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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 22, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

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

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

OVER ONE MILLION ATTEND ''PAZ SIN FRONTERAS'' CONCERT

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

Mr. MCGOVERN. Madam Speaker, on Sunday, a historic event took place in Havana, Cuba. An estimated 1.2 million people attended an all-star concert made up of many of the top Latin pop, rock and salsa stars from Latin America, Europe, Puerto Rico and Cuba.

The concert, known as Paz Sin Fronteras, or Peace Without Borders, was the dream of Colombian singer, songwriter and multiple Latin Grammy winner Juanes and his two primary collaborators Miguel Bose of Spain and Olga Tanon of Puerto Rico.

The message of the Peace Without Border concerts is to circumvent politicians, and using the medium of music, speak directly to young people and encourage them to think in fresh ways—to change their way of thinking—and leave behind the old politics, the old hatreds, prejudices and national enmities that have locked too many people into patterns of conflict, violence, poverty and despair, dividing them from one another. It is an attempt to break down barriers and ask people to join in common purpose.

Both the United States and Cuban governments helped facilitate the concert, including providing Juanes and his company of 15 international and Cuban artists full control over message and staging. The Departments of State, Treasury and Commerce, and especially Secretary of State Hillary Clinton, are to be commended for providing in record time the various licenses and authorities required for U.S. musicians, technicians, musical and production equipment to travel and enter Cuba.

This is the second Peace Without Borders concert organized by Juanes in what he hopes will be a series of concerts in the hemisphere in places where people, if not politicians, might be open to a message of change, especially young people, who are more readily engaged by the language of rock-and-roll. The first such concert took place last year on the Peace Bridge on the border of Colombia and Venezuela when military tensions escalated between the two countries.

I applaud Juanes and all the participating artists for their courage, their vision and commitment to working together to communicate directly to the Cuban people through the language of music.

More than just a rock concert, this massive cultural event in Havana was a moving and emotional testament, even to many of its critics, about the power of the human spirit to reach across barriers during times of tension and opportunities. The ripples and waves created by this concert are just beginning to be felt in Cuba, the United States and throughout the hemisphere. I very much look forward to supporting other Paz Sin Fronteras initiatives in the future.

Madam Speaker, I include the following materials for the RECORD.

[From the Washington Post, Sept. 21, 2009]

IN CASTRO COUNTRY, GIVING A CONCERT FOR PEACE

(By William Booth)

HAVANA.—Rock-and-roll diplomacy came to the communist isle on a smoldering afternoon, as hundreds of thousands of Cubans filled the Plaza of the Revolution on Sunday and sang along to a dozen international musical acts led by the Colombian singer and peace activist Juanes.

The free ''Peace without Borders'' concert was criticized by hard-line Cuban exiles in Miami as a propaganda coup for the Castro brothers, and that it might have been. But for thousands of young Cubans, it was a rare treat to hear a lineup of global Latin music stars, such as Olga Tanon of Puerto Rico and Miguel Bosé of Spain.

Under the watchful gaze of a huge mural of Ernesto ''Che'' Guevara, and beneath the socialist slogan ''Always Toward Victory!'' on the side of the Ministry of Interior building, there was no trouble from the mostly young crowd. Many were dressed in white, in keeping with the peaceful vibe.

From the stage, framed by giant posters of a white dove, musicians offered hopeful but admittedly vague appeals for change, solidarity and, of course, peace. Bosé told the crowd that ''the greatest dream we can live is to dream the dream of peace.'' He also announced that there were more than a million people in the square, though there were no official estimates.

Tanon shouted that she brought greetings from Miami—home of many Cuban exiles who live in opposition to the Cuban government—and no one in the crowd booed, but instead whistled and cheered.

The United States has pursued a policy of economic embargo and diplomatic freeze

against Cuba for almost 50 years, hoping to topple the government, to no avail. Despite promises by President Obama, change in the U.S.-Cuba relationship has been slow in coming.

In an interview aired Sunday on the Spanish-language network Univision, Obama acknowledged that the concert would only go so far. ''I certainly don't think it hurts U.S.-Cuban relations,'' he said. ''I wouldn't overstate the degree that it helps.''

The plaza is iconic as the scene of some of Fidel Castro's biggest rallies and longest speeches, though he has not been seen in public for almost three years, after intestinal surgery. Anti-Castro Cuban exiles in Miami have voiced heated opposition to the concert, saying it only served to support the government here, which would milk the event for publicity even as it imprisons hundreds of political dissidents.

Because of his participation, Juanes has received death threats. But some of the pressure on him eased when, earlier this month, 24 of the 75 Cuban opposition leaders arrested in a 2003 crackdown on dissent signed a letter saying the show must go on.

''We came to Cuba with love. We have overcome fear to be with you, and we hope that you too can overcome it,'' Juanes told the masses. ''All the young people, from Miami in the United States and in all the cities, must understand the importance of turning hate into love.''

More than 100 buses could be counted bringing young people to the concert. ''This is the best concert to come to Cuba in, like, 50 years,'' said Yeilene Fernandez, a student at the University of Havana who was dancing with friends.

Sitting in his hotel room on the eighth floor of the Hotel Nacional the night before the show, Juanes was typing out messages for his Twitter followers. He was wearing a silver crucifix, jeans and a T-shirt. ''It's important to do this. I know this in my heart,'' he said. ''Our region, Latin America, is very complicated right now. We're all going our separate ways because of our ideologies. It's time to change our minds, to do something beyond politics, for young people.''

Juanes had previously met with Obama administration officials, and being a 17-time Latin Grammy winner who has become a kind of roving diplomat in Latin America, he got to see Secretary of State Hillary Rodham Clinton. She gave her blessing to his participation in the concert.

''We asked what they thought, and they said, 'Go ahead.' She was very positive,'' he said. ''Me, I am Colombian, so I didn't need to ask permission. But we did need permission for all our staff, and they said sure.''

Juanes said he asked some artists to come, ''but they were afraid. Latin artists, we live in Miami, and when you live in Miami, anything to do with Cuba is always a challenge. Some people in Miami are against anything to do with Cuba. Some are in the middle. And the young people, they definitely support cultural exchange.''

Next up in that exchange: The New York Philharmonic is coming to play a series of concerts at the Teatro Amadeo Roldan in Havana at the end of October.

''I see an increase in these cultural exchanges, and I think it's healthy, it's a step in the right direction,'' said Bill Richardson, governor of New Mexico, in an interview. He traveled this month to Cuba to discuss trade issues with the government.

In Havana on Sunday, those who were not at the Plaza of the Revolution watched the concert on rickety old TV sets in airless living rooms—or sat in their front courtyards to catch the breeze and listened to the show on the radio.

The artists performed free and covered the cost of shipping stage and sound equipment from Miami for the mega-concert. The Cuban government provided logistical and technical support. Juanes insisted that the signal from the show is free to use, download or broadcast anywhere in the world.

Juanes performed his first ''Peace without Borders'' concert on the frontier between Colombia and Venezuela last year during a time of heightened animosity between the countries. He said he would like to perform a third peace concert at the border between El Paso and Ciudad Juarez, Mexico. A vicious battle between street dealers and drug cartels, fighting among themselves and against federal troops, has left more than 1,600 people dead this year, making Juarez the most violent city in the world.

Juanes said: ''I am from Colombia. I have no idea what it means to live in peace.''

[From the Miami Herald, Sept. 20, 2009]

THIS IS THE POWER OF MUSIC

(By Lydia Martin and Jordan Levin)

As a sea of revelers jammed Havana's Plaza de la Revolución, Puerto Rico's Olga Tañon opened the controversial Peace without Borders concert Sunday with a sentiment that, despite all the debate on both sides of the Florida Straits, simply could not be disputed:

''Together, we are going to make history!'' she yelled. And the multitude, wearing white and hoisting colorful umbrellas that did little to alleviate the punishing heat, cheered. Then Tañon kicked off her performance with a merengue that, at least in Miami, seemed to carry a double meaning.

''Es mentiroso ese hombre,'' she sang. That man is a liar.

But whether she chose the lyrics as a dig to either or both of the Castro brothers seemed less relevant than the overall, palpable joy in the plaza.

Then, at the very end of the show, a major surprise from Colombian pop star Juanes, who was criticized by a segment of the exile community for organizing the concert because they believed it would lend support to the Castro regime. Juanes, who had insisted the concert had nothing to do with politics, made it political after all, to much approval from Miami's naysayers.

He moved away from the day's ambiguities and shouted a straightforward ''Cuba libre! Cuba libre!'' (Free Cuba!) And then he chanted, ''One Cuban family! One Cuban family!''

Reached by phone in Havana shortly after the concert ended, Juanes said the day was indeed about much more than music.

''There aren't words to talk about something so huge, something that's so beyond music,'' he said. ''This is the power of art, the power of music. We're so happy because the people are happy, and that's what matters to us.''

The crowd, which Juanes said from the stage was estimated at 1.1 million, was mostly young people; many had arrived as early as 7 a.m. to stake out spots near the stage. Although several trucks around the perimeter dispensed cold water, many people in the middle of the crowd could not reach them. Dozens of concertgoers who had been in the sun for hours passed out.

Yonder, 25, and his girlfriend Yaima, 19, retreated from the front of the stage after Yaima fainted. She lost a shoe in the crowd. ''She bent down to try to find it but wound up grabbing somebody else's shoes that were lost,'' Yonder said. ''There is a lot of pushing and shoving. There are shoes and sunglasses all over the ground.''

(The couple did not want their last names printed.)

The likeness of communist hero Che Guevara towered over the plaza that has been the site of endless political harangues by Fidel Castro over 50 years of dictatorship. But judging from the dancing, singing and arm-waving, what mattered most in Havana, at least for a few hours, was the partying inspired by this unprecedented mega-concert.

MIXED REACTION

Toward the end of the show, U.S. Rep. Ileana Ros-Lehtinen (R–Miami) said in an interview with WLTV–Univision 23 that the event had been a triumph for the Castro regime, because there was no mention from the stage about Cuba's human-rights violations or about the many political prisoners who were behind bars for opposing the government. But many others in Miami called it a good start in trying to bridge the divide between the island and the exile community.

Whatever the show's lasting effects, it was still historic. All of Havana seemed mesmerized; as one walked the city's streets every TV set seemed to be blasting the concert. Never had the plaza, where Pope John Paul II addressed the Cuban people in 1998, been used for a such a lighthearted purpose. Never had the Cuban people been treated to such a musical blowout by major foreign acts—something for which the island is always thirsty.

And never had Miami watched a live show from Havana. It was carried by local Spanish-language stations and by Univision.com. Channel 23 tagged it ''Concert of Discord.''

As with most matters related to Cuba, the gray shades of debate clouded the days leading up to the concert, which featured 15 artists from six countries, including such big stars from the island as Los Van Van and Silvio Rodriguez, government-backed and government-backing performers. Some Miami exiles criticized Juanes for agreeing to share the stage with them.

Members of the Cuban American National Foundation, which seeks to bring democracy to the communist island, tuned in from the Kendall home of president Francisco ''Pepe'' Hernandez.

They watched in awe as Juanes performed, his lyrics and short speeches flirting with political commentary.

''To go to that same plaza—where [Cubans] have been forced to listen to things they don't believe in—for music? It's great,'' Hernandez said. To him, the concert symbolized a sharp turn away from isolationist policies used by pro-democracy Cuban exile groups during the last 50 years.

''I hope that all of the young people in the United States, in Miami, everywhere, lose their fear and change hate for love,'' Juanes told the audience.

Although the performers had agreed to not make overt political statements, the possibilities of political interpretation seeped into many of their songs. ''Down with the control. Down with those who manipulate you'' chanted a female rapper with X Alfonso, a Cuban rap and funk artist.

''We're all here together—for the dream of concord, for the dream of dialogue!'' said Spanish pop singer Miguel Bosé. He was joined by Cuban singer-songwriter Carlos Varela for Varela's Muro (Wall), which Bosé has recorded, about longing for the outside world from Cuba's seawall.

SONG OF PEACE

No one's songs were more emotionally loaded than those of Juanes, who took the stage to chants of his name. ''I can't believe it. This is the most beautiful dream of peace and love,'' he said. ''Whatever differences we have, at the end we are all brothers.'' He then launched into A Dios le pido (I'll Ask God), his huge hit that pleads for peace. Most of his statements, until his strong words at the end, were general but carried the possibly of much meaning.

''Youth of Cuba, of Latin America, the future is in your hands, guys!'' he said before singing No creo en el jamas (I Don't Believe in Never), which calls for hope against all odds. He turned the rocker Suenos (Dreams), about a kidnapping victim who longs for home, into a quiet ballad, telling the audience ''this song is for everyone who is imprisoned unjustly and seeks liberty!''

''Juanes is so brave,'' said Gabriela, 14, who went to the show with her sister, mother and grandmother. ''He didn't have to come here and confront all of those people who were against him. He did it because he wanted to sing for us. For Cuba.''

Many Cubans in Miami watched with conflicted feelings.

''This is supposed to be a concert for peace, but there is no peace without political discourse or democracy in Cuba,'' said paralegal Blanca Meneses, who lives in the Doral area. ''But I feel for the people in Cuba, because, obviously, they are enjoying this from a musical perspective. The truth is, I thought nothing good could come of this concert. But I did think that when Juanes and Bosé were singing 'Libertad, libertad,' that was a positive message to the people of Cuba.''

[From the Miami Herald, Sept. 21, 2009]

A DAY AFTER JUANES' SHOW, EMOTIONS IN MIAMI STILL MIXED

(By Jordan Levin)

When Fabio Diaz settled in with 15 members of his extended Cuban family to watch Colombian singer Juanes' historic concert in Havana on television Sunday, he—and the rest of his clan—had mixed feelings. Diaz, who is 35 and came to Miami at 19, thought the event should have been staged in an intermediary location between the island and Miami, as a bridge between the two sides. And he wanted Juanes to speak out directly about freedom in Cuba.

But as he and his family watched the show, which aired live from Havana on three Miami Spanish-language television stations—itself an unprecedented event—Diaz said his feelings overpowered his doubts. ''What I loved was seeing so much of the Cuban people—and I feel completely Cuban—all together for a celebration and not for something political,'' Diaz says.

Much of Cuban and Latino Miami witnessed that celebration via their television and computer screens. Univision's Channel 23 in Miami drew 220,000 viewers for their five-hour long broadcast, and 140,000 in the U.S. and Puerto Rico watched on the network's website. Telemundo's afternoon-long coverage on its Channel 51 in Miami drew triple their normal viewership, and more than 600,000 visits to their website which streamed the show—more than four times the usual web traffic for that time period.

Emotions in Miami were mixed about the show, which drew hundreds of thousands of people to pack Havana's Plaza de la Revolucion on Sunday for performances by 15 artists from six countries. (Spanish singer Miguel Bosé announced from the stage that the audience was 1.15 million).

A protest by exile group which brought a small steamroller to Calle Ocho to run over Juanes' CD's, sparked a counter demonstration that led to physical clashes between the two sides.

Some callers to radio talk shows were happy that, as one woman put it, ''young Cubans had the chance to feel happy for one day'' while others felt that the joyful image on television was far from Cuban reality. And some exiles remained disenchanted and angry that the show did not directly address problems and repression in Cuba.

''It's not about foreign musicians singing in Cuba,'' said Esperanza Brigante. ''A real concert for peace should start by denouncing the human rights violations that plague the island . . . because we all know this is a political show.''

But there was a strong, often emotional response at seeing the sea of young Cuban faces, and a sense that the concert signaled a turning point in exile attitudes towards Cuba. ''I was very moved,'' said Ana Maria Perez Castro, 38, who came from the island in 1979. She watched the entire concert at home with her 16-year-old son.

Castro said she cried during the performance of Cucu Diamantes, a Cuban-American singer with the U.S.-based group Yerbabuena. ''She's also Cuban and she left, and to see her going back and performing for her people in her country was very emotional,'' Castro said. ''I could totally connect to the message to break that barrier, that fear which is what keeps all this old mentality intact.''

Juanes, who was traveling Monday and could not be reached, was optimistic that the show had achieved his goal of helping to bring people together.

''Today the hearts of everyone here have changed. Cuba cannot be the same after this event,'' the multi-Grammy winning rock star told The Herald from Havana Sunday evening. ''This event reaffirmed the necessity for all of us to unite. . . . The government of the U.S. has to change and Cuba has to change too. But this show of love and peace and affection is so important for both sides.''

Juanes has said hopes to stage the next Paz Sin Fronteras concert on the U.S.-Mexico border between Ciudad Juarez, where violent clashes between drug gangs and authorities have made the most violent city in the world, and El Paso, Texas.

That the Havana concert was allowed to take place at all, with so many people allowed to come together freely in the largest non-governmental gathering since the Pope visited Cuba in 1998, was itself indicative that Cuba was changing, said Fernand Amandi, executive vice-president of Bendixen & Associates, a public opinion research firm which specializes in the Cuban-American community.

''More than anything [the concert] underscores the fact that Cuba and relations with Cuba are undergoing a dramatic transformation that is irreversible,'' Amandi said. ''At the end of the day it is simply a concert . . . But you're beginning to see a loosening of the very rigid, very totalitarian Cuba . . . while it is still totalitarian, the government is probably beginning to recognize that it cannot survive in the future by further isolating itself.''

Another change, said Amandi, was an increased acceptance of differing points of view in the exile community, and frustration with the strife that often seems to dominate discussion of Cuba. On radio talkshows people were critical of the media focus on the raucous clash between anti and pro concert demonstrators in Little Havana. Many more Cuban-Americans ''that have never agreed with the hardline stance are no longer afraid to speak up,'' Amandi said.

On the island, Cuba's best-known blogger, Yoani Sánchez, gave an insider's view of the concert in frequent posts on her website, *www.desdecuba.com,* and her Facebook page. She also uploaded a video of the concert on YouTube—''from the people's point of view'' which shows she is wearing an olive green T-shirt with the Generation Y logo.

''I didn't go dressed in white to the concert for peace, but I opted for the color of freedom, which is the color each of us chooses to wear,'' she said. ''The color each one of us chooses—that's the color that I like.''

To Diaz, what finally mattered most was that the concert brought the world a glimpse of Cuba and its hopes to him and to the world. ''We could tell that Juanes's goal really was to bring a moment of happiness to the people,'' he said. ''And I think he did this. And I think the world should see 1,150,000 Cubans there who hope for change, for peace, for understanding of dialogue, and that history has to take another direction.''

REFORM NEEDED AT UNITED NATIONS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN) for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, Ambassador Susan Rice, our Permanent Representative to the United Nations, has emphasized that the U.S. is ''taking a new approach'' to the U.N. as part of its broader ''new era of engagement.'' Instead of protecting the investment of our tax dollars, instead of conditioning our contributions on real reform, the U.S. has adopted a strategy of ''money now, maybe reform later.''

At the U.N. General Assembly as it begins its new session this week, there is perhaps no better time to evaluate the effectiveness thus far of this so-called ''new approach.''

Well, let's see what has resulted. In March, the U.S. sent an observer to participate in the U.N.'s so-called Human Rights Council, which is dominated by dictatorships like China, Cuba and Saudi Arabia, and is notoriously anti-Israel.

Despite U.S. engagement, the Council stayed true to form. What did they do? Overwhelmingly passed five separate resolutions condemning Israel, passing no resolutions condemning human rights violations by the regimes in Iran and Syria, Sudan, Cuba, Zimbabwe or many other dictatorships.

True to form, the Council-appointed panel recently released a report accusing Israel of ''war crimes'' and ''possibly, crimes against humanity'' for defending its citizens against rocket and mortar fire from Islamic militants in Gaza.

When it comes to the Council's biases and backwardness, there is no end in sight. There is no change in sight. Yet, the U.S. silently nods and sends millions of our taxpayer dollars, with no questions asked.

There is also UNRWA, the United Nations Relief Works Agency, the U.N.'s discredited, biased agency for Palestinian refugees. This year alone, we have given UNRWA a record of $260 million. In return, UNRWA continues to compromise its strictly humanitarian mandate by engaging in propaganda against Israel and in favor of Hamas. In fact, UNRWA's head says she doesn't even consider Hamas to be a Foreign Terrorist Organization, and her predecessor even admitted that members of Hamas were on the payroll of UNRWA, saying ''I don't see that as a crime.''

Deputy Secretary of State Jacob Lew testified before our Foreign Affairs Committee in May, and he said

UNRWA's activities received ''the highest level of scrutiny'' by the State Department. But we don't even require UNRWA to vet its employees and aid recipients through the U.S. watch lists.

Turning to the U.N. General Assembly, Madam Speaker, it remains silent in the face of intense repression and violent attacks by the Iranian regime against peaceful demonstrators. Yet, in late June, it moved swiftly to condemn and isolate the constitutional democratic government of Honduras for acting in accordance with and in protection of the rule of law.

As for the leadership of the new session of the General Assembly, it's a ''who's who'' of the world's worst regimes. The President? The former foreign minister of Libya. One of the vice-presidents? From Sudan. A vice chair of the legal committee? Iran. But the U.S. has said nothing as such rogue regimes were selected for leadership positions at the U.N.

Administration officials have said, ''The U.N. is essential to our efforts to galvanize concerted actions that make Americans safer and more secure.'' Libya, Sudan, Iran? Are you feeling secure now?

One of the greatest threats to the security of our Nation and an existential threat to our ally Israel comes from the Iranian regime and its nuclear program. This week, for the first time, a President of the United States will chair a meeting of the U.N. Security Council and will have a golden opportunity to raise the threat of Iran on the world stage. The Council will even be holding a special summit on the general issue of nuclear nonproliferation.

Yet the actions of specific countries such as Iran will be ignored. The U.S. will not use its presidency of the Council this month to push for increased sanctions on Iran or any other regime that pursues nuclear capabilities or sponsors violent extremist groups.

The International Atomic Energy Agency continues to provide nuclear technical assistance to Iran and Syria, and the U.S. remains silent.

The U.N. Development Program is accused of misusing funds in Zimbabwe, in Afghanistan and in North Korea, to name a few, and the U.S. continues to provide them with hundreds of millions of dollars every year in funding. No strings attached.

Madam Speaker, enough is enough. Let's put U.S. taxpayer dollars to work for the American people, and not for the U.N., where the inmates run the asylum.

EXCLUDING AMERICANS FROM HEALTH CARE BASED ON GEOGRAPHY

The SPEAKER pro tempore. The Chair recognizes the gentleman from the Northern Mariana Islands (Mr. SABLAN) for 1 minute.

Mr. SABLAN. Madam Speaker, I have been explaining the issue of health care reform in the United States territories. Here is the problem:

Reform is sorely needed for the American citizens living in the territories, but the bills currently before this House deny us that reform. Under these bills, we will be required to purchase health insurance, but we will not be eligible for the affordability credits that help pay for it, even though more than 40 percent of those in the Northern Mariana Islands live below the poverty level.

CHIP programs will be brought to an end, but without an exchange or public option in the territories, thousands of children will lose coverage. Our Medicaid program will remain criminally underfunded.

Madam Speaker, for health insurance reform to exclude some Americans simply because of geography is wrong. It is discriminatory. And until it is remedied, my colleagues should know this ''reform'' leaves behind many of those who need it the very most.

