Living Water International and Religious Water Working Group.

We are down to the wire and the time to act is now. If the 111th Congress expires without a vote on the House floor, millions of people will have to unnecessarily wait for clean water. And many lives will be unnecessarily lost. While many Americans take water for granted, one-sixth of the world's population, almost a billion people, do not have access to safe drinking water. The Water for the World Act is an important start to addressing this problem. I urge my colleagues to support this legislation before it is too late.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S10311–S10419

Measures Introduced: Six bills and two resolutions were introduced, as follows: S. 4034–4039, S.J. Res. 42, and S. Res. 702. **Page S10410**

Measures Reported:

H.R. 2868, To amend the Homeland Security Act of 2002 to enhance security and protect against acts of terrorism against chemical facilities, to amend the Safe Drinking Water Act to enhance the security of public water systems, and to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works, with an amendment in the nature of a substitute. (S. Rept. No. 111–370)

S. 3903, to authorize leases of up to 99 years for lands held in trust for Ohkay Owingeh Pueblo, with amendments. (S. Rept. No. 111–371)

Report to accompany H.R. 2142, To require quarterly performance assessments of Government programs for purposes of assessing agency performance and improvement, and to establish agency performance improvement officers and the Performance Improvement Council. (S. Rept. No. 111–372)

S. 3874, to amend the Safe Drinking Act to reduce lead in drinking water. **Page S10410**

Measures Passed:

Government Efficiency, Effectiveness, and Performance Improvement Act: Senate passed H.R. 2142, to require quarterly performance assessments of Government programs for purposes of assessing agency performance and improvement, and to establish agency performance improvement officers and the Performance Improvement Council, after agreeing to the committee amendment in the nature of a substitute. **Pages S10359–64**

Reduction of Lead in Drinking Water Act: Senate passed S. 3874, to amend the Safe Drinking Act to reduce lead in drinking water. **Page S10364**

Safe Drug Disposal Act: Committee on the Judiciary was discharged from further consideration of H.R. 5809, to amend the Energy Policy Act of 2005 to reauthorize and modify provisions relating to the diesel emissions reduction program, and the bill was then passed, after agreeing to the following amendments proposed thereto: **Page S10364**

Dorgan (for Voinovich) Amendment No. 4818, in the nature of a substitute. **Page S10364**

Dorgan (for Voinovich/Carper) Amendment No. 4819, to amend the title. **Page S10364**

National Credit Union Administration: Senate passed S. 4036, to clarify the National Credit Union Administration authority to make stabilization fund expenditures without borrowing from the Treasury. **Pages S10364–65**

First Lieutenant Robert Wilson Collins Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of S. 3592, to designate the facility of the United States Postal Service located at 100 Commerce Drive in Tyrone, Georgia, as the ''First Lieutenant Robert Wilson Collins Post Office Building'', and the bill was then passed. **Page S10365**

Emil Bolas Post Office: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 4602, to designate the facility of the United States Postal Service located at 1332 Sharon Copley Road in Sharon Center, Ohio, as the ''Emil Bolas Post Office'', and the bill was then passed. **Page S10365**

Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 5133, to designate the facility of the United States Postal Service located at 331 1st Street in Carlstadt, New Jersey, as the ''Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz Post Office Building'', and the bill was then passed. **Page S10365**

George C. Marshall Post Office: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 5605, to designate the facility of the United States Postal Service located at 47 East Fayette Street in Uniontown, Pennsylvania, as the ''George C. Marshall Post Office'', and the bill was then passed. **Page S10365**

James M. 'Jimmy' Stewart Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 5606, to designate the facility of the United States Postal Service located at 47 South 7th Street in Indiana, Pennsylvania, as the "James M. 'Jimmy' Stewart Post Office Building", and the bill was then passed. **Page S10365**

Jesse J. McCrary, Jr. Post Office: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 5655, to designate the Little River Branch facility of the United States Postal Service located at 140 NE 84th Street in Miami, Florida, as the "Jesse J. McCrary, Jr. Post Office", and the bill was then passed. **Page S10365**

Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 5877, to designate the facility of the United States Postal Service located at 655 Centre Street in Jamaica Plain, Massachusetts, as the "Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building", and the bill was then passed. **Page S10366**

Earl Wilson, Jr. Post Office: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 6400, to designate the facility of the United States Postal Service located at 111 North 6th Street in St. Louis, Missouri, as the "Earl Wilson, Jr. Post Office", and the bill was then passed. **Page S10366**

Colonel George Juskalian Post Office Building: Senate passed H.R. 6392, to designate the facility of the United States Postal Service located at 5003 Westfields Boulevard in Centreville, Virginia, as the "Colonel George Juskalian Post Office Building". **Pages S10366–67**

Special Education Teachers: Senate agreed to S. Res. 702, recognizing the work and importance of special education teachers. **Page S10367**