A NEW PLAN NEEDED IN AFGHANISTAN

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

Mr. STEARNS. Madam Speaker, 8 years ago, in the wake of the worst terrorist attack that we have ever faced in America's history, the United States sent troops to Afghanistan. These troops were sent to accomplish a difficult mission, but an achievable mission, and despite the gains that have been made to date, our mission has not been properly resourced and executed.

As such, 8 years later, the fight rages on and terrorists are still plotting to hijack our planes, blow up our bridges, wreak havoc on our cities, and murder innocent people. So the threat has not changed. Afghanistan remains a crucial theater in the war against terrorism and extremists who seek to destroy our way of life, and it deserves our utmost attention and adequate resources.

To his credit, President Obama recognizes that the war in Afghanistan does need these greater resources, but some within his administration and party are advocating a ''small footprint'' strategy, calling for a reduction in the number of U.S. troops on the ground and a sole focus on al Qaeda only, instead of on the Taliban-led insurgent coalition.

But a ''small footprint'' strategy did not work in Iraq. What did work was a robust counterinsurgency strategy backed by the surge of American troops. In fact, it was this strong presence of American soldiers in Iraq that encouraged Iraqis to come forward with valuable intelligence, which in turn led to more effective targeting of al Qaeda and other insurgent groups.

My colleagues, this can be done in Afghanistan, but it also must include support from our European allies and other freedom-loving countries who desire to rid the world of terrorism.

General McChrystal, the U.S. Commander in Afghanistan, is advocating an expanded military effort within a new counterinsurgency strategy that focuses on protecting Afghans from the intimidation tactics of the Taliban through a troop surge.

General McChrystal is a highly capable and accomplished officer with extensive counterinsurgency experience. Yesterday he warned that we need more forces within the next year and that without them, our mission in Afghanistan will ''likely result in failure.''

When it comes to military strategy, we should listen to those who know firsthand what the situation on the ground is in Afghanistan. But, my colleagues, we must also look at the political infrastructure of Afghanistan and be sure its political leaders are representing the best interests of the Afghan people and that political corruption is eliminated.

It is clear that the Afghan military needs our help—and our numbers. But currently there are only 173,000 men in the Afghan army and police. Compare that with Iraq. In that country, which is smaller and less populated, there are over 600,000 Iraqi army and police. Clearly we need to train more Afghan military personnel.

Unfortunately, though, for the past 8 years Afghanistan has not been a properly resourced war. The new strategy proposed by General McChrystal and General David Petraeus is focused on expanding and improving Afghan forces with better training and embedded advisers and forming a true partnership and trust between Afghan units and American units, with the end goal of growing the Afghan army and police to the point where U.S. troops could be reduced dramatically.

But before we put more American troops in Afghanistan, we need a more deliberate plan with the Afghan military that includes participation by our allies and adequate support from the Afghan people and legitimate political leaders.

The reality of the situation on the ground in Afghanistan is that it would take another 2 years to expand Afghanistan's forces to around 300,000 personnel. Experts suggest at least 360,000 Afghan troops and police are needed to adequately fight the counterinsurgency and to effectively police the country's 33 million inhabitants. This is the key to our success.

One thing we must not forget is that a withdrawal at this critical juncture would destabilize Pakistan, an ally in a region of instability and a country in possession of nuclear weapons.

So, my colleagues, we need a new strategy that can work, but this new strategy can work only if we ask for patience from the American people and the knowledge that a mission of this magnitude and importance is not going to be won overnight or from afar. The sacrifices we make overseas now will prevent another 9/11-style attack here at home in the future.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 46 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DAVIS of Tennessee) at 2 p.m.

PRAYER

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

Lord God, how simply children learn to pray: ''Thy will be done.'' Are they more dependent, innocent, and free compared to the rest of us? Or is it because they are more practiced in obedience? ''Thy will be done.''

As adults, Lord, do we try to convince You by our prayers to see events, problems, or others as we see them? Perhaps blinded by our own fears and guilt, we are easily convinced by the cumulative lies of selective history and the intellectual culture. So much so, that we insist on thinking that we are on an even match with You, Lord.

So, it is Your will against ours. How arrogant even Your people of faith can be.

In truth, make us humble of heart, Lord; or else You may find Your own way to humble us before You.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Florida (Ms. ROS-LEHTINEN) come forward and lead the House in the Pledge of Allegiance.

Ms. ROS-LEHTINEN 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.

CONGRATULATING CHIEF TIM MCELWEE

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

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, on August 28, Chief Tim McElwee of the Prescott Fire Department was named the 2009 Safety Officer of the Year by the International Association of Fire Chiefs. A 30-year PFD veteran, Chief McElwee heads his agency's training division. He literally wrote the book on safety and training requirements for the department.

Chief McElwee's accomplishments also extend beyond the Prescott Fire Department. He sits on the Arizona Wildfire Academy Board of Directors, helps oversee disaster response for his region, and has managed an organization that provides training to fire departments throughout the area.

Chief McElwee will be retiring in May 2010, but his many contributions to the Prescott Fire Department and to Arizona will help keep our communities safe for years to come.

I congratulate Chief McElwee for this much-deserved honor.

JOB CORPS DAY CELEBRATING 45 YEARS OF PRODUCING PAYROLLS FOR AMERICA

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

Ms. ROS-LEHTINEN. Today marks a historic event for the Nation's most significant Federal job-training agency. The Job Corps celebrates its 45th anniversary today, recognizing the agency's many years of service to America during which it has helped launch the careers of nearly 3 million disadvantaged youths.

As part of the National Job Corps Association's celebration of this important anniversary, I'm proud to cosponsor Congressman JERRY MORAN's resolution, H. Con. Res. 163, to designate September 23 as National Job Corps Day.

Since 1964, the Job Corps has created a network of 123 Job Corps centers in 48 States, the District of Columbia, and Puerto Rico. As part of the 45th anniversary celebration, I am pleased that one of my area's Job Corps interns, Esmeralda Sanchez, will be shadowing me tomorrow.

Additionally, my local Homestead Job Corps center is hosting an open house event on Thursday, October 1, for the entire south Florida community to attend.

Both locally and nationally, the Job Corps has definitely benefited America by producing payrolls for our country.

UNEMPLOYMENT COMPENSATION EXTENSION ACT

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

Ms. BERKLEY. Mr. Speaker, today the House will consider the Unemployment Compensation Extension Act. The legislation would extend unemployment benefits by up to 13 weeks for over 300,000 jobless workers who reside in high unemployment States and that are projected to run out of unemployment compensation by the end of September. This bill will serve as a lifeline, aiding those who are still struggling to find work in Las Vegas and other parts of Nevada.

The once recession-proof economy of my district of Las Vegas has not been spared from the effects of this downturn. In fact, Nevada has been hit harder than any other State by the foreclosure crisis, and our unemployment rate has skyrocketed to over 13 percent, the second highest in the Nation. This legislation will bring much-needed relief to many jobless Nevadans.

It is absolutely critical that Congress step up and pass this federally funded extension of unemployment benefits. I support the bill we are considering today because it will help hardworking Nevadans get by until the situation improves—and it will—and they can return to work.

DEFENSE AUTHORIZATION

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

Mr. GOHMERT. This week, the conference committee will meet on Defense authorization. Defense authorization: we are supposed to provide for the common defense. That is the number one job of this government, not all the social engineerings going on. And guess what? We're going to be having a discussion over a hate crimes bill in Defense authorization. We're going to be talking about defending America and, in the same bill, taking away the rights of Americans.

There is not one law that will be covered by that hate crimes bill that is not already in existence in every State in the Union. Every one of those crimes is covered.

James Byrd's defendants got the death penalty, the two most culpable. This will not do anything. But if you want to have a discussion on hate crimes, let's have it head up on hate crimes. Let's don't stick it into something as important as Defense authorization.

IN TRIBUTE TO ARMY PFC JEREMIAH J. MONROE

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

Mr. MURPHY of New York. I rise today with the very sad duty of reporting the tragic passing of Army Private First Class Jeremiah J. Monroe. PFC Monroe was taken from us on September 17, 2009, by a roadside bomb in Afghanistan, just 2 months after his deployment.

Private First Class Monroe was assigned to the 630th Route Clearance Company, 7th Engineer Battalion, 10th Mountain Division, based in Fort Drum, New York. A beloved father, brother, son, friend, and soldier from Warren County, Jeremiah, will be sorely missed by the entire Adirondack and Fort Drum communities.

Jeremiah Monroe was just 31 years old. He quit his job last year as a tradesman to enlist in the Army. He wanted to support his daughter and the extended family and serve the Nation he loved and the ideals for which he gave the ultimate sacrifice.

Private First Class Monroe was willing to give his life in service to all of us and to the country that he loved. The expression of our gratitude for his sacrifice to our Nation is beyond words.

Jeremiah is survived by his mother, Dolores Monroe; his brother, Robert Monroe, Jr.; his 9-year-old daughter, Delilah Rose; and her mother, Michelle. On behalf of a grateful Nation, our thoughts and prayers are with the entire Monroe family, who lost four relatives in the last 18 months, including Jeremiah's father, Robert Monroe, Sr.

As we stand on this floor and debate the profound issues of our time, let us never forget the true cost of the freedoms we so often take for granted.

KEEP GITMO OPEN

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

Mr. SMITH of Texas. Mr. Speaker, Guantanamo Bay is a first-class detention center that cost American taxpayers $100 million. But the administration is begging other countries around the world to accept the terrorists that are held there. In its attempt to farm out these terrorists, the administration may be sowing the seeds of future attacks, as the U.S. will have little say over how long these terrorists are held.

An interview with designated terrorist Abdul Haq should give all Americans cause for concern. Of the detainees who might be transferred to the island of Palau, at least eight have admitted that Haq was their leader.

In a recently translated interview, Haq is clear about his ties to the Taliban and al Qaeda. He glorifies attacks against Americans and our allies, and even blesses Osama bin Laden.

So, once again, why are we closing a first-class detention facility and putting terrorists in a position where they can do Americans harm?

THE PASSING OF RICHARD SHADYAC

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

Mr. COHEN. I rise today to honor the life of Mr. Richard Shadyac, who passed away last Wednesday at the age of 80. He was the former chief executive officer of the American Lebanese Syrian Associated Charities, also known as ALSAC, which is the fundraising arm of St. Jude Children's Research Hospital.

Mr. Shadyac leaves a wife, Lynn, and two children; Richard, who will take on his work at ALSAC, and a son Tom who is distinguished in the entertainment industry.

Mr. Shadyac served as CEO of St. Jude for over 13 years. He led an effort that raised millions of dollars for the purpose of research treating childhood cancers and other diseases.

St. Jude Children's Research Hospital is the leading hospital and research center on catastrophic illnesses in the Nation. It is located in Memphis, Tennessee. It was founded by Mr. Shadyac's good friend, Danny Thomas. After Mr. Thomas passed, Mr. Shadyac knew that they needed a new public face—and the new public face was the children—the children of St. Jude, who it serves.

Under his leadership, donations increased fourfold. He worked closely with the patients. He visited them often and stayed in touch with the families. He was a strong voice in the fight against cancer.

He was an important force here in Washington, where he represented the Lebanese Government at one point, and was one of the founders of the American Arab groups that worked to better relations with our Nation.

Our heart goes out to Mr. Shadyac's family and the St. Jude community. We will remember him for all of his good deeds and his work that will save many children's lives.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 21, 2009.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Monday, September 21, 2009 at 5:18 p.m., and said to contain a message from the President whereby he notifies the Congress he has extended the national emergency with respect to those who commit, threaten to commit, or support terrorism.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111–64)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2009.

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks on September 11, 2001, in New York and Pennsylvania and against the Pentagon, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism, and maintain in force the comprehensive sanctions to respond to this threat.

BARACK OBAMA.
THE WHITE HOUSE, *September 21, 2009.*

□ 1415

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.

Any record vote on postponed questions will be taken after 6:30 p.m. today.

CORAL REEF CONSERVATION ACT REAUTHORIZATION AND ENHANCEMENT AMENDMENTS OF 2009

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 860) to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 860

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

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the ''Coral Reef Conservation Act Reauthorization and Enhancement Amendments of 2009''.

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

SEC. 2. AMENDMENT OF CORAL REEF CONSERVATION ACT OF 2000.

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 Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.).

TITLE I—AMENDMENTS TO THE CORAL REEF CONSERVATION ACT

SEC. 101. EXPANSION OF CORAL REEF CONSERVATION PROGRAM.

(a) PROJECT DIVERSITY.—Section 204(d) (16 U.S.C. 6403(d)) is amended—

(1) in the heading by striking ''GEOGRAPHIC AND BIOLOGICAL'' and inserting ''PROJECT''; and

(2) by striking paragraph (3) and inserting the following:

''(3) Remaining funds shall be awarded for—

''(A) projects (with priority given to community-based local action strategies) that address emerging priorities or threats, including international and territorial priorities, or threats identified by the Administrator in consultation with the United States Coral Reef Task Force; and

''(B) other appropriate projects, as determined by the Administrator, including monitoring and assessment, research, pollution reduction, education, and technical support.''.

(b) APPROVAL CRITERIA.—Section 204(g) (16 U.S.C. 6403(g)) is amended—

(1) by striking ''or'' after the semicolon in paragraph (9);

(2) by striking paragraph (10); and

(3) by inserting after paragraph (9) the following:

''(10) promoting activities designed to minimize the likelihood of vessel impacts on coral reefs, particularly those areas identified under section 210(b), including the promotion of ecologically sound navigation and anchorages near coral reefs; or

''(11) promoting and assisting entities to work with local communities, and all appropriate governmental and nongovernmental organizations, to support community-based planning and management initiatives for the protection of coral reef ecosystems.''.

SEC. 102. EMERGENCY RESPONSE.

Section 206 (16 U.S.C. 6405) is amended to read as follows:

''SEC. 206. EMERGENCY RESPONSE ACTIONS.

''(a) IN GENERAL.—The Administrator may undertake or authorize action necessary—

''(1) to minimize the destruction of or injury to a coral reef, or loss of an ecosystem function of a coral reef, from—

''(A) vessel impacts, derelict fishing gear, vessel anchors, and anchor chains; and

''(B) from unforeseen or disaster-related circumstances as a result of human activities; and

''(2) to stabilize, repair, recover, or restore a coral reef that is destroyed or injured, or that has incurred the loss of an ecosystem function, as described in paragraph (1).

''(b) VESSEL REMOVAL; STABILIZATION.—Action authorized by subsection (a) includes vessel removal and emergency stabilization of the vessel or any impacted coral reef.

''(c) PARTNERING WITH OTHER FEDERAL AND STATE AGENCIES.—When possible, action by the Administrator under this section should—

''(1) be conducted in partnership with other government agencies as appropriate, including—

''(A) the Coast Guard, the Federal Emergency Management Agency, the Army Corps of Engineers, the Environmental Protection Agency, and the Department of the Interior; and

''(B) agencies of States; and

''(2) leverage resources of other agencies.

''(d) EMERGENCY RESPONSE ASSISTANCE BY OTHER FEDERAL AND STATE AGENCIES.—

''(1) IN GENERAL.—The head of any other Federal or State agency may assist the Administrator in emergency response actions under this section, using funds available for operations of the agency concerned.

''(2) REIMBURSEMENT.—The Administrator, subject to the availability of appropriations, may reimburse a Federal or State agency for assistance provided under paragraph (1).

''(e) LIABILITY FOR COSTS AND DAMAGES TO CORAL REEFS.—

''(1) TREATMENT OF CORAL REEFS UNDER NATIONAL MARINE SANCTUARIES ACT.—For purposes of the provisions set forth in paragraph (2), and subject to paragraph (5), each of the terms 'sanctuary resources', 'resource', 'sanctuary resource managed under law or regulations for that sanctuary', 'national marine sanctuary', 'sanctuary resources of the national marine sanctuary', and 'sanctuary resources of other national marine sanctuaries' is deemed to include any coral reef that is subject to the jurisdiction of the United States or any State, without regard to whether such coral reef is located in a national marine sanctuary.

''(2) APPLICABLE PROVISIONS OF NATIONAL MARINE SANCTUARIES ACT.—The provisions referred to in paragraph (1) are the following provisions of the National Marine Sanctuaries Act:

''(A) Paragraphs (6) and (7) of section 302 (16 U.S.C. 1432).

''(B) Paragraphs (1), (2), (3), and (4) of section 306 (16 U.S.C. 1436).

''(C) Section 307 (16 U.S.C. 1437).

''(D) Section 312 (16 U.S.C. 1443).

''(3) EXEMPTIONS.—The destruction, loss, or injury of a coral reef or any component thereof is not unlawful if it was—

''(A) caused by the use of fishing gear in a manner that is not prohibited under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) or other Federal or State law; or

''(B) caused by an activity that is authorized by Federal or State law, including any lawful discharge from a vessel of graywater, cooling water, engine exhaust, ballast water, or sewage from a marine sanitation device, unless the destruction, loss, or injury is a result of a vessel grounding, a vessel scraping, anchor damage, or excavation that is not authorized by a Federal or State permit;

''(C) the necessary result of bona fide marine scientific research (including marine scientific research activities approved by Federal, State, or local permits), other than—

''(i) sampling or collecting; and

''(ii) destruction, loss, or injury that is a result of a vessel grounding, a vessel scraping, anchor damage, or excavation that is not authorized by a Federal or State permit; or

''(D)(i) caused by a Federal Government agency in—

''(I) an emergency that posed an unacceptable threat to human health or safety or to the marine environment;

''(II) an emergency that posed a threat to national security; or

''(III) an activity necessary for law enforcement purposes or search and rescue; and

''(ii) could not be avoided.

''(4) CLARIFICATION OF LIABILITY.—A person is not liable under this subsection if that person establishes that—

''(A) the destruction or loss of, or injury to, the coral reef or coral reef ecosystem was caused solely by an act of God, an act of war, or an act of omission of a third party, and the person acted with due care;

''(B) the destruction, loss, or injury was caused by an activity authorized by Federal or State law; or

''(C) the destruction, loss, or injury was negligible.

''(5) STATE CONSENT REQUIRED.—

''(A) IN GENERAL.—This subsection shall not apply to any coral reef that is subject to the jurisdiction of a State unless the Governor of that State notifies the Secretary that the State consents to that application.

''(B) REVOCATION OF CONSENT.—The governor of a State may revoke consent under subparagraph (A) by notifying the Secretary of such revocation.

''(6) CONSISTENCY WITH INTERNATIONAL LAWS AND TREATIES.—

''(A) IN GENERAL.—Any action taken under the authority of this subsection must be consistent with otherwise applicable international laws and treaties.

''(B) ACTIONS AUTHORIZED WITH RESPECT TO VESSELS.—For purposes of subparagraph (A), actions authorized under this subsection include vessel removal, and emergency re-stabilization of a vessel and any coral reef that is impacted by a vessel.

''(7) LIABILITY UNDER OTHER PROVISIONS.—Nothing in this title shall alter the liability of any person under any other provision of law.''.

SEC. 103. NATIONAL PROGRAM.

(a) PURPOSE OF ACT.—Section 202 (16 U.S.C. 6401) is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively, and by inserting after paragraph (1) the following:

''(2) to promote the resilience of coral reef ecosystems;''.

(2) by amending paragraph (4), as so redesignated, to read as follows:

''(4) to develop sound scientific information on the condition of coral reef ecosystems and the threats to such ecosystems including large-scale threats related to climate change, such as ocean acidification, to benefit local communities and the Nation, and to the extent practicable to support and enhance management and research capabilities at local management agencies and local research and academic institutions;''; and

(3) by striking ''and'' after the semicolon at the end of paragraph (6), as so redesignated, by striking the period at the end of

paragraph (7), as so redesignated, and inserting ''; and'', and by adding at the end the following:

''(8) to recognize the benefits of healthy coral reefs to island and coastal communities and to encourage Federal action to ensure, to the maximum extent practicable, the continued availability of those benefits.''.

(b) GOALS AND OBJECTIVES OF NATIONAL CORAL REEF ACTION STRATEGY.—Section 203(b)(8) (16 U.S.C. 6402(b)(8)) is amended to read as follows:

''(8) conservation, including resilience and the consideration of island and local traditions and practices.''.

(c) AMENDMENTS RELATING TO ACTIVITIES TO CONSERVE CORAL REEFS AND CORAL REEF ECOSYSTEMS.—Section 207(b) (16 U.S.C. 6406(b)) is amended—

(1) in paragraph (3) by striking ''and'' after the semicolon;

(2) in paragraph (4)—

(A) by striking ''cooperative conservation'' and inserting ''cooperative research, conservation,''; and

(B) by striking ''partners.'' and inserting ''partners, including academic institutions located in States;''; and

(3) by adding at the end the following:

''(5) improving and promoting the resilience of coral reefs and coral reef ecosystems; and

''(6) activities designed to minimize the likelihood of vessel impacts or other physical damage to coral reefs, including those areas identified in section 210(b).''.

(d) CRITERIA FOR APPROVAL OF PROJECT PROPOSALS.—Section 204(g) (16 U.S.C. 6403(g)) is further amended by striking ''or'' after the semicolon at the end of paragraph (10), by redesignating paragraph (11) as paragraph (12), and by inserting after paragraph (10) the following:

''(11) improving and promoting the resilience of coral reefs and coral reef ecosystems; or''.

(e) DATA ARCHIVE, ACCESS, AND AVAILABILITY.—Section 207 (16 U.S.C. 6406) is amended—

(1) in subsection (b) (as amended by subsection (b) of this section) by striking ''and'' after the semicolon at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting ''; and'', and by adding at the end the following:

''(7) centrally archiving, managing, and distributing data sets and providing coral reef ecosystem assessments and services to the general public with local, regional, or international programs and partners.''; and

(2) by adding at the end the following:

''(c) DATA ARCHIVE, ACCESS, AND AVAILABILITY.—The Secretary, in coordination with similar efforts at other Departments and agencies shall provide for the long-term stewardship of environmental data, products, and information via data processing, storage, and archive facilities pursuant to this title. The Secretary may—

''(1) archive environmental data collected by Federal, State, local agencies and tribal organizations and federally funded research;

''(2) promote widespread availability and dissemination of environmental data and information through full and open access and exchange to the greatest extent possible, including in electronic format on the Internet;

''(3) develop standards, protocols and procedures for sharing Federal data with State and local government programs and the private sector or academia; and

''(4) develop metadata standards for coral reef ecosystems in accordance with Federal Geographic Data Committee guidelines.''.

SEC. 104. REPORT TO CONGRESS.

Section 208 (16 U.S.C. 6407) is amended to read as follows:

''SEC. 208. REPORT TO CONGRESS.

''Not later than March 1, 2010, and every 5 years thereafter, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives a report describing all activities undertaken to implement the strategy, including—

''(1) a description of the funds obligated by each participating Federal agency to advance coral reef conservation during each fiscal year of the 5-fiscal-year period preceding the fiscal year in which the report is submitted;

''(2) a description of Federal interagency and cooperative efforts with States and nongovernmental partner organizations to prevent or address overharvesting, coastal runoff, or other anthropogenic impacts on coral reef ecosystems, including projects undertaken with the Department of the Interior, the Department of Agriculture, the Environmental Protection Agency, and the Army Corps of Engineers;

''(3) a summary of the information contained in the vessel grounding inventory established under section 210, including additional authorization or funding, needed for response and removal of such vessels;

''(4) a description of Federal disaster response actions taken pursuant to the National Response Plan to address damage to coral reefs and coral reef ecosystems; and

''(5) an assessment of the condition of United States coral reefs, accomplishments under this Act, and the effectiveness of management actions to address threats to coral reefs, including actions taken to address large-scale threats to coral reef ecosystems related to climate change.''.

SEC. 105. FUND; GRANTS; GROUNDING INVENTORY; COORDINATION.

The Act (16 U.S.C. 6401 et seq.) is amended—

(1) in section 205(a) (16 U.S.C. 6404(a)), by striking ''organization solely'' and all that follows and inserting ''organization—

''(1) to support partnerships between the public and private sectors that further the purposes of this Act and are consistent with the national coral reef strategy under section 203; and

''(2) to address emergency response actions under section 206.'';

(2) by adding at the end of section 205(b) (16 U.S.C. 6404(b)) the following: ''The organization is encouraged to solicit funding and in-kind services from the private sector, including nongovernmental organizations, for emergency response actions under section 206 and for activities to prevent damage to coral reefs, including areas identified in section 210(b)(2).'';

(3) in section 205(c) (16 U.S.C. 6404(c)), by striking ''the grant program'' and inserting ''any grant program or emergency response action'';

(4) by redesignating sections 209 and 210 as sections 217 and 218, respectively; and

(5) by inserting after section 208 the following:

''SEC. 209. COMMUNITY-BASED PLANNING GRANTS.

''(a) IN GENERAL.—The Administrator may make grants to entities that are eligible to receive grants under section 204(c) to provide additional funds to such entities to work with local communities and through appropriate Federal and State entities to prepare and implement plans for the increased protection of coral reef areas identified by the community and scientific experts as high priorities for focused attention. The plans shall—

''(1) support attainment of one or more of the criteria described in section 204(g);

''(2) be developed at the community level;

''(3) utilize where applicable watershed-based or ecosystem-based approaches;

''(4) provide for coordination with Federal and State experts and managers;

''(5) build upon local approaches or models, including traditional or island-based resource management concepts; and

''(6) complement local action strategies or regional plans for coral reef conservation.

''(b) TERMS AND CONDITIONS.—The provisions of subsections (b), (d), (f), and (h) of section 204 apply to grants under subsection (a), except that, for the purpose of applying section 204(b)(1) to grants under this section, '75 percent' shall be substituted for '50 percent'.

''SEC. 210. VESSEL GROUNDING INVENTORY.

''(a) IN GENERAL.—The Administrator, in coordination with other Federal agencies, may maintain an inventory of all vessel grounding incidents involving coral reefs, including a description of—

''(1) the impacts to such resources;

''(2) vessel and ownership information, if available;

''(3) the estimated cost of removal, mitigation, or restoration;

''(4) the response action taken by the owner, the Administrator, the Commandant of the Coast Guard, or other Federal or State agency representatives;

''(5) the status of the response action, including the dates of vessel removal and mitigation or restoration and any actions taken to prevent future grounding incidents; and

''(6) recommendations for additional navigational aids or other mechanisms for preventing future grounding incidents.

''(b) IDENTIFICATION OF AT-RISK REEFS.—The Administrator may—

''(1) use information from any inventory maintained under subsection (a) or any other available information source to identify all coral reef areas that have a high incidence of vessel impacts, including groundings and anchor damage;

''(2) identify appropriate measures, including action by other agencies, to reduce the likelihood of such impacts; and

''(3) develop a strategy and timetable to implement such measures, including cooperative actions with other Government agencies and non-governmental partners.

''SEC. 211. REGIONAL, STATE, AND TERRITORIAL COORDINATION.

''(a) REGIONAL COORDINATION.—The Secretary and other Federal members of the United States Coral Reef Task Force shall work in coordination and collaboration with other Federal agencies and States to implement the strategies developed under section 203, including regional and local strategies, to address multiple threats to coral reefs and coral reef ecosystems such as coastal runoff, vessel impacts, and overharvesting.

''(b) RESPONSE AND RESTORATION ACTIVITIES.—The Secretary shall enter into written agreements with any States in which coral reefs are located regarding the manner in which response and restoration activities will be conducted within the affected State's waters. Nothing in this subsection shall be construed to limit Federal response and restoration activity authority before any such agreement is final.

''(c) COOPERATIVE ENFORCEMENT AGREEMENTS.—All cooperative enforcement agreements in place between the Secretary and States affected by this title shall be updated to include enforcement of this title where appropriate.

''SEC. 212. AGREEMENTS.

''(a) IN GENERAL.—The Administrator may execute and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this title.

''(b) FUNDING.—Under an agreement entered into under subsection (a), the Secretary may fulfill the terms of the agreement by reimbursing or providing appropriated funds to, and may receive funds or reimbursements from, Federal agencies, instrumentalities and laboratories; State and local governments; Native American tribes and organizations; international organizations; foreign governments; universities and research centers; educational institutions; nonprofit organizations; commercial organizations; and other public and private persons or entities, as necessary for purposes identified in section 202 and actions taken under subsections (a) through (d) of section 206.

''(c) MULTIYEAR COOPERATIVE AGREEMENTS.—The Administrator may enter into multiyear cooperative agreements with the heads of other Federal agencies, States, local governments, academic institutions, including marine laboratories and coral reef institutes, and nongovernmental organizations to carry out the activities of the national coral reef action strategy developed under section 203 and to implement regional strategies developed pursuant to section 211.

''(d) USE OF OTHER AGENCIES' RESOURCES.—For purposes related to the conservation, preservation, protection, restoration, or replacement of coral reefs or coral reef ecosystems and the enforcement of this title, the Administrator is authorized to use, with their consent and with or without reimbursement, the land, services, equipment, personnel, and facilities of any Department, agency, or instrumentality of the United States, or of any State, local government, or Indian tribal government, or of any political subdivision thereof, or of any foreign government or international organization.

''SEC. 213. INTERNATIONAL CORAL REEF CONSERVATION STRATEGY.

''(a) INTERNATIONAL CORAL REEF ECOSYSTEM STRATEGY.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Coral Reef Conservation Act Reauthorization and Enhancement Amendments of 2009, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources and the Committee on Foreign Affairs of the House of Representatives, and publish in the Federal Register, an international coral reef ecosystem strategy, consistent with the purposes of this title and the national strategy required pursuant to section 203(a). The Secretary shall periodically review and revise this strategy as necessary.

''(2) CONTENTS.—The strategy developed by the Secretary under paragraph (1) shall—

''(A) identify coral reef ecosystems throughout the world that are of high value for United States marine resources, that support high-seas resources of importance to the United States such as fisheries, or that support other interests of the United States;

''(B) summarize existing activities by Federal agencies and entities described in subsection (b) to address the conservation of coral reef ecosystems identified pursuant to subparagraph (A);

''(C) establish goals, objectives, and specific targets for conservation of priority international coral reef ecosystems;

''(D) describe appropriate activities to achieve the goals and targets for international coral reef conservation, in particular those that leverage activities already conducted under this title;

''(E) develop a plan to coordinate implementation of the strategy with entities described in subsection (b) in order to leverage current activities under this title and other conservation efforts globally;

''(F) identify appropriate partnerships, grants, or other funding and technical assistance mechanisms to carry out the strategy; and

''(G) develop criteria for prioritizing partnerships under subsection (c).

''(b) COORDINATION.—In carrying out this section, the Secretary shall consult with the Secretary of State, the Administrator of the Agency for International Development, the Secretary of the Interior, and other relevant Federal agencies, and relevant United States stakeholders, and shall take into account coral reef ecosystem conservation initiatives of other nations, international agreements, and intergovernmental and nongovernmental organizations so as to provide effective cooperation and efficiencies in international coral reef conservation. The Secretary may consult with the United States Coral Reef Task Force in carrying out this subsection.

''(c) INTERNATIONAL CORAL REEF ECOSYSTEM PARTNERSHIPS.—

''(1) IN GENERAL.—The Secretary may establish an international coral reef ecosystem partnership program to provide support, including funding and technical assistance, for activities that implement the strategy developed pursuant to subsection (a).

''(2) MECHANISMS.—The Secretary shall provide such support working in collaboration with the entities described in subsection (b).

''(3) CRITERIA FOR APPROVAL.—The Secretary may not approve a partnership proposal under this section unless the partnership is consistent with the international coral reef conservation strategy developed pursuant to subsection (a), and meets the criteria specified in that strategy.

''(d) PRIORITY FOR CERTAIN PROJECTS CONDUCTED BY STATES.—In implementing this section, the Secretary shall give priority consideration to regional initiatives and projects that States are participating in with other nations.

''SEC. 214. PERMITS.

''(a) IN GENERAL.—The Administrator may, in accordance with this section and regulations issued under this title, issue a permit authorizing the conduct of bona fide research.

''(b) EXEMPT ACTIVITIES.—No permit under this section is required for an activity that is exempt from liability under section 206(e).

''(c) TERMS AND CONDITIONS.—The Administrator may place any terms and conditions on a permit issued under this section that the Administrator deems reasonable.

''(d) FEES.—

''(1) ASSESSMENT AND COLLECTION.—Subject to regulations issued under this title, the Administrator may assess and collect fees as specified in this subsection.

''(2) AMOUNT.—Any fee assessed shall be equal to the sum of—

''(A) all costs incurred, or expected to be incurred, by the Administrator in processing the permit application, including indirect costs; and

''(B) if the permit is approved, all costs incurred, or expected to be incurred, by the Administrator as a direct result of the conduct of the activity for which the permit is issued.

''(3) USE OF FEES.—Amounts collected by the Administrator in the form of fees under this section shall be collected and available for use only to the extent provided in advance in appropriations Acts and may be used by the Administrator for issuing and administering permits under this section.

''(4) WAIVER OR REDUCTION OF FEES.—For any fee assessed under paragraph (2) of this subsection, the Administrator may—

''(A) accept in-kind contributions in lieu of a fee; or

''(B) waive or reduce the fee.

''(e) FISHING.—Nothing in this section shall be considered to require a person to obtain a permit under this section for the conduct of any fishing activity that is not prohibited by this title or regulations issued under this title.

''SEC. 215. REGULATIONS; APPLICATION IN ACCORDANCE WITH INTERNATIONAL LAW.

''(a) REGULATIONS.—The Administrator may issue such regulations as are necessary and appropriate to carry out the purposes of sections 206 and 214.

''(b) RELATIONSHIP TO INTERNATIONAL LAW.—This title and any regulations promulgated under this title shall be applied in accordance with international law. No restrictions shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States (including foreign flag vessels) unless in accordance with international law.''.

SEC. 106. CLARIFICATION OF DEFINITIONS.

Section 218, as redesignated by section 105 of this Act (relating to definitions; 16 U.S.C. 6409), is further amended—

(1) by amending paragraph (2) to read as follows:

''(2) CONSERVATION.—The term 'conservation' means the use of methods and procedures that are necessary to preserve or sustain coral reefs and associated species as resilient diverse, viable, and self-perpetuating coral reef ecosystems, including—

''(A) all activities associated with resource management, such as assessment, conservation, protection, restoration, sustainable use, and management of habitat;

''(B) mapping;

''(C) monitoring of coral reef ecosystems;

''(D) development and implementation of management strategies for marine protected area or networks thereof and marine resources consistent with the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

''(E) law enforcement;

''(F) conflict resolution initiatives;

''(G) community outreach and education; and

''(H) activities that promote safe and ecologically sound navigation.'';

(2) by amending paragraph (3) to read as follows:

''(3) CORAL.—The term 'coral' means species of the phylum Cnidaria, including—

''(A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Gorgonacea (horny corals), Stolonifera (organ-pipe corals and others), Alcyonacea (soft corals), and Helioporacea (blue coral), of the class Anthozoa; and

''(B) all species of the families Milleporidae (fire corals) and Stylasteridae (stylasterid hydrocorals), of the class Hydrozoa.'';

(3) by amending paragraph (4) to read as follows:

''(4) CORAL REEF.—The term 'coral reef' means a limestone structure, in the form of a reef or shoal, comprised in whole or in part by living coral, skeletal remains of coral, and other associated sessile marine plants and animals.'';

(4) by amending paragraph (5) to read as follows:

''(5) CORAL REEF ECOSYSTEM.—The term 'coral reef ecosystem' means a system of coral reefs and geographically associated species, habitats, and environment, including mangroves and seagrass habitats, and the processes that control its dynamics.''; and

(5) by redesignating paragraphs (7) and (8) in order as paragraphs (8) and (9), respectively, and by inserting after paragraph (6) the following:

''(7) CORAL REEF COMPONENT.—The term 'coral reef component' means any part of a

coral reef, including individual living coral, skeletal remains of coral, and other associated sessile marine plants and animals, and any adjacent or associated seagrasses.''.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

Section 217, as redesignated by section 105 of this Act (relating to authorization of appropriations; 16 U.S.C. 6408), is further amended—

(1) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce to carry out this title $30,000,000 for fiscal year 2010, $32,000,000 for fiscal year 2011, $34,000,000 for fiscal year 2012, and $35,000,000 for fiscal years 2013 and 2014.'';

(2) in subsection (b) by striking ''$1,000,000'' and inserting ''$2,000,000'';

(3) by striking subsection (c) and inserting the following:

''(c) COMMUNITY-BASED PLANNING GRANTS.—There is authorized to be appropriated to the Administrator to carry out section 209, $8,000,000 for fiscal years 2010 through 2014, to remain available until expended.''; and

(4) by striking subsection (d) and inserting the following:

''(d) DEPARTMENT OF THE INTERIOR.—There is authorized to be appropriated to the Secretary of the Interior to carry out this title $10,000,000 for each of fiscal years 2010 through 2014.''.

TITLE II—UNITED STATES CORAL REEF TASK FORCE

SEC. 201. UNITED STATES CORAL REEF TASK FORCE.

(a) ESTABLISHMENT.—There is hereby established the United States Coral Reef Task Force.

(b) GOAL.—The goal of the Task Force shall be to lead, coordinate, and strengthen Federal Government actions to better preserve and protect coral reef ecosystems.

(c) DUTIES.—The duties of the Task Force shall be—

(1) to coordinate, in cooperation with State and local government partners, academic partners, and nongovernmental partners if appropriate, activities regarding the mapping, monitoring, research, conservation, mitigation, restoration of coral reefs and coral reef ecosystems;

(2) to monitor and advise regarding implementation of the policy and Federal agency responsibilities set forth in Executive Order 13089 and the national coral reef action strategy developed under section 203 of the Coral Reef Conservation Act of 2000, as amended by this Act; and

(3) to work with the Secretary of State and the Administrator of the Agency for International Development, and in coordination with the other members of the Task Force, to—

(A) assess the United States role in international trade and protection of coral species; and

(B) encourage implementation of appropriate strategies and actions to promote conservation and sustainable use of coral reef resources worldwide.

(d) MEMBERSHIP, GENERALLY.—The Task Force shall be comprised of—

(1) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, and the Secretary of the Interior, who shall be co-chairs of the Task Force;

(2) the Administrator of the Agency of International Development;

(3) the Secretary of Agriculture;

(4) the Secretary of Defense;

(5) the Secretary of the Army, acting through the Corps of Engineers;

(6) the Secretary of Homeland Security;

(7) the Attorney General;

(8) the Secretary of State;

(9) the Secretary of Transportation;

(10) the Administrator of the Environmental Protection Agency;

(11) the Administrator of the National Aeronautics and Space Administration;

(12) the Director of the National Science Foundation;

(13) the Governor, or a representative of the Governor, of the Commonwealth of the Northern Mariana Islands;

(14) the Governor, or a representative of the Governor, of the Commonwealth of Puerto Rico;

(15) the Governor, or a representative of the Governor, of the State of Florida;

(16) the Governor, or a representative of the Governor, of the State of Hawaii;

(17) the Governor, or a representative of the Governor, of the Territory of Guam;

(18) the Governor, or a representative of the Governor, of the Territory of American Samoa; and

(19) the Governor, or a representative of the Governor, of the Virgin Islands.

(e) NONVOTING MEMBERS.—The President, or a representative of the President, of each of the Freely Associated States of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau may appoint a nonvoting member of the Task Force.

(f) RESPONSIBILITIES OF FEDERAL AGENCY MEMBERS.—

(1) IN GENERAL.—The Federal agency members of the Task Force shall—

(A) identify the actions of their agencies that may affect coral reef ecosystems;

(B) utilize the programs and authorities of their agencies to protect and enhance the conditions of such ecosystems; and

(C) assist in the implementation of the National Action Plan to Conserve Coral Reefs, the national coral reef action strategy developed under section 203 of the Coral Reef Conservation Act of 2000, as amended by this Act, the local action strategies, and any other coordinated efforts approved by the Task Force.

(2) CO-CHAIRS.—In addition to their responsibilities under paragraph (1), the co-chairs of the Task Force shall administer performance of the functions of the Task Force and facilitate the coordination of the Federal agency members of the Task Force.

(g) WORKING GROUPS.—

(1) IN GENERAL.—The co-chairs of the Task Force may establish working groups as necessary to meet the goals and duties of this title. The Task Force may request the co-chairs to establish such a working group.

(2) PARTICIPATION BY NONGOVERNMENTAL ORGANIZATIONS.—The co-chairs may allow a nongovernmental organization or academic institution to participate in such a working group.

(h) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

(i) DEFINITIONS.—The definitions in section 218 of the Coral Reef Conservation Act of 2000, as amended by this Act, shall apply to this section.

TITLE III—DEPARTMENT OF THE INTERIOR CORAL REEF AUTHORITIES

SEC. 301. AMENDMENTS RELATING TO DEPARTMENT OF THE INTERIOR PROGRAM.

(a) AMENDMENTS AND CLARIFICATIONS TO DEFINITIONS.—

(1) FISH AND WILDLIFE COORDINATION ACT.—Section 8 of the Fish and Wildlife Coordination Act (16 U.S.C. 666b) is amended by inserting before the period at the end the following: '', including coral reef ecosystems (as such term is defined in section 218 of the Coral Reef Conservation Act of 2000) located in any unit of the National Park System, any unit of the National Wildlife Refuge System, or any Marine National Monument designated under the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431) (popularly known as the 'Antiquities Act')''.

(2) FISH AND WILDLIFE ACT OF 1956 AND FISH AND WILDLIFE IMPROVEMENT ACT OF 1978.—With respect to the authorities under the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) and the authorities under the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 7421), references in such Acts to ''wildlife'' and ''fish and wildlife'' shall be construed to include coral reef ecosystems (as such term is defined in section 218 of the Coral Reef Conservation Act of 2000, as amended by this Act) located in any unit of the National Park System, any unit of the National Wildlife Refuge System, or any Marine National Monument designated under the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431) (popularly known as the ''Antiquities Act'').

(b) CORAL REEF CONSERVATION ASSISTANCE.—

(1) IN GENERAL.—The Secretary of the Interior may provide technical assistance and, subject to the availability of appropriations, financial assistance for the conservation of coral reefs.

(2) DEFINITIONS.—In this subsection each of the terms ''conservation'' and ''coral reef'' has the meaning that term has under section 218 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6409), amended by this Act.

SEC. 302. CLARIFICATION OF DEFINITIONS.

Section 218, as redesignated by section 105 of this Act (relating to definitions; 16 U.S.C. 6409), is further amended—

(1) by amending paragraph (1) to read as follows:

''(1) ADMINISTRATOR.—The term 'Administrator'—

''(A) except as provided in subparagraph (B), means the Administrator of the National Oceanic and Atmospheric Administration; and

''(B) in sections 206, 209, 212, 214, and 215, means the Secretary of the Interior for purposes of application of those sections to national park units and national wildlife refuges.''; and

(2) by amending paragraph (7) to read as follows:

''(7) SECRETARY.—The term 'Secretary'—

''(A) except as provided in subparagraphs (B) and (C), means the Secretary of Commerce;

''(B) in section 206(e), means—

''(i) the Secretary of the Interior, with respect to any coral reef or component thereof that is located in—

''(I) any unit of the National Park System;

''(II) any unit of the National Wildlife Refuge System; or

''(III) any Marine National Monument designated under any of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.), the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 695j–1 et seq.) and the provisions of law enacted by that Act, and the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431) (popularly known as the 'Antiquities Act') and that is under the administrative jurisdiction of the Secretary of the Interior; and

''(ii) the Secretary of Commerce, with respect to any other coral reef or component thereof that is located in any Marine National Monument designated under a law referred to in clause (i)(III); and

''(C) in sections 203, means the Secretary of Commerce and the Secretary of the Interior.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

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

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

There was no objection.

Ms. BORDALLO. Mr. Speaker, last year the release of the Monaco Declaration made it apparent that ocean acidification is inevitable and will cause severe damage to coral reef ecosystems. This consensus of over 150 scientists from 26 nations is a clear statement that we must take action now to reduce and eliminate stresses on corals so that they can be conserved for future generations. H.R. 860, the Coral Reef Conservation Act Reauthorization and Enhancement Amendments of 2009, enhances the Federal Government's ability to respond to emergency situations and to protect reefs from damage caused by vessel groundings. It also codifies the U.S. Coral Reef Task Force, which has worked tirelessly to build partnerships and strategies for on-the-ground and in-the-water actions to conserve these ecosystems.

There is an urgent need to pass H.R. 860 to improve our ability to reduce and eliminate the stresses on these precious coral reef ecosystems. Mr. Speaker, my district of Guam is one of the several U.S. Coral Reef Task Force jurisdictions. The health of coral reefs in the waters surrounding the island jurisdictions and off the State of Florida is key to our economic standing and to the protection of our environment. H.R. 860 is, therefore, of particular importance to my district. Reauthorizing the law will afford the territories the opportunity and the resources necessary to continue to develop and implement local action strategies for the conservation of our coral reefs in partnership with the Federal Government. So with that, Mr. Speaker, I ask Members on both sides to support its passage and look forward to the opportunity of working with leaders in the other body to enact this bill into law in this Congress.

I reserve the balance of my time.

I submit for the RECORD the following exchange of letters between the Committee on Natural Resources and the Committee on Foreign Affairs and the Committee on Science and Technology concerning H.R. 860.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, July 9, 2009.

Hon. NICK J. RAHALL II,
Chairman, Committee on Natural Resources, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning H.R. 860, the Coral Reef Conservation Act Reauthorization and Enhancement Amendments of 2009.

H.R. 860 contains provisions within the Rule X jurisdiction of the Committee on Foreign Affairs. In the interest of permitting your Committee to proceed expeditiously to floor consideration of this important bill, I am willing to waive this Committee's right mark up these bills. I do so with the understanding that by waiving consideration of H.R. 860, the Committee on Foreign Affairs does not waive any future jurisdictional claim over the subject matters contained in the bills which fall within its Rule X jurisdiction.