House Messages:

Removal Clarification Act—Agreement: Senate began consideration of the amendment of the House of Representatives to the amendment of the Senate No. 3 to 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, taking action on the following motions and amendments proposed thereto: **Pages S10385–86**

Pending:

Reid motion to concur in the amendment of the House to the amendment of the Senate No. 3 to the bill. **Pages S10385**

Reid motion to concur in the amendment of the House to the amendment of the Senate No. 3 to the bill, with Reid Amendment No. 4822 (to the House Amendment to the Senate amendment No. 3), to change the enactment date. **Page S10386**

Reid Amendment No. 4823 (to Amendment No. 4822), of a perfecting nature. **Page S10386**

Reid motion to refer the message of the House on the bill to the Committee on the Judiciary, with instructions, Reid Amendment No. 4824, to provide for a study. **Page S10386**

Reid Amendment No. 4825 (to (the instructions) Amendment No. 4824), to change the enactment date. **Page S10386**

Reid Amendment No. 4826 (to Amendment No. 4825), of a perfecting nature. **Page S10386**

A motion was entered to close further debate on the motion to concur in the amendment of the House to the amendment of the Senate No. 3 to the bill, with an amendment and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Saturday, December 18, 2010. **Page S10386**

Enhancing Small Business Research and Innovation Act—Agreement: Senate began consideration of the amendment of the House of Representatives to the amendment of the Senate to H.R. 2965, to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, taking action on the following motions and amendments proposed thereto: **Pages S10386–87**

Pending:

Reid motion to concur in the amendment of the House to the amendment of the Senate to the bill. **Page S10386**

Reid motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Reid Amendment No. 4827 (to the House Amendment to the Senate amendment), to change the enactment date. **Page S10386**

Reid Amendment No. 4828 (to Amendment No. 4827), to change the enactment date. **Page S10386**

Reid motion to refer the message of the House on the bill to the Committee on Armed Services, with instructions, Reid Amendment No. 4829, to provide for a study. **Page S10386**

Reid Amendment No. 4830 (to (the instructions) Amendment No. 4829), of a perfecting nature. **Pages S10386–87**

Reid Amendment No. 4831 (to Amendment No. 4830), of a perfecting nature. **Page S10387**

A motion was entered to close further debate on the motion to concur in the amendment of the House to the amendment of the Senate to the bill and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the House Message to accompany H.R. 5281, Removal Clarification Act. **Page S10386**

Treaty With Russia on Measures for Further Reduction and Limitation of Strategic Offensive Arms—Agreement: Senate continued consideration of Treaty Doc. 111–5, between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol. **Pages S10312–59, S10367–83**

A unanimous-consent agreement was reached providing for further consideration of the treaty at approximately 9:30 a.m., on Friday, December 17, 2010. **Page S10419**

Nominations Confirmed: Senate confirmed the following nominations:

Catherine C. Eagles, of North Carolina, to be United States District Judge for the Middle District of North Carolina.

Kimberly J. Mueller, of California, to be United States District Judge for the Eastern District of California.

John A. Gibney, Jr., of Virginia, to be United States District Judge for the Eastern District of Virginia.

James Kelleher Bredar, of Maryland, to be United States District Judge for the District of Maryland. **Pages S10373, S10419**

Messages From the House: **Page S10408**

Measures Read the First Time: **Pages S10367, S10409**

Enrolled Bills Presented: **Page S10409**

Executive Communications: **Pages S10409–10**

Additional Cosponsors: **Pages S10410–11**

Statements on Introduced Bills/Resolutions: **Pages S10411–12**

Additional Statements: **Pages S10407–08**

Amendments Submitted: **Pages S10412–15**

Authorities for Committees to Meet: **Page S10415**

Privileges of the Floor: **Page S10416**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 8:36 p.m., until 9:30 a.m. on Friday, December 17, 2010. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S10419.)

Committee Meetings

(Committees not listed did not meet)

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: 13 public bills, H.R. 6527–6539; and 5 resolutions, H. Con. Res. 335 ; and H. Res. 1770, 1772–1774 were introduced. **Pages H8597–98**

Additional Cosponsors: **Page H8598**

Reports Filed: Reports were filed today as follows:

H.R. 4678, to require foreign manufacturers of products imported into the United States to establish registered agents in the United States who are authorized to accept service of process against such manufacturers, and for other purposes, with an amendment (H. Rept. 111–683, Pt. 1);

H. Res. 1771, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, and providing for consideration of motions to suspend the rules (H. Rept. 111–684);

H.R. 3890, to amend the Securities Exchange Act of 1934 to enhance oversight of nationally recognized statistical rating organizations, and for other purposes, with an amendment (H. Rept. 111–685, Pt. 1);