Further, I request your support for the appointment of Foreign Affairs Committee conferees during any House-Senate conference convened on this legislation. I would ask that you place this letter into the committee report on H.R. 860 and insert the letters in the Congressional Record when the House has this bill under consideration.

I look forward to working with you as we move these important measures through the legislative process.

Sincerely,

HOWARD L. BERMAN,
Chairman.

COMMITTEE ON NATURAL RESOURCES,
Washington, DC, July 9, 2009.

Hon. HOWARD BERMAN,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR HOWARD: Thank you for your willingness to expedite floor consideration of H.R. 860, the Coral Reef Conservation Act Reauthorization and Enhancement Amendments of 2009.

I appreciate your willingness to waive rights to further consideration of H.R. 860, even though your Committee has a jurisdictional interest in the matter and would receive a sequential referral. Of course, this waiver does not prejudice any further jurisdictional claims by your Committee over this legislation or similar language. Furthermore, I agree to support your request for appointment of conferees from the Committee on Foreign Affairs if a conference is held on this matter.

This exchange of letters will be placed in the committee report and inserted in the Congressional Record as part of the consideration of the bill on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am

Sincerely,

NICK J. RAHALL II,
Chairman, Committee on Natural Resources.

COMMITTEE ON SCIENCE
AND TECHNOLOGY,
Washington, DC, September 22, 2009.

Hon. NICK RAHALL,
Chairman, Committee on Natural Resources, House of Representatives, Washington, DC.

DEAR CHAIRMAN RAHALL: I am writing to you concerning the jurisdictional interest of the Committee on Science and Technology in H.R. 860, To reauthorize the Coral Reef Conservation Act of 2000, and for other purposes.

Our committee recognizes the importance of H.R. 860 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over the bill, I do not intend to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forego a sequential referral waives, reduces or otherwise affects the jurisdiction of the Committee on Science and Technology, and that a copy of this letter and your response acknowledging our jurisdictional interest in the bill will be included as part of the Congressional Record during consideration of this bill by the House.

The Committee on Science and Technology also asks that you support our request to be conferees on the provisions over which we have jurisdiction during any House-Senate conference.

Thank you for your consideration in this matter.

Sincerely,

BART GORDON,
Chairman.

COMMITTEE ON NATURAL RESOURCES,
Washington, DC, September 22, 2009.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your willingness to expedite floor consideration of H.R. 860, the Coral Reef Conservation Act Reauthorization and Enhancement Amendments of 2009.

I appreciate your willingness to waive rights to further consideration of H.R. 860, even though your Committee has a jurisdictional interest in the matter and would receive a sequential referral. Of course, this waiver does not prejudice any further jurisdictional claims by your Committee over this legislation or similar language. Furthermore, I agree to support your request for appointment of conferees from the Committee on Science and Technology if a conference is held on this matter.

This exchange of letters will be inserted in the Congressional Record as part of the consideration of the bill on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am

Sincerely,

NICK J. RAHALL II,
Chairman, Committee on Natural Resources.

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

H.R. 860 reauthorizes the Coral Reef Conservation Act of 2000. That act provided grants for locally based actions to address locally identified threats to coral reefs. While H.R. 860, as introduced, was not a bill that Ranking Member HASTINGS could support, I appreciate the efforts by subcommittee Chair Ms. BORDALLO to address the concerns on our side of the aisle and to make this a much better piece of legislation than it was before. This legislation has a long way to go and faces hurdles in the Senate. I hope that we will be able to continue to work cooperatively across the aisle to make sure this legislation does not create new regulatory burdens on those activities that only indirectly affect coral reefs and does not create a new industry for litigation based on coral reef conservation.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I have no additional requests for time and would inquire of the minority whether they have any additional speakers.

Mr. CHAFFETZ. I yield such time as she may consume to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. I thank my good friend for yielding me the time.

Mr. Speaker, I rise in strong support of H.R. 860, the reauthorization of the

Coral Reef Conservation Act. In addition to having the tremendous honor of representing the Florida Keys here in the United States Congress, I'm also pleased to boast that my district is home to one of the most diverse ecosystems in the Nation, if not the world. The waters surrounding my district, Florida's 18th Congressional District, is home to America's only living barrier coral reef, which is also the second-largest coral reef tract in the world. The bill before us today, H.R. 860, would continue the Federal Government's efforts to protect and preserve the coral reef systems in the Florida Keys as well as in Hawaii and in Guam.

Coral reefs provide many economic, environmental and cultural benefits, particularly in my home district, where tourism brings in hundreds of millions of dollars every year. As the reefs sustain more damage every day, the tourism and ecosystem they help to maintain are threatened. This bill, in particular, will increase Federal oversight over the monitoring and rehabilitation efforts of our coral reef system while also promoting community-based conservation initiatives. In effect, local stakeholders and Federal agencies will work together to develop regionally approved and appropriate management plans.

One of the most important ways that this bill will help to protect coral reefs is by authorizing emergency responses to the physical damages that are sustained by coral reefs due to vessel groundings and impacts from derelict fishing gear. Having the distinct pleasure of taking part in two scuba diving missions to the Aquarius Undersea Laboratory in the Florida Keys, I witnessed just how important our coral reefs are not only to the environment but also for the education of our young people. In today's hyperlinked world, elementary students from Idaho can tune in to educational broadcasts on the dangers of coral bleaching and offshore drilling by the aquanauts working in the Aquarius. During one of my two visits to Aquarius, I had the pleasure of participating in a live question-and-answer session with local elementary school students on the issue of coral reef preservation.

Coral reefs are important to all Americans, not just to those of us who are fortunate enough to live in coastal areas. That is why I join my colleagues here today in strong support of H.R. 860, a bill which reaffirms the role of our Federal Government in protecting these precious coral resources for today and tomorrow's generations. Thank you for the time, my good friend from Utah, and I thank my wonderful friend from Guam, once again, for fighting for our Nation's environment.

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

Ms. BORDALLO. Mr. Speaker, I thank my colleagues, the gentlelady from Florida, Congresswoman ROS-LEHTINEN, for her very strong words in support of this bill and, of course, from the opposite side of the aisle, the manager of the bill here, Mr. CHAFFETZ of Utah. I want to thank them for their support.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of H.R. 860, legislation to reauthorize the Coral Reef Conservation Act of 2000. I want to commend the gentlelady from Guam who is my good friend and Chairwoman of the Subcommittee on Insular Affairs, Oceans and Wildlife, Congresswoman BORDALLO, for her leadership on this important issue. I also want to commend Chairman RAHALL and members of the Natural Resources Committee for bringing this important bill before the House for consideration.

Mr. Speaker, much has been said about how our coral reefs are in a critical state but it must be reemphasized that the conservation of coral reef is a national priority, especially given its ecological, social, economic and scientific value.

Known also as the "rainforests of the sea," coral reefs provide support to about 4,000 documented fish species, 800 species of hard corals, and hundreds of other species, which is more species per unit area compared to any other marine ecosystem.

Economically, coral reefs provide the basis for an estimated $400 billion global fishing and tourism industry. For the Territories in the South Pacific Region, the economic value of coral reefs is even steeper. For example, estimates of annual economic value of coral reefs in Guam ($127.3 million), the Commonwealth of the Northern Mariana Islands ($61.7 million), and American Samoa ($5.8 million), demonstrate the importance of this resource to island economies.

But even more significant, there is increasing interest in research on corals for possible cures for cancer, arthritis, human bacterial infections, viruses and other diseases. In addition, corals which live 300 years or more may contain environmental data that can assist scientists to better understand climate change and also improve studies on ocean acidification.

Yet, more than 28 percent of the world's coral reefs have been lost forever. The list of environmental threats facing coral reefs is long including overfishing and destructive fishing practices; ship groundings and debris; impacts of human population growth and shoreline development; polluted runoff and degraded water quality; and siltation and impaired water clarity.

In addition, more studies have revealed climate change also poses serious threats, including ocean acidification and warming of tropical and subtropical coastal waters. Such is the seriousness of threat on coral reefs that the global community declared 2008 as the International Year of the Reef. This was even recognized by the House in the last Congress through the unanimous passage of House Resolution 1112.

To address these many threats to coral reefs, Congress passed the Coral Reef Conservation Act which established the Coral Reef Conservation Program within the National Oceanic and Atmospheric Administration (NOAA) to fund coral reef conservation activities. H.R. 860 follows this successful model in place and provides additional tools and mechanisms to better protect our coral reefs.

In addition, I am especially encouraged that this bill also recognizes the importance of providing funding and resources to institutes that are directly impacted and also pursuing further exploration and research of coral reefs. Under this bill, universities and research centers, such as coral reef institutes or other educational institutions such as the University of Guam or American Samoa Community College, will be given resources and support to conduct ecological research and monitoring that builds capacity for more effective resource management.

I cannot reemphasize enough the importance of coral reefs to our nation and the rest of the world. I urge my colleagues to vote yes on H.R. 860 and help protect our coral reefs.

Mr. KIRK. Mr. Speaker, today I offer my strong support for the Coral Reef Conservation Act Reauthorization and Enhancement Amendments. Coral reefs are unique ecosystems that support over one million species globally, offer essential protection from hurricanes, typhoons, and tsunamis, and attract millions of vacationers each year. Unfortunately, these reefs face unparalleled dangers today from pollution, overfishing, coastal development, disease, habitat fragmentation, ship groundings, and warming waters.

Ten percent of coral reefs have already disappeared from U.S. waters alone while over seventy percent of the world's reefs are threatened. If this trend continues, more than forty percent of global coral reefs will be lost in the next two to ten years.

The Coral Reef Conservation Act Reauthorization addresses the coral reef crisis by taking strong actions in response to physical damages to reefs by developing scientific management strategies to promote reef resilience. I urge my colleagues to join me in support of this legislation critical to conserving our oceans' greatest treasures.

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

Mr. CHAFFETZ. Mr. Speaker, having no other speakers, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this bill. I thank them for their support on the floor here.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, as amended.

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

A motion to reconsider was laid on the table.

ILLEGAL, UNREPORTED, AND UNREGULATED FISHING ENFORCEMENT ACT OF 2009

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1080) to strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1080

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 ''Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2009''.

SEC. 2. AMENDMENTS TO THE HIGH SEAS DRIFTNET FISHING MORATORIUM PROTECTION ACT.

(a) ADMINISTRATION AND ENFORCEMENT.—Section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g) is amended by inserting before the first sentence the following:

''(a) IN GENERAL.—The Secretary and the Secretary of the department in which the Coast Guard is operating shall enforce this title, and the Acts to which this section applies, in accordance with this section. Each such Secretary may, by agreement, on a reimbursable basis or otherwise, utilize the personnel services, equipment (including aircraft and vessels), and facilities of any other Federal agency, and of any State agency, in the performance of such duties.

''(b) ACTS TO WHICH SECTION APPLIES.—This section applies to—

''(1) the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3631 et seq.);

''(2) the Dolphin Protection Consumer Information Act (16 U.S.C. 1385);

''(3) the Tuna Conventions Act of 1950 (16 U.S.C. 951 et seq.);

''(4) the North Pacific Anadromous Stocks Act of 1992 (16 U.S.C. 5001 et seq.);

''(5) the South Pacific Tuna Act of 1988 (16 U.S.C. 973 et seq.);

''(6) the Antarctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 2431 et seq.);

''(7) the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971 et seq.);

''(8) the Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 5601 et seq.); and

''(9) the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 et seq.).

''(c) ADMINISTRATION AND ENFORCEMENT.—The Secretary shall prevent any person from violating this title, or any Act to which this section applies, in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though sections 308 through 311 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858 through 1861) were incorporated into and made a part of and applicable to this title and each such Act.

''(d) SPECIAL RULES.—

''(1) IN GENERAL.—Notwithstanding the incorporation by reference of certain sections of the Magnuson-Stevens Fishery Conservation and Management Act under subsection (c), if there is a conflict between a provision of this subsection and the corresponding provision of any section of the Magnuson-Stevens Fishery Conservation and Management Act so incorporated, the provision of this subsection shall apply.

''(2) ADDITIONAL ENFORCEMENT AUTHORITY.—In addition to the powers of officers authorized pursuant to subsection (c), any officer who is authorized by the Secretary, or the head of any Federal or State agency that has entered into an agreement with the Secretary under subsection (a), to enforce the provisions of any Act to which this section applies may, with the same jurisdiction, powers, and duties as though section 311 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861) were incorporated into and made a part of each such Act—

''(A) search or inspect any facility or conveyance used or employed in, or which reasonably appears to be used or employed in, the storage, processing, transport, or trade of fish or fish products;

''(B) inspect records pertaining to the storage, processing, transport, or trade of fish or fish products;

''(C) detain, for a period of up to 5 days, any shipment of fish or fish product imported into, landed on, introduced into, exported from, or transported within the jurisdiction of the United States, or, if such fish or fish product is deemed to be perishable, sell and retain the proceeds therefrom for a period of up to 5 days;

''(D) make an arrest, in accordance with any guidelines which may be issued by the Attorney General, for any offense under the laws of the United States committed in the person's presence, or for the commission of any felony under the laws of the United States, if the person has reasonable grounds to believe that the person to be arrested has committed or is committing a felony;

''(E) search and seize, in accordance with any guidelines that are issued by the Attorney General; and

''(F) execute and serve any subpoena, arrest warrant, search warrant issued in accordance with rule 41 of the Federal Rules of Criminal Procedure, or other warrant or civil or criminal process issued by any officer or court of competent jurisdiction.

''(3) DISCLOSURE OF ENFORCEMENT INFORMATION.—The Secretary may disclose, as necessary and appropriate, information, including information collected under joint authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 71 et seq.) or the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 et seq.) or other statutes implementing international fishery agreements, to any other Federal or State government agency, the Food and Agriculture Organization of the United Nations, the secretariat or equivalent of an international fishery management organization or arrangement made pursuant to an international fishery agreement, or a foreign government, if—

''(A) such government, organization, or arrangement has policies and procedures to protect such information from unintended or unauthorized disclosure; and

''(B) such disclosure is necessary—

''(i) to ensure compliance with any law or regulation enforced or administered by the Secretary;

''(ii) to administer or enforce any international fishery agreement to which the United States is a party;

''(iii) to administer or enforce a binding conservation measure adopted by any international organization or arrangement to which the United States is a party;

''(iv) to assist in any investigative, judicial, or administrative enforcement proceeding in the United States; or

''(v) to assist in any law enforcement action undertaken by a law enforcement agency of a foreign government, or in relation to a legal proceeding undertaken by a foreign government.

''(e) PROHIBITED ACTS.—It is unlawful for any person—

''(1) to violate any provision of this title or any regulation or permit issued pursuant to this title;

''(2) to refuse to permit any officer authorized to enforce the provisions of this title to board, search, or inspect a vessel, aircraft, vehicle, or shoreside facility subject to such person's control for the purposes of conducting any search, investigation, or inspection in connection with the enforcement of this title, any regulation promulgated under this title, or any Act to which this section applies;

''(3) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any such authorized officer in the conduct of any search, investigation, or inspection described in paragraph (2);

''(4) to resist a lawful arrest for any act prohibited by this section or any Act to which this section applies;

''(5) to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detection of an other person, knowing that such person has committed any act prohibited by this section or any Act to which this section applies; or

''(6) to forcibly assault, resist, oppose, impede, intimidate, sexually harass, bribe, or interfere with—

''(A) any observer on a vessel under this title or any Act to which this section applies; or

''(B) any data collector employed by the National Marine Fisheries Service or under contract to any person to carry out responsibilities under this title or any Act to which this section applies.

''(f) CIVIL PENALTY.—Any person who commits any act that is unlawful under subsection (e) shall be liable to the United States for a civil penalty, and may be subject to a permit sanction, under section 308 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1858).

''(g) CRIMINAL PENALTY.—Any person who commits an act that is unlawful under subsection (e)(2), (e)(3), (e)(4), (e)(5), or (e)(6) is deemed to be guilty of an offense punishable under section 309(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1859(b)).

''(h) UTILIZATION OF FEDERAL AGENCY ASSETS.—''.

(b) ACTIONS TO IMPROVE THE EFFECTIVENESS OF INTERNATIONAL FISHERY MANAGEMENT ORGANIZATIONS.—Section 608 of such Act (16 U.S.C. 1826i) is amended by—

(1) inserting before the first sentence the following: ''(a) IN GENERAL.—'';

(2) in subsection (a) (as designated by paragraph (1) of this subsection) in the first sentence, inserting '', or arrangements made pursuant to an international fishery agreement,'' after ''organizations''; and

(3) adding at the end the following new subsections:

''(b) DISCLOSURE OF INFORMATION.—The Secretary may disclose, as necessary and appropriate, information, including information collected under joint authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 71 et seq.), the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 et seq.), any other statute implementing an international fishery agreement, to any other Federal or State government agency, the Food and Agriculture Organization of the United Nations, or the secretariat or equivalent of an international fishery management organization or arrangement made pursuant to an international fishery agreement, if such government, organization, or arrangement, respectively, has policies and procedures to protect such information from unintended or unauthorized disclosure.

''(c) IUU VESSEL LISTS.—The Secretary may—

''(1) develop, maintain, and make public a list of vessels and vessel owners engaged in illegal, unreported, or unregulated fishing or fishing-related activities in support of illegal, unreported, or unregulated fishing, including vessels or vessel owners identified by an international fishery management organization or arrangement made pursuant to an international fishery agreement, that—

''(A) the United States is party to; or

''(B) the United States is not party to, but whose procedures and criteria in developing and maintaining a list of such vessels and vessel owners are substantially similar to such procedures and criteria adopted pursuant to an international fishery agreement to which the United States is a party; and

''(2) take appropriate action against listed vessels and vessel owners, including action against fish, fish parts, or fish products from such vessels, in accordance with applicable United States law and consistent with applicable international law, including principles,

rights, and obligations established in applicable international fishery management agreements and trade agreements.

''(d) REGULATIONS.—The Secretary may promulgate regulations to implement this section.''.

(c) NOTIFICATION REGARDING IDENTIFICATION OF NATIONS.—Section 609(b) of such Act (166 U.S.C. 1826j(b)) is amended to read as follows:

''(b) NOTIFICATION.—The Secretary shall notify the President and that nation of such an identification.''.

(d) NATIONS IDENTIFIED UNDER SECTION 610.—Section 610(b)(1) of such Act (16 U.S.C. 1826k(b)(1)) is amended to read as follows:

''(1) notify, as soon as possible, the President and nations that have been identified under subsection (a), and also notify other nations whose vessels engage in fishing activities or practices described in subsection (a), about the provisions of this section and this Act;''.

(e) EFFECT OF CERTIFICATION UNDER SECTION 609.—Section 609(d)(3)(A)(i) of such Act (16 U.S.C. 1826j(d)(3)(A)(i)) is amended by striking ''that has not been certified by the Secretary under this subsection, or''.

(f) EFFECT OF CERTIFICATION UNDER SECTION 610.—Section 610(c)(5) of such Act (16 U.S.C. 1826k(c)(5)) is amended by striking ''that has not been certified by the Secretary under this subsection, or''.

(g) IDENTIFICATION OF NATIONS.—

(1) SCOPE OF IDENTIFICATION FOR ACTIONS OF FISHING VESSELS.—Section 609(a) of such Act (16 U.S.C. 1826j(a)) is amended—

(A) in the matter preceding paragraph (1) by striking ''2 years'' and inserting ''3 years'';

(B) in paragraph (1), by inserting ''that undermines the effectiveness of measures required by an international fishery management organization, taking into account whether'' after ''(1)''; and

(C) in paragraph (1), by striking ''vessels of''.

(2) ADDITIONAL GROUNDS FOR IDENTIFICATION.—Section 609(a) of such Act (16 U.S.C. 1826j(a)) is further amended—

(A) by redesignating paragraphs (1) and (2) in order as subparagraphs (A) and (B) (and by moving the margins of such subparagraphs 2 ems to the right);

(B) by inserting before the first sentence the following:

''(1) IDENTIFICATION FOR ACTIONS OF FISHING VESSELS.—''; and

(C) by adding at the end the following:

''(2) IDENTIFICATION FOR ACTIONS OF NATION.—Taking into account the factors described under section 609(a)(1), the Secretary shall also identify, and list in such report, a nation—

''(A) if it is violating, or has violated at any point during the preceding three years, conservation and management measures required under an international fishery management agreement to which the United States is a party and the violations undermine the effectiveness of such measures; or

''(B) if it is failing, or has failed at any point during the preceding three years, to effectively address or regulate illegal, unreported, or unregulated fishing in areas described under paragraph (1)(B).

''(3) APPLICATION TO OTHER ENTITIES.—Where the provisions of this Act are applicable to nations, they shall also be applicable, as appropriate, to other entities that have competency to enter into international fishery management agreements.''.

(3) PERIOD OF FISHING PRACTICES SUPPORTING IDENTIFICATION.—Section 610(a)(1) of such Act (16 U.S.C. 1826k(a)(1)) is amended by striking ''calendar year'' and replacing with ''three years''.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) Section 609(f) of such Act (16 U.S.C. 1826j) is amended by—

(A) striking ''2007'' and inserting ''2010''; and

(B) striking ''2013'' and inserting ''2015''.

(2) Section 610(f) of such Act (16 U.S.C. 1826k) is amended by—

(A) striking ''2007'' and inserting ''2010''; and

(B) striking ''2013'' and inserting ''2015''.

(i) TECHNICAL CORRECTIONS.—

(1) Section 607(2) of such Act (16 U.S.C. 1826h(2)) is amended by striking ''whose vessels'' and inserting ''that''.

(2) Section 609(d)(1) of such Act (16 U.S.C. 1826j(d)(1)) is amended by striking ''of its fishing vessels''.

(3) Section 609(d)(1)(A) of such Act (16 U.S.C. 1826j(d)(1)(A)) is amended by striking ''of its fishing vessels''.

(4) Section 609(d)(2) of such Act (16 U.S.C. 1826j(d)(2)) is amended—

(A) by striking ''for certification'' and inserting ''to authorize'';

(B) by inserting ''the importation'' after ''or other basis'';

(C) by striking ''harvesting''; and

(D) by striking ''not certified under paragraph (1)'' and inserting ''issued a negative certification under paragraph (1)''.

(5) Section 610 of such Act (16 U.S.C. 1826k) is amended as follows:

(A) In subsection (a)(1), by striking ''practices;'' and inserting ''practices—''.

(B) In subsection (c)(1)(A), by striking '', and which, in the case of pelagic longline fishing, includes mandatory use of circle hooks, careful handling and release equipment, and training and observer programs''.

(C) In subsection (c)(4), by striking all preceding subparagraph (B) and inserting the following:

''(4) ALTERNATIVE PROCEDURE.—The Secretary may establish a procedure to authorize, on a shipment-by-shipment, shipper-by-shipper, or other basis the importation of fish or fish products from a vessel of a nation issued a negative certification under paragraph (1) if the Secretary determines that such imports were harvested by practices that do not result in bycatch of a protected marine species, or were harvested by practices that—

''(A) are comparable to those of the United States, taking into account different conditions; and''.

SEC. 3. AMENDMENTS TO THE HIGH SEAS DRIFTNET FISHERIES ENFORCEMENT ACT.

(a) NEGATIVE CERTIFICATION EFFECTS.—Section 101 of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a) is amended—

(1) in subsection (a)(2), by striking ''recognized principles of'' after ''in accordance with'';

(2) in subsection (a)(2)(A), by inserting ''or, as appropriate, for fishing vessels of a nation that receives a negative certification under section 609(d) or section 610(c) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826)'' after ''(1)'';

(3) in subsection (a)(2)(B), by inserting before the period the following: '', except for the purposes of inspecting such vessel, conducting an investigation, or taking other appropriate enforcement action'';

(4) in subsection (b)(1)(A)(i), by striking ''or illegal, unreported, or unregulated fishing'' after ''driftnet fishing'';

(5) in subsection (b)(1)(B) and subsection (b)(2), by striking ''or illegal, unreported, or unregulated fishing'' after ''driftnet fishing'' each place it appears;

(6) in subsection (b)(3)(A)(i), by inserting ''or a negative certification under section 609(d) or section 610(c) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(d), 1826k(c))'' after ''(1)(A)'';

(7) in subsection (b)(4)(A), by inserting ''or issues a negative certification under section 609(d) or section 610(c) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(d), 1826k(c))'' after ''paragraph (1)'';

(8) in subsection (b)(4)(A)(i), by striking ''or illegal, unreported, or unregulated fishing'' after ''driftnet fishing''; and

(9) in subsection (b)(4)(A)(i), by inserting '', or to address the offending activities for which a nation received a negative certification under section 609(d) or 610(c) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(d), 1826k(c))'' after ''beyond the exclusive economic zone of any nation''.

(b) DURATION OF NEGATIVE CERTIFICATION EFFECTS.—Section 102 of such Act (16 U.S.C. 1826b) is amended by—

(1) striking ''or illegal, unreported, or unregulated fishing''; and

(2) inserting ''or effectively addressed the offending activities for which the nation received a negative certification under 609(d) or 610(c) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(d), 1826k(c))'' before the period at the end.

SEC. 4. AMENDMENTS TO THE TUNA CONVENTIONS ACT OF 1950.

Section 8 of the Tuna Conventions Act of 1950 (16 U.S.C. 957) is amended—

(1) in subsection (a) by striking ''knowingly'';

(2) by striking subsections (d) through (g) and inserting the following:

''(d) ADDITIONAL PROHIBITIONS AND ENFORCEMENT.—For additional prohibitions relating to this Act and enforcement of this Act, see section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g).''; and

(3) by redesignating subsection (h) as subsection (e).

SEC. 5. AMENDMENTS TO NORTH PACIFIC ANADROMOUS STOCKS ACT OF 1992.

(a) UNLAWFUL ACTIVITIES.—Section 810 of the North Pacific Anadromous Stocks Act of 1992 (16 U.S.C. 5009) is amended—

(1) in paragraph (5), by inserting '', investigation,'' after ''search''; and

(2) in paragraph (6), by inserting '', investigation,'' after ''search''.

(b) ADDITIONAL PROHIBITIONS AND ENFORCEMENT.—Section 811 of the Northern Pacific Anadromous Stocks Act of 1992 (16 U.S.C. 5010) is amended to read as follows:

''SEC. 811. ADDITIONAL PROHIBITIONS AND ENFORCEMENT.

''For additional prohibitions relating to this Act and enforcement of this Act, see section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g).''.

SEC. 6. AMENDMENTS TO THE PACIFIC SALMON TREATY ACT OF 1985.

Section 8 of the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3637) is amended—

(1) in subsection (a)(2)—

(A) by inserting '', investigation,'' after ''search''; and

(B) by striking ''this title;'' and inserting ''this Act;'';

(2) in subsection (a)(3)—

(A) by inserting '', investigation,'' after ''search''; and

(B) by striking ''subparagraph (2) ;'' and inserting ''paragraph (2);'';

(3) in subsection (a)(5), by striking ''this title; or'' and inserting ''this Act;'';

(4) by striking subsections (b) through (f) and inserting the following:

''(b) ADDITIONAL PROHIBITIONS AND ENFORCEMENT.—For additional prohibitions relating to this Act and enforcement of this Act, see section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g).''.

SEC. 7. AMENDMENTS TO THE WESTERN AND CENTRAL PACIFIC FISHERIES CONVENTION IMPLEMENTATION ACT.

The Western and Central Pacific Fisheries Convention Implementation Act (title V of Public Law 109–479) is amended—

(1) in section 503(a) (16 U.S.C. 6902(a)), by striking ''one of whom shall be the chairman or a member of the Western Pacific Fishery Management Council and the Pacific Fishery Management Council'' and inserting ''one of whom shall be a member of the Western Pacific Fishery Management Council, and one of whom shall be a member of the Pacific Fishery Management Council'';

(2) in section 503(c)(1) (16 U.S.C. 6902(c)(1)), by striking ''shall be considered to be Federal employees'' and all that follows through the end of the sentence and inserting ''shall not be considered Federal employees except for purposes of injury compensation and tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.'';

(3) in section 503(d)(2)(B) (16 U.S.C. 6902(d)(2)(B)), by amending clause (ii) to read as follows:

''(ii) shall not be considered Federal employees while performing service except for the purposes of injury compensation and tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.'';

(4) by amending section 506(c) (16 U.S.C. 6905(c)) to read as follows:

''(c) ADDITIONAL PROHIBITIONS AND ENFORCEMENT.—For additional prohibitions relating to this Act and enforcement of this Act, see section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g).''; and

(5) in section 507(a)(2) (16 U.S.C. 6906(a)(2)) by striking ''suspension, on'' and inserting ''suspension, of''.

SEC. 8. AMENDMENTS TO THE SOUTH PACIFIC TUNA ACT OF 1988.

The South Pacific Tuna Act of 1988 is amended—

(1) in section 5(a) (16 U.S.C. 973c(a))—

(A) in paragraph (8), by inserting '', investigation,'' after ''search''; and

(B) in paragraph (10), by inserting '', investigation,'' after ''search''; and

(2) by striking sections 7 and 8 (16 U.S.C. 973e and 973f) and inserting the following:

''SEC. 7. ADDITIONAL PROHIBITIONS AND ENFORCEMENT.

''For additional prohibitions relating to this Act and enforcement of this Act, see section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g).''.

SEC. 9. AMENDMENTS TO THE ANTARCTIC MARINE LIVING RESOURCES CONVENTION ACT.

The Antarctic Marine Living Resources Convention Act of 1984 is amended—

(1) in section 306 (16 U.S.C. 2435)—

(A) in paragraph (3), by striking ''which he knows, or reasonably should have known, was'';

(B) in paragraph (4), by inserting '', investigation,'' after ''search''; and

(C) in paragraph (5), by inserting '', investigation,'' after ''search'';

(2) in section 307 (16 U.S.C. 2436)—

(A) by inserting ''(a) IN GENERAL.—'' before the first sentence; and

(B) by adding at the end the following:

''(b) REGULATIONS TO IMPLEMENT CONSERVATION MEASURES.—

''(1) IN GENERAL.—Notwithstanding subsections (b), (c), and (d) of section 553 of title 5, United States Code, the Secretary of Commerce may publish in the Federal Register a final regulation to implement any conservation measure for which the Secretary of State notifies the Commission under section 305(a)(1)—

''(A) that has been in effect for 12 months or less;

''(B) that is adopted by the Commission; and

''(C) with respect to which the Secretary of State does not notify Commission in accordance with section 305(a)(1) within the time period allotted for objections under Article IX of the Convention.

''(2) ENTERING INTO FORCE.—Upon publication of such regulation in the Federal Register, such conservation measure shall enter into force with respect to the United States.''; and

(3) by striking sections 308 and 309 (16 U.S.C. 2437 and 2438) and inserting the following:

''SEC. 308. ADDITIONAL PROHIBITIONS AND ENFORCEMENT.

''For additional prohibitions relating to this Act and enforcement of this Act, see section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g).''.

SEC. 10. AMENDMENTS TO THE ATLANTIC TUNAS CONVENTION ACT.

The Atlantic Tunas Convention Act of 1975 is amended—

(1) in section 6(c)(2) (16 U.S.C. 971d(c)(2)(2))—

(A) by striking ''(A)'' and inserting ''(i)'';

(B) by striking ''(B)'' and inserting ''(ii)'';

(C) by inserting ''(A)'' after ''(2)''; and

(D) by adding at the end the following:

''(B) Notwithstanding the requirements of subparagraph (A) and subsections (b) and (c) of section 553 of title 5, United States Code, the Secretary may issue final regulations to implement Commission recommendations referred to in paragraph (1) concerning trade restrictive measures against nations or fishing entities.'';

(2) in section 7 (16 U.S.C. 971e) by striking subsections (e) and (f) and redesignating subsection (g) as subsection (e);

(3) in section 8 (16 U.S.C. 971f)—

(A) by striking subsections (a) and (c); and

(B) by inserting before subsection (b) the following:

''(a) For additional prohibitions relating to this Act and enforcement of this Act, see section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g).'';

(4) in section 8(b) by striking ''the enforcement activities specified in section 8(a) of this Act'' each place it appears and inserting ''enforcement activities with respect to this Act that are otherwise authorized by law''; and

(5) by striking section 11 (16 U.S.C. 971j) and redesignating sections 12 and 13 as sections 11 and 12, respectively.

SEC. 11. AMENDMENTS TO THE HIGH SEAS FISHING COMPLIANCE ACT OF 1965.

Section 104(f) of the High Seas Fishing Compliance Act of 1995 (16 U.S.C. 5503(f)) is amended to read as follows:

''(f) VALIDITY.—A permit issued under this section for a vessel is void if—

''(1) any other permit or authorization required for the vessel to fish is expired, revoked, or suspended; or

''(2) the vessel is no longer documented under the laws of the United States or eligible for such documentation.''.

SEC. 12. AMENDMENTS TO THE PACIFIC WHITING ACT OF 2006.

(a) SCIENTIFIC EXPERTS ON JOINT TECHNICAL COMMITTEE.—Section 605(a)(1) of the Pacific Whiting Act of 2006 (16 U.S.C. 7004)(a)(1)) is amended to read as follows:

''(1) IN GENERAL.—The Secretary, in consultation with the Secretary of State, shall appoint no more than two individuals to serve as scientific experts on the joint technical committee, at least one of whom shall be an official of the National Oceanic and Atmospheric Administration.''; and

(b) TREATMENT AS FEDERAL EMPLOYEES.—Section 609(a) of the Pacific Whiting Act of 2006 (16 U.S.C. 7008(a)) is amended by striking ''shall be considered to be Federal employees while performing such service, only for purposes of—'' and all that follows and inserting ''shall not be considered Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.''.

SEC. 13. AMENDMENTS TO THE DOLPHIN PROTECTION CONSUMER INFORMATION ACT.

The Dolphin Protection Consumer Information Act (16 U.S.C. 1385) is amended by amending subsection (e) to read as follows:

''(e) ADDITIONAL PROHIBITIONS AND ENFORCEMENT.—For additional prohibitions relating to this Act and enforcement of this Act, see section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g).''.

SEC. 14. AMENDMENTS TO THE NORTHERN PACIFIC HALIBUT ACT OF 1982.

(a) PROHIBITED ACTS.—Section 7 of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773e) is amended—

(1) in paragraph (a) by redesignating subparagraphs (1) through (6) as subparagraphs (A) through (F);

(2) by redesignating paragraphs (a) and (b) as paragraphs (1) and (2), respectively;

(3) by in paragraph (1)(B), as so redesignated, by inserting '', investigation,'' before ''or inspection'';

(4) by in paragraph (1)(C), as so redesignated, by inserting '', investigation,'' before ''or inspection'';

(5) in paragraph (1)(E), as so redesignated, by striking ''or'' after the semicolon; and

(6) in paragraph (1)(F), as so redesignated, by striking ''section.'' and inserting ''section; or''.

(b) ENFORCEMENT POWERS.—Section 11 of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773i) is amended by adding at the end the following:

''(g) In addition to the powers of officers authorized pursuant to subsection (b), any officer who is authorized by the Secretary, or by the head of any Federal or State agency that has entered into an agreement with the Secretary under subsection (a), to enforce the Convention, this Act, or any regulation adopted under this Act, may—

''(1) search or inspect any facility or conveyance used or employed in, or which reasonably appears to be used or employed in, the storage, processing, transport, or trade of fish or fish products;

''(2) inspect records pertaining to the storage, processing, transport, or trade of fish or fish products; and

''(3) detain, for a period of up to 5 days, any shipment of fish or fish product imported into, landed on, introduced into, exported from, or transported within the jurisdiction of the United States, or, if such fish or fish product is deemed to be perishable, sell and retain the proceeds therefrom for a period of up to 5 days.''.

SEC. 15. AMENDMENTS TO THE NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1995.

Section 207 of the Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 5606) is amended—

(1) in the section heading, by striking ''***AND PENALTIES***'' and inserting ''***AND ENFORCEMENT***'';

(2) in subsection (a)(2), by inserting '', investigation,'' before ''or inspection'';

(3) in subsection (a)(3), by inserting '', investigation,'' before ''or inspection''; and

(4) by striking subsections (b) through (f) and inserting the following:

''(b) ADDITIONAL PROHIBITIONS AND ENFORCEMENT.—For additional prohibitions relating to this Act and enforcement of this Act, see section 606 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826g).''.

SEC. 16. AMENDMENT TO THE MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT.

Section 307(1)(Q) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)(Q)) is amended by inserting before the semicolon the following: ''or any treaty or in contravention of any binding conservation measure adopted by an international agreement or organization to which the United States is a party''.

SEC. 17. INTERNATIONAL COOPERATION AND ASSISTANCE PROGRAM.

(a) INTERNATIONAL COOPERATION AND ASSISTANCE PROGRAM.—The Secretary of Commerce, acting through the National Marine Fisheries Service, may establish an international cooperation and assistance program, including grants, to provide assistance for sustainable fishery management capacity building efforts.

(b) AUTHORIZED ACTIVITIES.—In carrying out the program, the Secretary may—

(1) provide funding and technical expertise to other nations to assist them in addressing illegal, unreported, or unregulated fishing activities;

(2) provide funding and technical expertise to other nations to assist them in reducing the loss and environmental impacts of derelict fishing gear, reducing the bycatch of living marine resources, and promoting international marine resource conservation;

(3) provide funding, technical expertise, and training to other nations to aid them in building capacity for enhanced fisheries management, fisheries monitoring, catch and trade tracking activities, enforcement, and international marine resource conservation;

(4) establish partnerships with other Federal agencies or non-governmental organizations, as appropriate, to ensure that fisheries development assistance to other nations is directed toward projects that promote sustainable fisheries; and

(5) conduct outreach and education efforts in order to promote public and private sector awareness of international fisheries sustainability issues, including the need to combat illegal, unreported, or unregulated fishing activity and to promote international marine resource conservation.

(c) GUIDELINES.—The Secretary may establish guidelines necessary to implement the program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $5,000,000 for each of fiscal years 2010 through 2015 to carry out this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. 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 on the bill under consideration.

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

There was no objection.

Ms. BORDALLO. Mr. Speaker, I rise in support of my bill, H.R. 1080, the Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2009. The United States demonstrates strong leadership in fisheries management both nationally and internationally. However, despite these efforts, many marine fish stocks around the world are exploited or depleted, which is driven, in part, by the persistence of illegal, unreported, and unregulated (or IUU) fishing. With an annual global value of over $10 billion, IUU fishing undermines the United States' fisheries management efforts and its fishermen, as well as efforts to sustainably manage fisheries in other countries.

IUU fishing in recent years has impinged, for example, the U.S. Exclusive Economic Zone surrounding my district of Guam and our neighboring Mariana Islands. This is a problem, Mr. Speaker, that has increasingly evidenced itself elsewhere in the U.S. EEZ and must be addressed. H.R. 1080 would strengthen and improve the enforcement authorities of various U.S. fisheries acts and would authorize a cooperation-and-assistance program to help other countries develop the technical expertise to confront IUU fishing. The bill is strongly supported by the U.S. fishing industry, the administration, and marine conservation interests.

With that, Mr. Speaker, I ask Members on both sides to support its passage.

I reserve the balance of my time.

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

H.R. 1080 will give the United States more tools to combat illegal, unregulated, and unreported (or IUU) fishing. This pirate fishing has had a negative impact on important fisheries and has hurt those fishermen and fishing nations that play by the rules. The only concern I have with this legislation is that we need to make sure our government, in setting the example to the world for transparency, does not sacrifice proprietary information from our domestic industries that would erode our competitiveness in the world's seafood market. This legislation walks that fine line, but we need to keep an eye on those who will implement this legislation.

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

Ms. BORDALLO. Mr. Speaker, I yield the gentleman from Washington (Mr. BAIRD) as much time as he may consume.

Mr. BAIRD. I thank the gentlelady. I rise in strong support of H.R. 1080, and I also would like to speak in support of the prior bill on coral reefs. In the marine sciences, there is a phenomenon known as the shifting baseline, which is where you look today and say, What's the status of this ecosystem?

You tend to look 10 years back, on the assumption that that's a good window of time. The fact, however, is that the 10-years-back window may be substantially degraded from 10 years prior, which was degraded from 10 years prior, et cetera. So as we try to restore these ecosystems, we need to understand that many of them have been profoundly degraded over time, this shifting baseline is going in a negative direction, and it's very hard to know where we're at.

This legislation, H.R. 1080, and the prior legislation regarding coral reefs, is a shift in a positive direction. We are actually improving the protection of our marine resources, which are so critical. I would say to my colleagues that if they learn and remember nothing else about our marine ecosystems, it would be the following number: 50 percent. As we speak today, 50 percent of the oxygen we are breathing comes from the oceans—every other breath. Yet the oceans are subject to assault, ranging from ocean acidification to temperature increase, to overfishing, which this legislation deals with, to runoff, to harmful algal blooms, to hypoxia, et cetera.

I commend the gentlelady and gentleman for their leadership on this. I urge passage. We must make preservation of our oceans a much higher priority, not only for this body but for this country. I urge passage of both this and the prior bill.

□ 1430

Mr. CHAFFETZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in support of H.R. 1080, legislation to strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing. I thank the Chairwoman of the Subcommittee on Insular Affairs, Wildlife, and Oceans for her leadership on this important issue. I also want to thank Chairman RAHALL and members of the Natural Resources Committee for bringing this important bill for House consideration

Mr. Speaker, the practice of illegal, unreported, and unregulated fishing (IUU) poses serious threats to our marine ecosystems and undermines our efforts to conserve and manage our ocean resources, and our fishing industry. Estimated at an annual global value of $10 to $23.5 million, IUU affects fish migration between the U.S. Exclusive Economic Zone (EEZ) and the high seas, and adversely impact the catch for our own fishing boats and subsequently restricts our fish supply. Overall the increasing problem of IUU clearly compromises any benefits from our domestic fisheries management efforts.

This bill, H.R. 1080, provides the framework to better track and monitor IUU. On an international level, the publication of vessels who have engaged in IUU and identifying and listing nations who have not complied with terms of the international fisheries agreements, will ensure that nations will make it a high priority to improve their efforts in the conservation and management of fisheries resources. It also strengthens the cooperation between the U.S. and the international fisheries organizations throughout the world by providing the necessary technical expertise and funding in collaborative efforts to build capacity and to better enforcement. Importantly, this legislation authorizes and provides funding for a stronger enforcement mechanism to ensure that the U.S. complies with the many international fisheries treaties and agreements that the U.S. is a part of.

I know for a fact that this has had great impact on the island nations in the Pacific where fishing vessels from other nations or pirate ships who illegally entered their waters and fished and then transport and exchanged their catch in the high seas. Illegal fishing as such has had a great impact on the local communities and the cultures that heavily rely on subsistence fishing. I have personally witnessed in my District the fact that more and more local fishermen have returned from long trips without any catch. This depletion is evident in the short supply of fish for our struggling local canneries which is the largest private employer in American Samoa. This is a clear example of the impacts of IUU and without the strong enforcement and regulation of our fisheries treaties and agreements, we will lose our fish stocks, thus, impacting our marine ecosystems and for most in the Pacific, their way of life.

This legislation reinforces the fact that U.S. will not tolerate the ongoing onslaught of illegal fishing on our fisheries worldwide. I urge my colleagues to support H.R. 1080.

Mr. SABLAN. Mr. Speaker, I rise today in support of H.R. 1080, the Illegal, Unreported,

and Unregulated Fishing Enforcement Act of 2009.

This act provides much-needed, new tools to law enforcement to protect our fisheries and other marine resources and increases the penalties for environmental crimes.

Unfortunately, we continue to see illegal fishing in the Exclusive Economic Zone (EEZ) around the Mariana Islands. Just last month NOAA and the coast guard apprehended a Taiwanese vessel illegally fishing in the EEZ of the Mariana Islands with ten tons of shark on board.

The owner was fined $500,000 dollars, but only had to pay $200,000 now. After three years, if the owner can show an inability to pay the remaining $300,000, NOAA may waive the fine.

More amazing, the owner was allowed to keep the illegal catch.

This is neither a punishment nor a deterrent.

Mr. Speaker, I want to thank Chairwoman BORDALLO for her extraordinary leadership on this legislation and ensuring our fisheries and marine resources are protected. I urge my colleagues to support H.R. 1080. Let's send a strong message to high seas criminals that their actions will have real consequences. And let's help our enforcement personnel with the tools they need to do their jobs.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1080, as amended.

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

A motion to reconsider was laid on the table.

JOHN ADAMS MEMORIAL FOUNDATION AUTHORITY EXTENSION

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2802) to provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2802

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

SECTION 1. EXTENSION OF LEGISLATIVE AUTHORITY FOR MEMORIAL ESTABLISHMENT.

(a) LEGISLATIVE AUTHORITY.—Section 1(c) of Public Law 107–62 is amended by striking ''accordance with'' and all that follows through the period at the end and inserting the following: ''accordance with chapter 89 of title 40, United States Code, except that any reference in section 8903(e) of that chapter to the expiration at the end of or extension beyond a seven-year period shall be considered to be a reference to an expiration on or extension beyond December 2, 2013.''.

(b) TECHNICAL AMENDMENTS.—Public Law 107–62 is amended—

(1) in section 1(e), by striking ''(40 U.S.C. 1001, et seq.)'' and inserting ''(40 U.S.C. 8901, et seq.)''; and

(2) in section 2, by striking ''(40 U.S.C. 1002)'' and inserting ''(40 U.S.C. 8902(a))''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

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

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

There was no objection.

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

Among the many statues and monuments in this city, there are none that honor our second President, John Adams, nor the contributions made by his family to our Nation's history.

In 2001, Congress authorized the Adams Memorial Foundation to establish a memorial in the District of Columbia and its environs. This authority will expire on December 2, 2009, but several more years are required to complete fundraising, final design, and construction.

H.R. 2802, introduced by our distinguished colleague from Massachusetts, Representative DELAHUNT, would extend the legislative authority necessary for this important endeavor for 4 additional years, as recommended by the administration.

Mr. Speaker, we commend Representative DELAHUNT for his efforts in this legislation. We support passage of H.R. 2802 and urge its adoption by the House today.