H.R. 3818, to amend the Investment Advisers Act of 1940 to require advisers of certain unregistered investment companies to register with and provide information to the Securities and Exchange

Commission, and for other purposes, with an amendment (H. Rept. 111–686, Pt. 1)

H.R. 3817, to provide the Securities and Exchange Commission with additional authorities to protect investors from violations of the securities laws, and for other purposes, with an amendment (H. Rept. 111–687, Pt. 1); and

H.R. 1064, to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, healthy, gang-free, and law-abiding lives, with an amendment (H. Rept. 111–688, Pt. 1). **Page H8597**

Speaker: Read a letter from the Speaker wherein she appointed Representative Pastor to act as Speaker pro tempore for today. **Page H8521**

Motion to Adjourn: Rejected the Taylor motion to adjourn by a yea-and-nay vote of 14 yeas to 385 nays with 1 voting "present", Roll No. 639. **Page H8532**

Middle Class Tax Relief Act of 2010—Rule for Consideration: The House began consideration of H. Res. 1766, providing for consideration of the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund and to amend title 49, United States Code, to extend authorizations for the airport improvement program. Subsequently, the resolution was withdrawn. **Pages H8524–32**

A point of order was raised against the consideration of H. Res. 1766 and it was agreed to proceed with consideration of the resolution by voice vote. **Page H8525**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Bankruptcy Technical Corrections Act of 2010: Concurred in the Senate amendment to H.R. 6198, to amend title 11 of the United States Code to make technical corrections; **Page H8535**

Preserving Foreign Criminal Assets for Forfeiture Act of 2010: S. 4005, to amend title 28, United States Code, to prevent the proceeds or instrumentalities of foreign crime located in the United States from being shielded from foreign forfeiture proceedings; and **Pages H8539–41**

Reauthorizing and enhancing Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers: Concurred in the Senate amendment to H.R. 2941, to reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers. **Pages H8541–43**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Wednesday, December 15th:

Pedestrian Safety Enhancement Act of 2010: 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, by a ⅔ yea-and-nay vote of 379 yeas to 30 nays, Roll No. 640; **Page H8543**

Requiring reports on the management of Arlington National Cemetery: S. 3860, to require reports on the management of Arlington National Cemetery, by a ⅔ yea-and-nay vote of 407 yeas to 3 nays, Roll No. 641; **Pages H8543–44**

Post-9/11 Veterans Educational Assistance Improvements Act of 2010: S. 3447, to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, by a ⅔ yea-and-nay vote of 409 yeas to 3 nays, Roll No. 642; and **Pages H8544–45**

Calling on the State Department to list the Socialist Republic of Vietnam as a "Country of Particular Concern" with respect to religious freedom: H. Res. 20, amended, to call on the State Department to list the Socialist Republic of Vietnam as a "Country of Particular Concern" with respect to religious freedom. **Page H8595**

Suspensions—Proceedings Postponed: The House debated the following measures under suspensions of the rules. Further proceedings were postponed:

Enacting certain laws relating to public contracts as title 41, United States Code, "Public Contracts": Concur in the Senate amendments to H.R. 1107, to enact certain laws relating to public contracts as title 41, United States Code, "Public Contracts" and **Pages H8535–36**

Establishing a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges: Concur in the Senate amendment to H.R. 628, to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges. **Pages H8536–39**

Recess: The House recessed at 2:29 p.m. and reconvened at 5:45 p.m. **Page H8545**

Suspension—Failed: The House failed to agree to suspend the rules and pass the following measure which was debated on Wednesday, December 15th:

International Protecting Girls by Preventing Child Marriage Act of 2010: S. 987, to protect girls in developing countries through the prevention of child marriage, by a ⅔ yea-and-nay vote of 241 yeas to 166 nays, Roll No. 645. **Pages H8551–52**

Middle Class Tax Relief Act of 2010: The House concurred in the Senate amendment to the House amendment to the Senate amendment 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 and to amend title 49, United States Code, to extend authorizations for the airport improvement program, by a recorded vote of 277 ayes to 148 noes, Roll No. 647.

Pages H8532–34, H8545–51, H8552–95

Prior to the declaration of the House into the Committee of the Whole pursuant to H. Res. 1766, the Chair noted that the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 4853) contains: an emergency designation for purposes of pay-as-you-go principles under clause 10(c) of rule 21 and an emergency designation pursuant to section 4(g)(1) of the Statutory Pay-As-You-Go Act of 2010. Accordingly, the Chair put the question of consideration under clause 10(c)(3) of rule 21, and under section 4(g)(2) of the Statutory Pay-As-You-Go Act of 2010. It was subsequently agreed to proceed with consideration of the Senate amendment by voice vote. **Page H8552**

Rejected:

Levin amendment to the Senate amendment (printed in H. Rept. 111–682) that sought to strike Title III of the Senate amendment to H.R. 4583 and amend the bill to provide two years of estate tax relief at 2009 levels. In calendar years 2011 and 2012, the estate tax exemption amount would be $3.5 million ($7 million total for a married couple) and the maximum tax rate on estates would be 45%. Additionally, the amendment would provide estates from decedents in 2010 with the ability to elect to be treated under the 2009 levels or to be treated under current law for tax purposes. This election would allow estates to receive a step up in basis on inherited property rather than the 2010 carryover basis rules. The exemption level and rate are consistent with the estate tax proposal included in the President's FY2010 and FY2011 Budgets. Under the Senate amendment to H.R. 4583, the bill would provide two years of estate tax relief with a $5 million estate tax exemption ($10 million total for a married couple) and a maximum rate of 35%. The amendment saves $23 billion, and affects 6,600 estates in 2011 which would receive an average additional tax cut of more than $1.5 million under the Senate bill (by a recorded vote of 194 ayes to 233 noes with 1 voting "present", Roll No. 646).

Page H8585–94

H. Res. 1766, the rule providing for consideration of the bill, was agreed to by a recorded vote of 214 ayes to 201 noes, Roll No. 644. **Page H8551**

Agreed to the Slaughter amendment to the rule by a recorded vote of 230 ayes to 186 noes, Roll No. 643, after the previous question was ordered without objection. **Pages H8550–51**

Senate Message: Message received from the Senate today appears on page H8534.

Quorum Calls—Votes: Five yea-and-nay votes and four recorded votes developed during the proceedings of today and appear on pages H8532, H8543, H8543–44, H8544–45, H8550–51, H8551, H8551–52, H8594 and H8594–95. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 12:05 a.m. on Friday, December 17th.

Committee Meetings

ESPIONAGE ACT/WIKILEAKS

Committee on the Judiciary: Held a hearing on the Espionage Act and the Legal and Constitutional Issues Raised by WikiLeaks. Testimony was heard from public witnesses.

SAME-DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE

Committee on Rules: Granted, by voice vote, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to any resolution reported through the legislative day of December 24, 2010. The rule authorizes the Speaker to entertain motions that the House suspend the rules at any time through the legislative day of December 24, 2010. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to section 2 of the resolution.

Joint Meetings

No joint committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1193)*

H.R. 4387, to designate the Federal building located at 100 North Palafox Street in Pensacola, Florida, as the ''Winston E. Arnow Federal Building''. Signed on December 14, 2010. (Public Law 111–297)

H.R. 5651, to designate the Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the ''Andrew W. Bogue Federal Building and United States Courthouse''. Signed on December 14, 2010. (Public Law 111–298)

H.R. 5706, to designate the building occupied by the Government Printing Office located at 31451 East United Avenue in Pueblo, Colorado, as the ''Frank Evans Government Printing Office Building''. Signed on December 14, 2010. (Public Law 111–299)

H.R. 5758, to designate the facility of the United States Postal Service located at 2 Government Center in Fall River, Massachusetts, as the ''Sergeant Robert Barrett Post Office Building''. Signed on December 14, 2010. (Public Law 111–300)

H.R. 5773, to designate the Federal building located at 6401 Security Boulevard in Baltimore, Maryland, commonly known as the Social Security Administration Operations Building, as the ''Robert M. Ball Federal Building''. Signed on December 14, 2010. (Public Law 111–301)

H.R. 6162, to provide research and development authority for alternative coinage materials to the Secretary of the Treasury, increase congressional oversight over coin production, and ensure the continuity of certain numismatic items. Signed on December 14, 2010. (Public Law 111–302)

H.R. 6166, to authorize the production of palladium bullion coins to provide affordable opportunities for investments in precious metals. Signed on December 14, 2010. (Public Law 111–303)

H.R. 6237, to designate the facility of the United States Postal Service located at 1351 2nd Street in Napa, California, as the ''Tom Kongsgaard Post Office Building''. Signed on December 14, 2010. (Public Law 111–304)

H.R. 6387, to designate the facility of the United States Postal Service located at 337 West Clark Street in Eureka, California, as the ''Sam Sacco Post Office Building''. Signed on December 14, 2010. (Public Law 111–305)

S. 1338, to require the accreditation of English language training programs. Signed on December 14, 2010. (Public Law 111–306)

S. 1421, to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp. Signed on December 14, 2010. (Public Law 111–307)

S. 3250, to provide for the training of Federal building personnel. Signed on December 14, 2010. (Public Law 111–308)

COMMITTEE MEETINGS FOR FRIDAY, DECEMBER 17, 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 17

Senate Chamber

Program for Friday: Senate will continue consideration of the New START Treaty.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, December 17

House Chamber

Program for Friday: To be announced.

Extensions of Remarks, as inserted in this issue

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