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

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

H.R. 2802 has been adequately explained by the majority, and we support the legislation. We commend the work of Mr. DELAHUNT and the gentleman that he is.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 2802, as amended.

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

A motion to reconsider was laid on the table.

UPPER ELK RIVER WILD AND SCENIC STUDY ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3113) to amend the Wild and Scenic Rivers Act to designate a segment of the Elk River in the State of West Virginia for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3113

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 ''Upper Elk River Wild and Scenic Study Act''.

SEC. 2. DESIGNATION FOR STUDY.

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following:

''( ) ELK RIVER, WEST VIRGINIA.—The approximate 5-mile segment of the Elk River from the confluence of the Old Field Fork and the Big Spring Fork in Pocahontas County to the Pocahontas and Randolph County line.''.

SEC. 3. STUDY AND REPORT.

Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding at the end the following:

''( ) ELK RIVER, WEST VIRGINIA.—Not later than 3 years after funds are made available to carry out this paragraph, the Secretary of Agriculture shall complete the study of the 5-mile segment of the Elk River, West Virginia, designated for study in subsection (a), and shall submit to Congress a report containing the results of the study. The report shall include an analysis of the potential impact of the designation on private lands within the 5-mile segment of the Elk River, West Virginia, or abutting that area.''.

SEC. 4. EFFECT.

(a) EFFECT ON ACCESS FOR RECREATIONAL ACTIVITIES.—Consistent with section 13 of the Wild and Scenic Rivers Act (16 U.S.C. 1284), nothing in the designation made by the amendment in section 2 shall be construed as affecting access for recreational activities otherwise allowed by law or regulation, including hunting, fishing, or trapping.

(b) EFFECT ON STATE AUTHORITY.—Consistent with section 13 of the Wild and Scenic Rivers Act (16 U.S.C 1284), nothing in the designation made by the amendment in section 2 shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, and trapping.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. 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 on the bill under consideration.

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

There was no objection.

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

H.R. 3113, introduced by the chairman of the Committee on Natural Resources, Mr. NICK RAHALL, reflects the continuing efforts by the people of Pocahontas County, West Virginia, to preserve and protect the most significant natural and historic resources that they are blessed with in that area.

The pending legislation would have the National Forest Service conduct a study on a segment of the Elk River within the county to determine its eligibility for designation under the Wild and Scenic Rivers Act.

On behalf of Chairman RAHALL, I would like to commend the Pocahontas County Commission for its leadership in this matter.

With that, I ask Members on both sides to support passage of this measure.

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

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

We believe that the bill has been adequately explained and studied, and we commend the efforts of Mr. RAHALL in his working with the Members on both sides of the aisle.

I have no further requests for time, and I yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, the pending legislation would provide for a study to determine the feasibility and suitability of including a segment of the Elk River as a component of the Wild and Scenic River System.

The Elk River is one of West Virginia's premier natural resource assets. It is the longest river in West Virginia with its boundaries entirely within the State. The study that would be authorized by this legislation, however, would focus only on that segment of the Elk where it begins at the confluence of two streams—Old Field Fork and Big Spring Fork—at the community of Slatyfork and flows North for approximately five miles to the Pocahontas/Randolph County line. The study would be conducted by the U.S. Forest Service.

I would point out that this legislation was initiated by the Pocahontas County Commission which unanimously voted on February 4, 2009, to request that a study be conducted on the segment of the Elk River within their county. In this regard I commend Commissioners Martin V. Saffer, David M. Fleming and Reta J. Griffith for their initiative.

The ''Slaty'' segment of the Elk River that would be the subject of the study authorized by this bill, named in reference to the community of Slatyfork where the river begins, was described in a January 2009 letter written by local resident Tom Shipley to the Pocahontas County Commission as follows: ''History abounds around, near and on the banks of the Elk River. She is, in a literal sense, very much as she was back in the early 1800s . . . one of the last rivers on the East Coast that has three naturally reproducing species of wild trout . . . Brook, Brown and Rainbow. As Big Spring Fork and Old Field merge, they form an impressive gateway to the Upper Elk . . . a gift from God to Pocahontas County.''

Indeed, the Slaty segment is a superb fishery, and the West Virginia Division of Natural Resources does a good job in the area. While what is being proposed is a study—not a designation—and while the Wild and Scenic Rivers Act is very clear that nothing in the statute ''shall affect the jurisdiction or responsibilities of the State with respect to fish and wildlife,'' I am including in the legislation being introduced today a reaffirmation that the mere act of studying this segment of the Elk River will not change the status quo with respect to State jurisdiction.

In my view, most people associated with this segment of the Elk River want to keep it the way it is. As Mr. Shipley wrote, the river is ''a gift of God to Pocahontas County'' and I would add, to the State of West Virginia and the Nation as a whole.

I urge the adoption of the pending legislation.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 3113.

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.

MAGNA WATER DISTRICT WATER REUSE AND GROUNDWATER RECHARGE ACT OF 2009

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2265) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Magna Water District water reuse and groundwater recharge project, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2265

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 ''Magna Water District Water Reuse and Groundwater Recharge Act of 2009''.

SEC. 2. MAGNA WATER DISTRICT.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) is amended by adding at the end the following:

''SEC. 16___. MAGNA WATER DISTRICT WATER REUSE AND GROUNDWATER RECHARGE PROJECT, UTAH.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the Magna Water District, Utah, may participate in the design, planning, and construction of permanent facilities needed to establish recycled water distribution and wastewater treatment and reclamation facilities that will be used to provide recycled water in the Magna Water District.

''(b) COST SHARING.—

''(1) FEDERAL SHARE.—The Federal share of the capital cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

''(2) NON-FEDERAL SHARE.—Each cost incurred by the Magna Water District after January 1, 2003, relating to any capital, planning, design, permitting, construction, or land acquisition (including the value of reallocated water rights) for the project described in subsection (a) shall be credited towards the non-Federal share of the costs of the project.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $12,000,000.''.

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371) is amended by inserting after the item relating to section 16___ the following:

''Sec. 16___. Magna Water District water reuse and groundwater recharge project, Utah.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. 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 on the bill under consideration.

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

There was no objection.

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

H.R. 2265, introduced by my colleague who is assisting me in managing the bills on the floor today, Representative CHAFFETZ from the State of Utah, would direct the Bureau of Reclamation to participate in the planning, the design, and the construction of the Magna Water District water reuse and groundwater recharge project. When constructed, this project will remove perchlorate from the contaminated groundwater and create a new water supply for the community. Title XVI water recycling projects like H.R. 2265 allow local communities to stretch their limited water supplies.

I ask my colleagues to support the passage of this bill.

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

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

I appreciate the kind words and comments from my colleague Ms. BORDALLO, and I thank my Democratic colleagues for supporting this bill to help the Magna Water District meet unfunded Federal mandates.

My legislation authorizes limited Federal assistance to help a community remove arsenic and perchlorate while producing more high-quality

drinking water. We have very limited water supplies in the West, and we need every tool in the water toolbox to help meet our water supply needs. This and similar legislation before us today will help stretch our supplies to meet the growing needs of our communities.

I urge my colleagues to support this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this very important bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 2265.

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.

RAISING FEDERAL COST SHARE OF CALLEGUAS WATER DISTRICT RECYCLING PROJECT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2522) to raise the ceiling on the Federal share of the cost of the Calleguas Municipal Water District Recycling Project, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2522

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1631(d) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–13(d)) is amended—

(1) in paragraph (1) by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

(2) by adding at the end the following:

''(3) In the case of the Calleguas Municipal Water District Recycling Project authorized by section 1616, the Federal share of the cost of the Project may not exceed the sum determined by adding—

''(A) the amount that applies to the Project under paragraph (1); and

''(B) $40,000,000.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. 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 on the resolution under consideration.

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

There was no objection.

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

H.R. 2522, introduced by our colleague Representative ELTON GALLEGLY, would raise the existing authorization ceiling to authorize funds for phases 2 and 3 of the Calleguas Municipal Water District Recycling Project. When these phases are completed, it is expected that the project will produce 43,000 acre-feet of water annually.

At a time when reported water is unreliable, the title XVI water recycling program is a tool that communities can use to create a reliable local supply to meet all of the future demands.

I ask my colleagues to support passage of this legislation.

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

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

I rise today to support H.R. 2522, legislation introduced by my Natural Resources Committee colleague, ELTON GALLEGLY, and cosponsored by Congresswoman LOIS CAPPS.

This legislation extends limited Federal participation in the Calleguas Municipal Water District Water Recycling Project. This project is already underway to help over 600,000 water consumers with their water supply needs by recycling wastewater. The residents of the region are entirely dependent on imported water, and this bill will help alleviate that dependence by extending the Federal financial cap on the project.

Because he's flying back to Washington, DC, from his California district, Congressman GALLEGLY is unable to be here for debate on this bill; therefore, his statement will be included in the RECORD.

I urge my colleagues to support this bipartisan legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GALLEGLY. Mr. Speaker, I would like to express my strong support for H.R. 2522, which is a bill introduced earlier this year that would raise the ceiling on the Federal share of the cost of completing the Calleguas Municipal Water District Recycling Project.

I believe most of the country knows about the water shortage plaguing the state of California. In my district, maintaining adequate water supplies has also become increasingly problematic, especially as the traditional sources of imported water have become unreliable. For this reason, I introduced H.R. 2522, which will assist the Calleguas Municipal Water District with the development of new water sources.

Specifically, this legislation would authorize an additional $40 million in funding for the Bureau of Reclamation to support the completion of a salinity management pipeline, also known as a brine line. This pipeline will collect salty water generated by desalting facilities and excess recycled water and then transport that water for reuse elsewhere. The result will be both improved water quality and an enhanced supply of local groundwater.

The increased use of recycled water will expand the water available for approximately 600,000 of my constituents and, at the same time, reduce dependence on water from the sensitive Bay-Delta ecosystem. In an era of drought and water shortages throughout California, local water districts need to do all they can to reduce their dependence on increasingly scarce supplies of imported water.

I want to thank Chairman RAHALL and Ranking Member HASTINGS, along with their staffs, for their assistance with moving this important legislation.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 2522.

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.

AUTHORIZING INTERIOR DEPARTMENT PARTICIPATION IN OREGON WATER RECYCLING PROJECT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2741) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the City of Hermiston, Oregon, water recycling and reuse project, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2741

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

SECTION 1. PROJECT AUTHORIZATION.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by inserting after section 16____ the following:

''SEC. 16____. CITY OF HERMISTON, OREGON, WATER RECYCLING AND REUSE PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Hermiston, Oregon, is authorized to participate in the design, planning, and construction of permanent facilities to reclaim and reuse water in the City of Hermiston, Oregon.

''(b) COST SHARE.—The Federal share of the costs of the project described in subsection (a) shall not exceed 25 percent of the total cost.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project described in subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 is amended by inserting after the item relating to section 16____ the following:

''Sec. 16____. City of Hermiston, Oregon, water recycling and reuse project.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

□ 1445

GENERAL LEAVE

Ms. BORDALLO. 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 on the bill under consideration.

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

There was no objection.

Ms. BORDALLO. Mr. Speaker, H.R. 2741, introduced by our colleague, Representative GREG WALDEN, would authorize the Secretary of the Interior, through the Bureau of Reclamation, to participate in the planning, the design, and the construction of the city of Hermiston water recycling and reuse project.

This legislation is a good example of how the Title 16 water recycling program can be used in a predominantly agriculture community to meet water quality standards, create a new water supply for irrigation, and help endangered species in the Umatilla River.

I ask my colleagues to support passage of this legislation.

I reserve the balance of my time.

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

I rise to support legislation offered by our colleague, the gentleman from Oregon (Mr. WALDEN). This bill authorizes limited Federal participation in a water recycling project for the city of Hermiston, Oregon. The goal of the bill is to help the city recycle wastewater, to provide extra water for endangered salmon, and deliver water for irrigated crops. It also helps the city meet unfunded Federal mandates.

I urge my colleagues to support this bill.

Mr. CHAFFETZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. I want to thank my colleagues from Utah and Guam, as well as the chairwoman of the subcommittee, GRACE NAPOLITANO from California, and the ranking member, TOM MCCLINTOCK from California, and their staffs for working with me and the folks from the city of Hermiston, Oregon, to move this bill through the committee process in a rather expedited way where it was unanimously approved and now awaits floor action today.

As the author of the bill, I stand in strong support of H.R. 2741, which authorizes the Bureau of Reclamation to work with the city in the planning, design, and construction of the city of Hermiston's new water recycling and reuse project.

In short, this is one of those bills that is good for farmers and it is good for fish. It helps meet the Endangered Species Act, a requirement for a listed salmon species in the Umatilla River, and addresses long-term community growth in the process. It has strong local support from very diverse interests and is exactly the type of partnership and project that deserves investment from the Federal Government.

The existing wastewater facilities in Hermiston are 30 years old; and after 30 years, those facilities have served the community well and outlived their usefulness. With new environmental requirements and needs, the community has come together with many parties to come up with this proposal, and this legislation will help move that forward with a nice cost share between the Federal Government at 25 percent and the local community at 75 percent.

This project will achieve a list of objectives important to both the local community and Federal environmental obligations.

First, it will enable the city to reliably meet new pollution reduction requirements for the next 20-plus years.

Second, it will increase wastewater treatment capacity to match the growth in the region's economy and the human population.

Third, 3,400 acre feet of top quality, class A water will return to the Umatilla River and provide additional protections for threatened salmon species. This is one of the key reasons that the Confederated Tribes of the Umatilla Indian Reservation support the legislation. I thank them for that and would like to enter into the RECORD their letter of support for H.R. 2741.

CONFEDERATED TRIBES OF THE
UMATILLA INDIAN RESERVATION,
Pendleton, OR, July 15, 2009.

ED BROOKSHIER,
City Manager, City of Hermiston, Hermiston, OR.

DEAR MR. BROOKSHIER: the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) thank you for the opportunity to review the proposed improvements to the Hermiston waste water treatment plant. We understand that in addition to upgrades at the plant itself this project includes moving the location of effluent discharge to the Umatilla River and a new discharge to the West Extension Irrigation District. We appreciate the City's coordination with us on this important project that will improve the water quality of the Umatilla River over time.

As you know the CTUIR has treaty fishing rights in the Umatilla River. The Tribes value the health of Umatilla fisheries and the Umatilla River that is enjoyed by all residents of the Umatilla Basin. We are aware that Hermiston is working with the Oregon Department of Environmental Quality and other resource protection agencies to minimize negative impacts to the river and maximize the benefits of the project. We also understand that the Oregon Department of Environmental Quality has requested a priority pollutant scan of the facility's effluent and that the new discharge locations be characterized for toxic contaminants. We ask that you share the results of those studies with the Confederated Tribes so that we can advance our mutual interest in better understanding the conditions of the Umatilla River.

We understand that the City of Hermiston is also seeking to obtain federal funding that might offset the costs of this substantial project. We support the City's efforts and hope your request will be successful.

While the new summer discharge to the West Extension Irrigation District will result in a decrease in summer Umatilla River flows, the Tribes are working with Umatilla basin partners including the City of Hermiston to restore Umatilla River stream flows to natural levels. The CTUIR appreciates your consultation with us and looks forward to the successful completion of the improvements to Hermiston's waste water treatment plant.

Sincerely,

ANTONE C. MINTHORN,
Chairman, Board of Trustees.

The final component of the project is the drought-resistant water delivery of recycled water to the diverse agriculture community in the west extension irrigation district. This water will supplement current allocations. We all know a little extra water in a dry climate can help our farmers and their crops in a big way.

The proposed project will comply with all applicable laws and regulations, and the city has already completed the required supporting environmental and biological assessments.

The Federal partnership in the local investment will be of enormous assistance as the project moves forward from drawing board to construction.

I thank you for your support and the opportunity to speak in favor of H.R. 2741, and I look forward to continuing to work with you and the city of Hermiston to ensure that this project of great importance becomes a reality.

Ms. BORDALLO. Mr. Speaker, I have no additional requests for time and would inquire of the minority whether they have any additional speakers.

Mr. CHAFFETZ. Mr. Speaker, we have no additional speakers, and I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I urge Members to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 2741.

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.

HONORING MINUTE MAN HISTORICAL PARK ON 50TH ANNIVERSARY

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 599) honoring the Minute Man National Historical Park on the occasion of its 50th Anniversary.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 599

Whereas, since September 21, 1959, Minute Man National Historical Park has preserved key sites where the first battles of the American Revolutionary War occurred, and educated millions of Americans about the extraordinary events that led to the birth of

the Nation and the ideals embodied in those courageous actions;

Whereas Minute Man National Historical Park encompasses more than 1,000 acres in the historic communities of Lexington, Lincoln, and Concord that were at the center of the American Revolution;

Whereas the events, places, and people recognized by the Minute Man National Historical Park have become enduring testaments to American values and are among the most celebrated and cherished symbols in the history of the Nation;

Whereas the Minute Man National Historical Park includes multiple sites and landscapes along the route from Boston to Concord, known as the Battle Road, where American Militia and British soldiers fought numerous times on April 19, 1775;

Whereas American militia were first ordered to return British fire at Concord's North Bridge, a heroic action commemorated by American poet Ralph Waldo Emerson in his poem ''The Concord Hymn'' as the ''shot heard 'round the world'';

Whereas the park celebrates Paul Revere's legendary ''midnight ride'' of April 18, 1775, to warn American colonists that British soldiers were marching to Concord to destroy key military stores; and

Whereas more than one million Americans from States across the Nation and people from around the globe visit Minute Man National Historical Park every year to learn about the role that these New England communities played in the American Revolution: Now, therefore, be it

Resolved, that it is the sense of the House of Representatives that—

(1) Minute Man National Historical Park serves an essential role in preserving the sites and landscapes in New England where the American Revolution began, and in educating the public about these historic events;

(2) Minute Man National Historical Park honors and commemorates the ideals of democracy, liberty, and freedom that are the foundation of the Nation and sources of inspiration for people everywhere; and

(3) the creation of Minute Man National Historical Park 50 years ago represents a remarkable achievement that continues to benefit Americans around the Nation, to preserve the proud legacy of the American Revolution, and to serve as an enduring resource for future generations.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. 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 on the resolution under consideration.

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

There was no objection.

Ms. BORDALLO. Mr. Speaker, House Resolution 599 was introduced by our colleague from Massachusetts, Representative ED MARKEY, and would recognize the 50th anniversary of the establishment of Minute Man National Historical Park in Concord, Massachusetts.

Minute Man National Historical Park was established 50 years ago yesterday. It preserves for Americans and the world the places and the landscapes along the route from Boston to Concord, known as the Battle Road, where the first battles of our War of Independence were fought. The park also memorializes the renowned American soldiers, the Minutemen, trained volunteers who were always ready to march at a minute's notice.

Mr. Speaker, House Resolution 599 commemorates the enduring legacy of this Nation's fight for freedom, liberty and democracy and pays tribute to a park that celebrates the birthplace of American independence.

I commend Representative MARKEY and his cosponsor, Representative NIKI TSONGAS, for their timely and diligent work on this resolution. I ask my colleagues to support passage of this measure.

I reserve the balance of my time.

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

On April 19, 234 years ago, the British commander in Boston sent a detachment of troops to nearby Lexington and Concord to impose what I am sure he thought was a perfectly reasonable gun control measure. After all, there wasn't any reason to allow people to possess guns in the park-like green commons of those pleasant little towns.

Unfortunately for General Howe, the patriots disagreed. Fortunately for us, the men who stood their ground at Lexington, at Concord, and later at Trenton, at Saratoga and at Yorktown are the men who wrote our Constitution.

And when they met in Philadelphia a decade later to form a more perfect Union, they still believed that we are endowed by our Creator with certain inalienable rights. They therefore set out to devise a government with only limited, enumerated powers so that they and their descendants would, they hoped, be citizens of a free Republic, not submissive subjects of an ever-expanding government.

Our Constitution was written and ratified by the very Minutemen and patriots who fought for freedom in New England, the Middle Atlantic States and the South. That is why we have the Bill of Rights. They knew that private property rights, free exercise of religion, the individual right to keep and bear arms, and State's rights will always have opponents. That's why they are in the Constitution.

So it is appropriate that we take time to honor the Minutemen who left us a legacy of freedom on this, the 50th anniversary of the Minute Man National Historical Park.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I have no additional requests for time and would inquire of the minority whether they have any additional speakers.

Mr. CHAFFETZ. Mr. Speaker, with no additional speakers, I yield back the balance of my time.

Mr. MARKEY of Massachusetts. Mr. Speaker, I rise in strong support of this resolution, which I have introduced with the gentlewoman from Massachusetts, Ms. TSONGAS, to honor the Minute Man National Historical Park on its 50th anniversary. Since its inception on September 21, 1959, the park has played a vital role in protecting and preserving the sites in the towns of Lexington, Lincoln, and Concord where the American Revolution began. For 50 years, the park has educated millions of Americans about the extraordinary events that led to the birth of our Nation.

On April 19, 1775, American colonists in ''every Middlesex village and farm'' rose up to throw off the yoke of the English king and claim their inherent right to govern themselves. The Minute Man National Park preserves not just the sites, buildings, and landscapes where these momentous events took place but also the ideals of liberty, democracy, and self-determination that they embodied. The beliefs held in the actions of those spring days in April 1775 remain the cornerstone of our Nation and an inspiration to people everywhere.

The Minute Man National Historical Park is comprised of 1,038 acres, which include 8 miles of trails and 136 historic structures. The park preserves multiple sites along the ''Battle Road,'' the 22-mile route from Boston to Concord where British soldiers and American militia first clashed on April 19, 1775.

The park includes the famed North Bridge, in Concord, where American militia were first ordered to return the fire of the British regulars. Down the road, in Lexington, is the Lexington green, where the first shot was fired that morning and where eight American patriots lost their lives in the opening battle of the Revolutionary War.

The park commemorates Paul Revere's ''midnight ride'' of April 18, 1775, to raise the alarm that the British were marching to destroy military stockpiles and includes the site where Paul Revere was captured by a British patrol. Paul Revere's message was carried on to Concord by his colleagues, William Dawes and Dr. Samuel Prescott, and that message resonates to this day—taught to school children everywhere—''A cry of defiance, and not of fear, a voice in the darkness, a knock at the door, and a word that shall echo for evermore!'' in the verse of the famous poem by Henry Wadsworth Longfellow.

The park contains the Barrett farm in Concord, which was the home of Colonel James Barrett, and contained the militia weapons and munitions that British soldiers were marching on Concord to destroy. The park also includes the Wayside, which was once home to Nathaniel Hawthorne and Louisa May Alcott, and celebrates the writings of the first great American authors, whose voices were those of a free people.

More than 1 million people visit the park every year to learn about these events that have become iconic symbols to every American. Thomas Boylston Adams, a descendent of President John Quincy Adams and the former president of the Massachusetts Historical Society, described the Battle Road as ''a long road, leading even to the present.'' The Battle Road was the first road marched by a people in search of liberty and the road that continues to prove to all people everywhere to this day that freedom is possible.

The Minute Man National Historical Park continues to serve as a vital resource for future generations of Americans and a reminder

of the role that Massachusetts played in the creation of the most free and democratic nation in the world. I commend the fantastic work of the park in upholding these values that remain at the core of our American character and I urge my colleagues to adopt the resolution.

Ms. TSONGAS. Mr. Speaker, I am very pleased to be speaking on behalf of H. Res. 599, a resolution honoring the Minute Man National Historical Park on the occasion of its 50th anniversary.

The park, located in Concord, Lexington, and Lincoln, Massachusetts, was established by Congress on September 21, 1959, and has enriched the lives of milions of visitors by preserving and sharing New England's seminal cultural and historical significance.

Home to Hartwell's Tavern and the recent addition of Colonel James Barrett's farm, the park is where the ''shot heard 'round the world'' was fired, commencing the first battle of the American Revolution in 1775. It is the inspiration for the creative work of Ralph Waldo Emerson and a priceless educational tool for students of all ages.

The success of the park is a true testament to the collaborative efforts of the local and Federal Government and countless volunteers that dedicate themselves to ensuring that the park remains a true national treasure. This past Sunday, I attended the 50th anniversary gala to celebrate the success of the park and the hard work of all involved. I want to especially recognize Superintendent Nancy Nelson whose dedication to this national treasure has helped preserve its integrity and make certain that its historical significance will inspire many future generations.

I would like to thank Mr. MARKEY for working with me on this important resolution and Chairman RAHALL for bringing it to the floor.

I urge my colleagues to support H. Res. 599 to celebrate the past 50 years of one of our country's true historical riches and to recognize the park as valuable resource for future generations to enjoy.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 599.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL WILD HORSE AND BURRO ADOPTION DAY

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 688) expressing support for the goals and ideals of the first annual National Wild Horse and Burro Adoption Day taking place on September 26, 2009.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 688

Whereas in 1971, in Public Law 92–195 (commonly known as the ''Wild Free-Roaming Horses and Burros Act'') (16 U.S.C. 1331 et seq.), Congress declared that wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West;

Whereas, under that Act, the Secretary of the Interior and the Secretary of Agriculture have responsibility for the humane capture, removal, and adoption of wild horses and burros;

Whereas the Bureau of Land Management and the Forest Service are the Federal agencies responsible for carrying out the provisions of the Act;

Whereas a number of private organizations will assist with the adoption of excess wild horses and burros, in conjunction with the first National Wild Horse and Burro Adoption Day; and

Whereas there are approximately 31,000 wild horses in short-term and long-term holding facilities, with 18,000 young horses awaiting adoption: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals of a National Wild Horse and Burro Adoption Day to be held annually in coordination with the Secretary of Interior and the Secretary of Agriculture;

(2) recognizes that creating a successful adoption model for wild horses and burros is consistent with Public Law 92–195 (commonly known as the ''Wild Free-Roaming Horses and Burros Act'') (16 U.S.C. 1331 et seq.) and beneficial to the long-term interests of the people of the United States in protecting wild horses and burros; and

(3) encourages citizens of the United States to adopt a wild horse or burro so as to own a living symbol of the historic and pioneer spirit of the West.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. 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 on the resolution that is now under consideration.

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

There was no objection.

Ms. BORDALLO. Mr. Speaker, H. Res. 688, introduced by the gentlewoman from Nevada, Representative DINA TITUS, expresses support for the goals and the ideals of the first annual National Wild Horse and Burro Adoption Day, which takes place on September 26, 2009.

In 1971, Congress passed the Wild Free Roaming Horse and Burro Act, which sought to prevent the disappearance of these horses and burros from the western range and created the Wild Horse and Burro Adoption Program.

H. Res. 688 supports the first annual National Wild Horse and Burro Adoption Day. It recognizes that a successful adoption program is vital to managing these animals, and that more must be done to promote the program and educate the public. I would also note that in support of the goals of that 1971 act, I am proud to be a cosponsor of H.R. 1018, the Restore our American Mustangs, or ROAM Act, introduced by House Natural Resources Committee Chairman RAHALL and passed by this House in July.

Mr. Speaker, House Resolution 688 is important in drawing attention to the vital role of adoption in saving America's wild horses and burros. I commend Representative TITUS for shining a light on this important event, and I ask my colleagues to support passage.

I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I rise in support of H. Res. 688, and I yield myself such time as I may consume.

I want to commend the Nevada delegation for this resolution urging the public to adopt the 18,000 wild horses waiting for adoption. However, it is a little confusing. Just 2 months ago, both the Democratic sponsor and cosponsor of this bill voted in favor of H.R. 1018, a bill that even the Obama administration said would make the problem worse, not better.

I am also perplexed, with Nevada's unemployment rate at 13.2 percent, how both of our Democratic colleagues from that hard-hit State could vote for a bill that would spend close to a billion dollars to expand a failed welfare program for wild horses.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield such time as she may consume to Representative TITUS, the sponsor of this resolution.

Ms. TITUS. Mr. Speaker, I would like to thank Chairman RAHALL and subcommittee Chairman GRIJALVA for bringing this timely resolution to the floor today.

I rise in strong support of H. Res. 688, a resolution I introduced with my colleagues from the Nevada congressional delegation in support of the goals and ideals of National Wild Horse and Burro Adoption Day.

Wild horses and burros are living symbols of the independent, free spirit of the American West. My State of Nevada is home to more than half the wild horses in the country, and our State quarter depicts a trio of wild mustangs.

The Wild Free Roaming Horses and Burros Act, which became law in 1971, gave the Secretaries of Agriculture and the Interior responsibility for the humane capture, removal, and adoption of wild horses and burros. The agencies ensure that healthy herds thrive on healthy rangelands. But because these animals have no natural predators, herd sizes can increase dramatically in very short periods of time.

In order to maintain balance on the rangelands, wild horses and burros are gathered and offered for adoption and sale. Currently, there are some 31,000 wild horses in short-term and long-term holding facilities, with 18,000 young horses available for adoption.

□ 1500

Although reasonable people might disagree on the appropriate number of

horses that should be allowed to roam free, ranchers, wild horse advocates, environmentalists, animal lovers, and taxpayers alike can agree that there is a pressing need to improve upon the adoption programs to remove horses from these holding facilities and place them in good adoptive homes.

On September 26, 2009, a number of private organizations will assist with the adoption of excess wild horses and burros in conjunction with the first National Wild Horse and Burro Adoption Day. State BLM offices, as well as rescue centers, wild horse groups, environmentalists, and volunteers from all walks of life will be engaged in activities leading up to and on this important day.

BLM, the American Horse Protection Association, the Mustang Heritage Foundation, the Humane Society of the United States, and Wild Horses 4Ever all support National Wild Horse and Burro Adoption Day, and more than 65 adoption and educational events will take place across the country in support of its goals. Wild horse advocates have set a 1,000 horse and burro adoption goal for National Wild Horse and Burro Adoption Day. This will save taxpayers $1.5 million. This process has already begun as we saw last weekend with a successful adoption event in Pahrump, Nevada.

The resolution we are considering today supports the goals of National Wild Horse and Burro Adoption Day to be held annually in coordination with the Secretaries of Interior and Agriculture. It also recognizes that creating a successful adoption model for wild horses and burros is consistent with the Wild Free-Roaming Horse and Burros Act of 1971 and beneficial to the long-term interests of the people of the United States in protecting wild horses and burros.

Lastly, my resolution encourages Americans to adopt a wild horse or burro and own a living symbol of the historic and pioneer spirit of the American West, just as my sister, Rho Hudson, did when she adopted a wild burro, Sadie, who is a nice addition to her ranch in Pea Vine Canyon, Nevada.

More than 220,000 wild horses and burros have been adopted since 1973. By placing this renewed emphasis on the importance of wild horse adoption programs, we will protect the welfare of these majestic animals and save taxpayer dollars at the same time.

I urge passage of this important resolution.

Mr. CHAFFETZ. Mr. Speaker, I urge the passage of H. Res. 688.

Having no additional speakers on this topic, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this important bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 688.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING THE 75TH ANNIVERSARY OF HAWK MOUNTAIN SANCTUARY

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 670) congratulating and saluting the Hawk Mountain Sanctuary for celebrating its 75th anniversary, commending the Hawk Mountain Sanctuary for its contributions to the preservation of wildlife and the native ecology of the Appalachian Mountains and eastern Pennsylvania, and commending the Hawk Mountain Sanctuary for its dedication to educating the public and the international community about wildlife conservation.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 670

Whereas Hawk Mountain Sanctuary is a year-round wildlife sanctuary that introduces students and visitors to the natural beauty of the central Appalachian Mountains of eastern Pennsylvania;

Whereas the 2,600 acres of woodland in the sanctuary and more than 13,000 acres of private and public lands in the area comprise one of the largest protected tracts of contiguous forest in eastern Pennsylvania;

Whereas the sanctuary consists of 8 miles of ridge and valley trails for visitors to hike and explore;

Whereas Hawk Mountain Sanctuary was the first refuge for birds of prey in the world;

Whereas over 12,000 raptors of various species find refuge in the Hawk Mountain Sanctuary every year;

Whereas during the autumn months, visitors have the unique opportunity to view numerous raptors of various species participating in a yearly migration through Pennsylvania;

Whereas Hawk Mountain Sanctuary is internationally known as a global information hub and a leader in the field of raptor biology and raptor conservation;

Whereas the sanctuary has a full-time staff of 16 employees and a volunteer workforce of more than 200 dedicated members;

Whereas the sanctuary staff works continually with world-class raptor scientists, conservationists, graduate students, and international interns to collaborate, collect, and analyze information and to formulate and test new conservation strategies;

Whereas Hawk Mountain Sanctuary offers weekend programs for local residents, guided programs for students and groups, and fully accredited college-level courses in cooperation with Cedar Crest College, located in Allentown, Pennsylvania;

Whereas the sanctuary makes a concerted effort to work with local and regional conservationists in researching and preserving the ecology of the Appalachian Mountains;

Whereas the springs, ephemeral streams, vernal pools, and four small ponds of the mountains, as well as the nearby Little Schuylkill River and Kettle Creek, provide a crucial habitat for rare plants, invertebrates, and amphibians;

Whereas amateur ornithologist Richard Pough first noticed the area as an important location for raptor activity and brought attention to the area and its rich population of raptors by photographing the controversial hunting of hawks for sport;

Whereas in 1934, national conservationist Rosalie Edge visited Hawk Mountain after viewing photographs taken by Richard Pough, and with the guidance of bird conservationists Maurice and Irma Broun, advocated for an end to the sport hunting of hawks on the land before purchasing the land and opening it as a sanctuary for public use;

Whereas Rosalie Edge deeded the 1,400 acres to the Hawk Mountain Sanctuary Association, which was incorporated in Pennsylvania in 1938 as a nonprofit organization;

Whereas in 1965, the Secretary of the Interior designated the Hawk Mountain Sanctuary as a registered natural landmark;

Whereas in 1976, the Conservation Internship Program of the sanctuary was initiated, and the program has since trained 280 young conservationists representing 52 countries on 6 continents;

Whereas in 1987, Hawk Mountain Sanctuary received the prestigious Chevron Conservation Award; and

Whereas in 2002, the Acopian Center for Conservation Learning opened and the Wings of Wonder Gallery was dedicated: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates and salutes the Hawk Mountain Sanctuary for celebrating its 75th anniversary;

(2) commends the Hawk Mountain Sanctuary for its contributions to the preservation of wildlife, especially birds of prey, and the native ecology of the Appalachian Mountains and eastern Pennsylvania; and

(3) commends the Hawk Mountain Sanctuary for its dedication to educating the public and the international community about wildlife conservation.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. 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 on the resolution under consideration.

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

There was no objection.

Ms. BORDALLO. Mr. Speaker, this year marks the 75th anniversary of the Hawk Mountain Sanctuary, a critical wildlife sanctuary, a research area, and environmental education center. Established in 1934 as the first refuge for birds of prey in the world, the sanctuary, which is located in eastern Pennsylvania, provides a rest area for over 12,000 raptors every year during their migrations. It also attracts scientists and students to explore new conservation strategies for birds of prey. The sanctuary's 2,600 acres also provides year-round public access to pristine woodland trails, overlooks,

and education programs that give students an up close and personal view of these majestic birds.

I commend Congressman DENT from Pennsylvania for introducing this resolution, and I urge its passage.

With that, I reserve the balance of my time.

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

Mr. Speaker, House Resolution 670 would congratulate the Hawk Mountain Sanctuary on the 75th anniversary of its establishment as the world's first refuge for birds of prey.

From its humble beginnings in 1934 when Miss Rosalie Edge deeded 1,400 acres to the private nonprofit Hawk Mountain Sanctuary Association, more than 60,000 people visit this sanctuary each year to enjoy the majestic flights of more than 12,000 eagles, falcons and hawks that live there.

This resolution also commends the sanctuary for its dedication to the conservation of wildlife and for its efforts to educate the public and the international community on the vital role that birds of prey play in the ecosystems throughout the world.

I would like to compliment Congressman CHARLIE DENT of Allentown, Pennsylvania, for his outstanding leadership in proposing this legislation. I am happy to join with him in congratulating the Hawk Mountain Sanctuary on its 75th birthday.

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

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

Mr. CHAFFETZ. Mr. Speaker, I yield as much time as he may consume to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. I would like to thank those supporting this legislation today.

Mr. Speaker, I rise today in strong support of this resolution, which I introduced with my colleague from Pennsylvania, TIM HOLDEN.

This fall, Hawk Mountain Sanctuary, located in beautiful Berks County, Pennsylvania, is celebrating its 75th anniversary. Located at the boundary of three counties—Berks, Schuylkill and Lehigh—and as the world's first refuge for birds of prey, Hawk Mountain has an extremely rich history in eastern Pennsylvania and has become one of the preeminent wildlife sanctuaries in the United States.

In 1934, noted wildlife conservationist Rosalie Edge was drawn to Hawk Mountain after learning large numbers of hawks were being killed as they migrated along the Appalachian Mountains' Kittatinny Ridge. After this initial visit, Edge leased 1,400 acres of the ridge for a mere $500 and opened it to the public as a place for local residents to view birds of prey in their natural habitat. Later, the property was deeded to the Hawk Mountain Sanctuary Association, which oversaw the preservation of the land and protection of its wildlife.

Since its modest beginnings in the 1930s, Hawk Mountain has remained a year-round wildlife sanctuary that introduces students and visitors to the natural beauty of the Appalachian Mountains and the many birds of prey that call the range home. Today, 16 full-time employees and a volunteer workforce of over 200 dedicated members help educate thousands of visitors each year about the value of preserving the native ecology of eastern Pennsylvania.

With the goal of providing a unique and engaging educational experience for its visitors, Hawk Mountain offers weekend programs for local residents, guided programs for students and groups, and fully accredited college-level courses in cooperation with Cedar Crest College located in my congressional district.

In addition to educating the public, the employees and volunteers at Hawk Mountain have contributed greatly to the development of effective conservation practices that help preserve vital ecosystems throughout the world. The sanctuary staff works with world-class raptor scientists, conservationists, graduate students, and international interns to collect and analyze important information as well as formulate and test new conservation strategies.

The natural beauty and value of Hawk Mountain and the achievements of the sanctuary's devoted staff have not gone unnoticed over the years. In 1965, Hawk Mountain was designated a Registered National Natural Landmark by the U.S. Department of Interior, ranking it as one of the best examples of biological and geological features in America. Over 20 years later, the sanctuary received the prestigious Chevron Conservation Award, North America's oldest private conservation honor, which recognizes significant contributions to the preservation of natural resources in the United States.

Mr. Speaker, today's consideration of the resolution couldn't come at a more appropriate time. During the autumn months, visitors to Hawk Mountain have the unique opportunity to view numerous raptors of various species participate in their yearly migration through Pennsylvania. Currently, the sanctuary is in the midst of its annual Hawk Watch, which runs from August 15 to December 15. In this period, the sanctuary records the number of raptors migrating past its scenic north lookout. Yesterday, visitors spotted over 600 hawks of varying species, 26 ospreys, four bald eagles, and a single falcon in the skies over Berks County. Clearly, Hawk Mountain provides a remarkable chance for bird enthusiasts and novices alike to view the migration of critical and sometimes rare bird species.

Mr. Speaker, I commend Hawk Mountain Sanctuary for its contributions to the preservation of wildlife, especially birds of prey, as well as the native ecology of the Appalachian Mountains and eastern Pennsylvania. I also applaud the sanctuary for its dedication to educating the American public and international community about wildlife conservation. In fact, a celebration of Hawk Mountain's 75th anniversary just occurred a week ago on Saturday, September 12. It was a joyous occasion for all who attended. I know I enjoyed it thoroughly, as did many hundreds of others who came to celebrate time at Hawk Mountain.

Finally, I would encourage my colleagues to join me in officially congratulating and saluting Hawk Mountain on its 75th anniversary and wish the sanctuary and its staff many, many more years of achievement. And I wish the visitors all happy and engaging times there.

Mr. HOLDEN. Mr. Speaker, I rise in support of H. Res. 670, congratulating and saluting the Hawk Mountain Sanctuary for celebrating its 75th anniversary, commending the Hawk Mountain Sanctuary for its contributions to the preservation of wildlife and the native ecology of the Appalachian Mountains and eastern Pennsylvania, and commending the Hawk Mountain Sanctuary for its dedication to educating the public and the international community about wildlife conservation.

Hawk Mountain Sanctuary is a wild bird sanctuary near Kempton, Pennsylvania, in my district. Hawk Mountain is located along the Appalachian flyway, which is one of several very important flyways located in the U.S. It has been called the ''center of the universe'' for hawk watchers along the Appalachian flyway, bringing an average of 20,000 hawks, eagles, and falcons past the lookouts during late summer and fall every year.

Visitors to the sanctuary, who number about 60,000 annually, learn about conservation of the raptor population. Hawk Mountain Sanctuary is the world's oldest wildlife sanctuary exclusively committed to the protection and observation of birds of prey. The sanctuary's annual count of hawks, eagles and falcons, which is the world's longest record of raptor populations, provides valuable information on changes in raptor numbers in northeastern North America.

Hawk Mountain Sanctuary plays an important role in conserving birds of prey worldwide, providing leadership in raptor conservation science and education, and maintaining a model observation, research and education facility. Therefore, I am pleased to honor the 75th anniversary of Hawk Mountain Sanctuary.

Mr. CHAFFETZ. Mr. Speaker, with no additional speakers, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this bill.

I want to thank my colleague from Utah (Mr. CHAFFETZ) for managing the bills on the floor today with me.

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 Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 670.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING CATHOLIC SISTERS

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 441) honoring the historical contributions of Catholic sisters in the United States, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 441

Whereas the social, cultural, and political contributions of Catholic sisters have played a vital role in shaping life in the United States;

Whereas such women have joined in unique forms of intentional communitarian life dedicated to prayer and service since the very beginnings of our Nation's history, fearlessly and often sacrificially committing their personal lives to teaching, healing, and social action;

Whereas the first Catholic sisters to live and work in the United States were nine Ursuline Sisters, who journeyed from France to New Orleans in 1727;

Whereas at least nine sisters from the United States have been martyred since 1980 while working for social justice and human rights overseas;

Whereas Maura Clark, MM, Ita Ford, MM, and Dorothy Kazel, OSU were martyred in El Salvador in 1980;

Whereas Joel Kolmer, ASC, Shirley Kolmer, ASC, Kathleen McGuire, ASC, Agnes Mueller, ASC, and Barbara Ann Muttra, ASC were martyred in Liberia in 1992;

Whereas Dorothy Stang, SNDdeN was martyred in Brazil in 2005;

Whereas Catholic sisters established the Nation's largest private school system and founded more than 110 United States colleges and universities, educating millions of young people in the United States;

Whereas there were approximately 32,000 Catholic sisters in the United States who taught 400,000 children in 2,000 parochial schools by 1880, and there were 180,000 Catholic sisters who taught nearly 4,500,000 children by 1965;

Whereas today, there are approximately 59,000 Catholic sisters in the United States;

Whereas Catholic sisters participated in the opening of the West, traveling vast distances to minister in remote locations, setting up schools and hospitals, and working among native populations on distant reservations;

Whereas more than 600 sisters from 21 different religious communities nursed both Union and Confederate soldiers alike during the Civil War;

Whereas Catholic sisters cared for afflicted populations during the epidemics of cholera, typhoid, yellow fever, smallpox, tuberculosis, and influenza during the 19th and early 20th centuries;

Whereas Catholic sisters built and established hospitals, orphanages, and charitable institutions that have served millions of people, managing organizations long before similar positions were open to women;

Whereas approximately one in six hospital patients in the United States were treated in a Catholic facility;

Whereas Catholic sisters have been among the first to stand with the underprivileged, to work and educate among the poor and underserved, and to facilitate leadership through opportunity and example;

Whereas Catholic sisters continue to provide shelter, food, and basic human needs to the economically or socially disadvantaged and advocate relentlessly for the fair and equal treatment of all persons;

Whereas Catholic sisters work for the eradication of poverty and racism and for the promotion of nonviolence, equality, and democracy in principle and in action;

Whereas the humanitarian work of Catholic sisters with communities in crisis and refuge throughout the world positions them as activists and diplomats of peace and justice for the some of the most at risk populations; and

Whereas the Women & Spirit: Catholic Sisters in America Traveling Exhibit is sponsored by the Leadership Conference of Women Religious (LCWR) in association with Cincinnati Museum Center and will open on May 16, 2009, in Cincinnati, Ohio: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors and commends Catholic sisters for their humble service and courageous sacrifice throughout the history of this Nation; and

(2) supports the goals of the Women & Spirit: Catholic Sisters in America Traveling Exhibit, a project sponsored by the Leadership Conference of Women Religious (LCWR) in association with Cincinnati Museum Center and established to recognize the historical contributions of Catholic sisters in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

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

There was no objection.

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

Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I am pleased to present House Resolution 441 for consideration. This legislation honors and commends Catholic sisters for their humble service and courageous sacrifice throughout United States history and additionally supports the goals of the ''Women & Spirit: Catholic Sisters in America'' traveling exhibit.

The measure before us was introduced on May 14, 2009 by my colleague and friend, Representative MARCY KAPTUR of Ohio, and was favorably reported out of the Oversight Committee on September 10, 2009 by unanimous consent. Notably, this measure enjoys the support of over 60 Members of Congress.

Mr. Speaker, House Resolution 441 honors the altruistic Catholic sisters, whose passion for public service has helped shape our Nation's social and cultural landscape. Since arriving in the United States almost 300 years ago, Catholic sisters have established schools, colleges, hospitals, orphanages, homeless shelters, and various other institutions to provide for those in need. These unsung heroes have served millions of Americans as nurses, as teachers, social workers, and they continue to do so today. The Catholic sisters have also helped to educate countless young Americans by establishing the Nation's largest private school system and founding over 110 colleges and universities.

□ 1515

Moreover, in 2005 roughly one in six hospital patients in the United States was treated in a Catholic facility. There are many, many accomplishments which I could cite in support of this resolution and of this traveling exhibit, but I think it's important to note just a few:

The first Catholic sisters in our country to live and work here in the service of our people were nine Ursuline Sisters who journeyed from France to New Orleans in 1727. At least nine sisters of the United States' orders have been martyred since 1980 while working for social justice and for human rights overseas. Dorothy Stang, sister of Notre Dame, was martyred in Brazil in 2005.

There were 32,000 Catholic sisters in the United States who taught 400,000 children at 2,000 parochial schools by the year 1880. There were 180,000 Catholic sisters who taught nearly 4.5 million children in 1965. Today, there are approximately 59,000 Catholic sisters still serving in the United States.

I owe much of my own education to the good sisters of Notre Dame, who taught me the fear of God, and I am forever in their debt. I ask all of our Members to support this resolution.

I reserve the balance of my time.

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

Mr. Speaker, I rise in support of House Resolution 441, honoring the Catholic sisters in the United States, who have contributed greatly to the Catholic church and to the communities where they have lived and worked.

The first Catholic sisters to live in the United States came from France in 1727 and settled in New Orleans. From this small beginning, their presence and contributions to society grew over the years. Today, there are about 59,000 Catholic sisters in the United States. Although their numbers have decreased over the years, their influence is strong and vital.

Catholic sisters founded, staffed and managed the largest private school system in the United States. They founded more than 110 colleges and universities in the United States, thus providing educational opportunity for millions of young people. In addition to schools, the Catholic sisters established hospitals, orphanages and other charitable institutions that have served millions of Americans.

Catholic sisters have long been recognized for their fair and equal treatment of all persons. They have worked tirelessly for the eradication of racism and poverty in the United States and around the world.

In recognition of the women who have added substantially to the lives of many of our citizens, I stand to recognize the Catholic sisters for their untiring dedication and for their many contributions to the fabric of the United States of America.

Mr. Speaker, I urge my colleagues to support this resolution, and I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, in closing, I ask my friends on both sides of the aisle to take a moment to recognize the priceless contributions of the Catholic sisters in America and to thank them for their humble service and courageous sacrifices throughout United States history by agreeing to House Resolution 441.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 441, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

JOHN J. SHIVNEN POST OFFICE BUILDING

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2215) to designate the facility of the United States Postal Service located at 140 Merriman Road in Garden City, Michigan, as the ''John J. Shivnen Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2215

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

SECTION 1. JOHN J. SHIVNEN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 140 Merriman Road in Garden City, Michigan, shall be known and designated as the ''John J. Shivnen 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 ''John J. Shivnen Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, as chairman of the subcommittee with jurisdiction over the United States Postal Service, I am pleased to present H.R. 2215 for consideration. This legislation will designate the United States Postal facility located at 140 Merriman Road in Garden City, Michigan, as the ''John J. Shivnen Post Office Building.''

Introduced on April 30, 2009, by my colleague, Representative THAD MCCOTTER of Michigan, H.R. 2215 was favorably reported out of the Oversight Committee on September 10, 2009, by unanimous consent. Additionally, this legislation enjoys the support of the entire sitting Michigan delegation.

Mr. Speaker, the dedication of the Garden City Post Office in honor of John J. Shivnen is particularly fitting in light of Mr. Shivnen's dedicated and unparalleled service to the United States Postal Service and to his beloved Garden City community.

Specifically, Mr. Shivnen served as the postmaster of Garden City for 30 years until his retirement in 1996. In addition, Mr. Shivnen was an active member of the National Association of Postmasters of the United States for over 40 years, during which time he served in multiple leadership capacities, including area and county director, legislative chairman, parliamentarian, and postmaster representative. Moreover, Mr. Shivnen played an instrumental role with respect to the site selection and construction of the current Garden City Post Office.

In addition to his professional contributions to the Garden City community, Mr. Shivnen also demonstrated a lifelong commitment to community service. During his stewardship of the Garden City Post Office, Mr. Shivnen established an annual Christmas Basket program through which disadvantaged local families received much needed gift and food donations. Mr. Shivnen was also a dedicated member of the Garden City Lions Club service organization. Following his retirement, he remained an active member of several other community groups until his health no longer allowed him to continue.

Notably, among Mr. Shivnen's last community service projects was the creation of a replica of a rural post office located at the Garden City Historical Museum. In support of this effort, Mr. Shivnen purchased a majority of the replica items, performed much of the restoration work himself, and even paid for a portion of the contract work.

In recognition of Mr. Shivnen's contributions to the project, which was completed shortly before his passing, the Garden City Historical Museum Board honored Mr. Shivnen's legacy by hosting his wake at the museum. Regrettably, Mr. Shivnen passed away in January of 2007.

Mr. Speaker, it is my hope that we can honor his lifelong commitment to public and community service through the passage of this legislation to designate the Garden City Post Office in his honor. I urge my colleagues to join me in supporting H.R. 2215.

I reserve the balance of my time.

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

Mr. Speaker, I rise in support of H.R. 2215, a resolution to designate the facility of the United States Postal Service, located at 140 Merriman Road in Garden City, Michigan, as the ''John J. Shivnen Post Office Building.'' I also commend Representative MCCOTTER for bringing this forward to this body.

A graduate of Garden City High School, John Shivnen believed in hard work, humility and community service, and he lived with these three qualities in mind throughout his life.

Appointed postmaster as a young man, Mr. Shivnen served for 30 years, making him the longest-serving postmaster in Garden City. As postmaster, he was actively involved in the site selection and construction of the current Garden City Post Office. He was also an active member of the National Association of Postmasters of the U.S. for 41 years, serving in numerous leadership positions.

Mr. Shivnen's passion for community service was shown through his many efforts to help the community where he spent most of his life. He established the Garden City Post Office annual Christmas Basket program, and was an active member of the Garden City Lions Club.

Generous and compassionate, Mr. Shivnen's deep commitment to his community did not end after his retirement in 1996. He volunteered at the local senior center as a handyman, and his last large community project was his creation of a replica of a rural post office for the Garden City Historical Museum. Purchasing most of the replica items and working with others, the project continued until his declining health prevented him from leaving his home.

His dedication and service for his community is exemplary, and it is fitting to name the post office in Garden City, Michigan, in his honor.

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

Mr. LYNCH. Mr. Speaker, in closing, I again urge my colleagues to support Mr. MCCOTTER and us in honoring Mr. John J. Shivnen through the passing of H.R. 2215. I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 2215.

The question was taken.

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

Mr. LYNCH. 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.

NATIONAL JOB CORPS DAY

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 163) expressing support for designation of September 23, 2009, as ''National Job Corps Day''.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 163

Whereas over the course of 45 years, nearly 3,000,000 youth in the United States have been provided a safe living and learning environment on Job Corps campuses nationwide;

Whereas 123 Job Corps campuses educate and train 60,000 youth in the United States each year;

Whereas throughout its more than four decades of existence, Job Corps has successfully provided the Nation's economically disadvantaged youth with critical residential, academic, and vocational services;

Whereas Job Corps is considered the Nation's largest and most successful high school dropout recovery and youth empowerment program;

Whereas youth enrolled in Job Corps, receive intensive academic remediation, gain employability, learn life skills, and receive job placement assistance;

Whereas Job Corps builds the lives of youth, many of whom are high school dropouts, read slightly below the 8th grade reading level, and have never held a full-time job;

Whereas in an average 8 month stay at Job Corps the vast majority of youth leave with a high school diploma or equivalency, improve their literacy by more than two grade levels, and 75 percent of Job Corps graduates secure employment or enter the military;

Whereas Job Corps' successful model of preparing youth in the United States has included partnerships and linkages with employers and labor representatives;

Whereas this public-private partnership of American ingenuity has led to local and large employers and labor representatives providing Job Corps students hands-on, practical experience through internships and helping during the transition from student to employee;

Whereas Job Corps students and staff have contributed to their communities through millions of hours of community service, signaling the importance of giving back to the communities in which they live;

Whereas dedicated Job Corps staff invest their time and talents in the lives of students and without whom Job Corps could not fulfill its mission;

Whereas the economic benefits of a local Job Corps center generate 100 permanent jobs, thus producing 15,000 qualified and dedicated staff in 48 States, the District of Columbia, and Puerto Rico; and

Whereas September 23, 2009, would be an appropriate day to designate as ''National Job Corps Day'', in honor of the 45th anniversary of Job Corps: Now, therefore, be it

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

(1) supports the designation of ''National Job Corps Day''; and

(2) encourages State and local governments to observe the day with appropriate activities that promote awareness of Job Corps.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

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

There was no objection.

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

Mr. Speaker, on behalf of the Oversight Committee, I am pleased to present House Concurrent Resolution 163 for consideration. This legislation expresses support for the designation of September 23, 2009, as ''National Job Corps Day.''

The measure before us was introduced on July 8, 2009, by my colleague, Representative JERRY MORAN of Kansas, and it was favorably reported out of the Oversight Committee on September 10, 2009, by unanimous consent. Additionally, this legislation currently enjoys the support of over 65 Members of Congress.

Mr. Speaker, House Concurrent Resolution 163 supports the designation of September 23 as ''National Job Corps Day.'' Administered by the United States Department of Labor, the Job Corps is the Nation's largest career technical training and educational program for young people over the age of 16. The Job Corps offers a wide array of services, including career planning, on-the-job training, job placement, residential housing, food services, and driver education.

Since its inception via the 1964 Economic Opportunity Act, the Job Corps has provided countless young Americans with the academic, vocational and social skills training needed to help them obtain meaningful jobs and to pursue further educational opportunities.

In light of the recent economic crisis, the various services and programs offered by the Job Corps have never been more important for America's youth and for the entire Nation. The Job Corps helps to ensure that America's workforce remains capable of handling the challenges of our rapidly changing world.

Notably, the Job Corps boasts 123 centers nationwide, including centers in the District of Columbia and Puerto Rico. Of these 123 centers, my own congressional district is the proud home of the Job Corps' Boston regional office. This terrific regional office oversees Job Corps centers in Connecticut, Maine, Massachusetts, New Jersey, New York, Puerto Rico, Rhode Island, and Vermont.

In closing, I am delighted to support House Concurrent Resolution 163, and I urge all of our friends and Members to join me in recognizing the continuing success of the Job Corps.

I reserve the balance of my time.

□ 1530

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

I rise today to discuss House Concurrent Resolution 163, expressing support for the designation of September 23, 2009, as National Job Corps Day.

The Job Corps organization has been training young adults for careers since 1964. Job Corps's mission is to ''attract eligible young people, teach them the skills they need to become employable and independent, and place them in meaningful jobs or further education.'' By committing to this mission, Job Corps is able to successfully train thousands of youth in the United States each year.

Job Corps involves youth and a free career development program, which integrates the teaching of academic, vocational, employability skills and social competencies. This gives young people the opportunity to prepare themselves for a fruitful future, with help from the dedicated employees who ensure this program runs smoothly and effectively. These people should also be commended.

Keeping our Nation's youth in productive programs like Job Corps helps to steer the youth of the United States in the right direction. The staff and students have contributed to their communities millions of hours of community service, showing the importance of giving back to the United States of America.

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

Mr. LYNCH. Mr. Speaker, I again urge my colleagues to support the designation of September 23, 2009, as National Job Corps Day by agreeing to House Concurrent Resolution 163.

Mr. MORAN of Kansas. Mr. Speaker, I rise in support of H. Con. Res. 163. This legislation designates tomorrow, September 23, 2009, as "National Job Corps Day." I introduced this resolution to commemorate the 45th anniversary of Job Corps and to recognize the program for its successes.

I firmly believe that the world is changed one person at a time. At Job Corps' 123 centers across the country, the program is changing lives each day. Close to three-quarters of the students who enroll in Job Corps are high school dropouts. Many have never held a full-time job. These young people come from difficult circumstances, with skills and abilities not yet discovered or fully developed.

Yet, Job Corps recognizes the potential in these individuals. It gives them the opportunity to improve their education and learn an employable skill. It provides the care, encouragement, and support these youths need to turn their lives around.

In an average 8 month stay at Job Corps, the majority of students leave with a high

school diploma or equivalency and improve their literacy by more than two grade levels. About 75 percent of Job Corps graduates secure employment or enter the military.

Young people need Job Corps now more than ever. While it can be difficult for a young person who lacks the proper skills and education to find work in good economic times, it becomes even more of a challenge in times of economic uncertainty. The unemployment rate in August for those ages 16 to 19 was a staggering 25.5 percent. For 20 to 24 year olds, the jobless rate was just over 15 percent.

While Job Corps reaches some 60,000 youths each year, it cannot serve all those in need. Sadly, many young people still fall through the cracks and the cost to these individuals and society is immense.

Studies tell us that over the course of the next decade, the 12 million students who are projected to drop out of high school will cost our economy more than $3 trillion.

Here on this floor, we have been talking a lot lately about health care. Studies show that each class of dropouts costs states $17 billion in publically-subsidized health care over the course of their lives.

In addition, individuals lacking more than a high school education make up close to the entirety of our Nation's prison population and account for 90 percent of incarceration spending.

But it's about more than dollars and cents. It's about more than employment statistics. It's about people. It's about helping people achieve a better life. And that is what Job Corps does.

Young people are our country's future. We have a responsibility to care for and educate them. Job Corps helps us do that.

So I urge my colleagues to support this resolution and join me in recognizing Job Corps for the work it does for young people who need it most.

Mr. BLUMENAUER. Mr. Speaker, I am proud to join my colleagues in celebrating the 45th anniversary of Job Corps. Since its inception in 1964, Job Corps has educated over 3 million people, helping them secure their high school diplomas, improve literacy and find secure employment.

Oregon has six Job Corps centers, one of which is in the Third Congressional District of Oregon. The Springdale Job Corps Center houses over 120 students and offers services to an additional fifty day students. The Center helps prepare students for careers in the culinary, administrative, security, automotive and health care fields, as well as assists students with their high school diplomas or equivalent. I am impressed by the energy, thoughtfulness and passion of those who work at the Springdale Center and the discipline and drive of the students they prepare.

On the 45th anniversary of Job Corps founding, I would like to acknowledge the great work being done in Springdale, Oregon and across the country.

Mr. BACA. Mr. Speaker, I rise today to voice my strong support for H. Con. Res. 163, a resolution expressing support for September 23 to be recognized as ''National Job Corps Day.''

In my home district of San Bernardino, California, we have an Inland Empire Job Corps center that has helped thousands of young people improve the quality of their lives through career, technical, and academic training.

These young people have been able to give back to their local communities by becoming productive members of society, and with countless hours of community service organized through Job Corps.

In fact, over the last 45 years, nearly 3 million youth across the Nation have been provided a safe living and learning environment on Job Corp campuses nationwide.

Job Corps is America's largest and most successful high school dropout recovery and youth empowerment program.

75 percent of Job Corps graduates secure either permanent employment or enter into military service.

It is only fitting that Congress moves to recognize this highly successful program—and continues to support it during these financially troubling times.

I urge my colleagues to express their support for the Job Corps Program; and for the hardworking men and women who make a positive difference in the lives of America's young people.

Vote in favor of H. Con. Res. 163.

Mr. POMEROY. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 163, legislation commending Job Corps on their 45th Anniversary and declaring September 23, 2009 as ''National Job Corps Day.''

For 45 years, Job Corps has served our Nation's at-risk youth by providing desperately needed residential, academic and vocational services to help economically disadvantaged students secure a job and build critical life skills. As a co-chair of the Friends of Job Corps Caucus, I proudly support Job Corps and salute this unique program for helping nearly three million youth pursue their dreams of an independent life.

One of our country's most significant challenges is helping America's forgotten youth. Thirty percent of our youth do not graduate from high school and 40 percent of those who do complete high school are unprepared for work or higher education. Taken together, this means that an astounding three out of five American youth leave traditional schools without the skills they need to succeed in work or post-secondary education.

The Job Corps model remains out-of-school youths' best chance for success. For over four decades, Job Corps has been considered the Nation's largest and most successful dropout recovery program. Each year, more than 60,000 youths choose to enroll in Job Corps to receive the support they need. The vast majority of students leave with a GED or high school diploma and over 85 percent of Job Corps graduates obtain jobs, enlist in the military or pursue higher education.

In addition to helping students, Job Corps stimulates the economy through local economic activity. Job Corps funding is immediately invested in local economies across the nation through its 15,000 staff and the money local centers spend regionally on supplies and services. Every dollar invested in Job Corps stimulates $1.91 in local economic activity.

I have seen first-hand the difference the Job Corps program has made in my own district through my work with the Quentin Burdick Job Corps Center in Minot, North Dakota. This center serves approximately 250 students in the region, and has been one of the top performing centers in the country for over five years. I am proud of the work the Burdick Job Corps Center has done in my community, giving disadvantaged youths the skills they need to succeed in today's workforce—at no cost to them or their families.

For all of these reasons, I want to commend Job Corp students and staff on their 45th anniversary, and urge my colleagues to join me today in supporting this important resolution.

Mr. LYNCH. I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res 163.

The question was taken.

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

Mr LYNCH. 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.

DR. MARTIN LUTHER KING, JR. POST OFFICE

Mr LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2971) to designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the ''Dr. Martin Luther King, Jr. Post Office''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2971

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

SECTION 1. DR. MARTIN LUTHER KING, JR. POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, shall be known and designated as the ''Dr. Martin Luther King, Jr. Post Office''.

(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 ''Dr. Martin Luther King, Jr. Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

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

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield time to the gentleman from North Dakota (Mr. POMEROY) so that he may speak on the bill that just passed.

Mr. POMEROY. I thank my friend, because I wanted to say some words on behalf of Jobs Corps and missed by moments, apparently, the formal opportunity do that. I will add a statement to the RECORD.

But let me say as co-Chair of the Friends of Job Corps Caucus, I believe so strongly in the promise of Job Corps and admire its 45-year track record in providing at-risk youth the core job skills they need so that they might move forward and make something of their lives.

My statement will include data, including the 60,000 youth every year choosing to enroll in Job Corps, the 85 percent of Job Corps graduates that obtain the high school diploma or GED equivalent, graduate with jobs and job-related skills, pursuing service in the military, other alternatives.

I have seen firsthand in the Quentin Burdick Job Corps Center in Minot, North Dakota, youth that are getting after the business of turning their lives around and the new sense of self-esteem as they acquire skills, skills that will bring them jobs, jobs that will pay living wages so that they might have, for the first time, often, in the life of their family, a shot at breaking the cycle of poverty and leaving a better future for the children and grandchildren to follow.

There is a reason why for 45 years Republicans and Democrats alike have supported Job Corps: It works.

The President has told people contemplating walking away from school, not continuing their education, you are not only quitting on yourself, you are quitting on your country, because we need those skills. Well, for our country, I must say we must not quit on these young people, and that is why I look forward to the next 45 years of Job Corps support.

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

Mr. Speaker, I rise today to express my strong support for this bill designating the post office located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the Dr. Martin Luther King, Jr. Post Office.

Dr. Martin Luther King, Jr., became one of the most important public figures of our times. His leadership during the Civil Rights Movement helped to make America the country it is today. Because of Dr. King's many accomplishments in the pursuit of justice and liberty, it is clear that he deserves this honor and recognition.

Dr. King began his career as a Baptist minister who was also a leading civil rights leader during the 1950s and 1960s. It's hard to forget Dr. King's stirring and often quoted ''I Have a Dream'' speech that established him as one of the great American orators of all time.

Dr. King's lifelong crusade to end all forms of racial inequity was instrumental in turning the entire country towards civil rights for all citizens. His cry against segregation and other forms of discrimination brought this issue to the forefront of American culture.

Dr. King was awarded the Nobel Peace Prize in 1964, which helped show the world that racial discrimination could be ended through nonviolent means. He was also awarded the Presidential Medal of Freedom and Congressional Gold Medal. In recognition of his many accomplishments for our country, in 1983, Congress established a national holiday as a tribute to his memory.

As one of the most pivotal figures in the battle to end bigotry and discrimination on the basis of race, Dr. King led the Montgomery Bus Boycott in 1955, helped found the Southern Christian Leadership Conference in 1957, and was instrumental in orchestrating the famous Birmingham, Alabama, protests. Realizing that his message of freedom applied to all impoverished Americans, Dr. King expanded his crusade for fair treatment for all citizens. Dr. King expanded his message to apply to impoverished Americans.

Towards the end of his life, he expanded his outreach to all races and cultures. Dr. King dedicated his life to ensuring these principles this country holds so dear, those of liberty and justice for all citizens.

I would like to thank my respected colleague, EARL BLUMENAUER, for introducing this important legislation.

I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, I am pleased to present H.R. 2971 for consideration. This legislation, as my colleague noted, will designate the United States postal facility located at 630 Northeast Killingsworth Avenue, in Portland, Oregon, as the Dr. Martin Luther King, Jr. Post Office.

Introduced on June 19, 2009, by my colleague, Representative EARL BLUMENAUER of Oregon, H.R. 2971 was favorably reported out of the Oversight and Government Reform Committee on July 10, 2009, by unanimous consent. Additionally, this legislation enjoys the support of the entire Oregon House delegation.

My friend from Utah has articulated very well the events, the life and legacy of Dr. King, from his leadership in helping to organize the Montgomery Bus Boycott in 1955 to his riveting ''I Have a Dream'' speech in front of the Lincoln Memorial not far from this spot, and also the passion of his pursuit of nonviolent protest to change opinions, attitudes and opportunity in this country.

Dr. King served to remind this Nation of its fundamental responsibility to safeguard the natural, God-given rights of all men and women, so that all people in this country would be free to pursue our goals and aspirations without limit.

Mr. Speaker, it is my hope that we can further honor the great life and legacy of Dr. King by joining our colleague from the State of Oregon and supporting the passage of this legislation to designate the Northeast Killingsworth Avenue post office in his honor.

I urge my colleagues to join me in supporting H.R. 2971.

I reserve the balance of my time.

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

Mr. LYNCH. Mr. Speaker, in closing, I again urge my colleagues to join me in honoring Dr. Martin Luther King, Jr., through the passage of H.R. 2971.

Mr. BLUMENAUER. Mr. Speaker, in June, I introduced a bill to name a post office in my district, northeast Portland, Oregon, the ''Dr. Martin Luther King, Jr. Post Office.'' Located at 630 Northeast Killingsworth Avenue, this post office shall serve as a daily reminder of the civil rights leader who, even now, inspires our Nation and serves as a catalyst for change.

In fact, this bill itself is a result of a community-led effort, and the hard work of two local letter carriers. In 2007, Mr. Jamie Partridge and Mr. Isham Harris collected employee signatures supporting this naming, as well as letters of support from several neighborhood associations. I am pleased to carry this effort forward in D.C., with the full support of the entire Oregon congressional delegation.

I thank the Committee on Government Oversight and Reform for working with me to ensure speedy passage of this bill through the House. I look forward to equally expeditious consideration in the Senate.

Mr. LYNCH. I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 2971.

The question was taken.

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

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

The yeas and nays were ordered.

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

UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 2009

Mr. MCDERMOTT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3548) to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3548

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 ''Unemployment Compensation Extension Act of 2009''.

SEC. 2. ADDITIONAL EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by adding at the end the following:

''(d) FURTHER ADDITIONAL EMERGENCY UNEMPLOYMENT COMPENSATION.—

''(1) IN GENERAL.—If, at the time that the amount added to an individual's account under subsection (c)(1) (hereinafter 'additional emergency unemployment compensation') is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), such account shall be further augmented by an amount (hereinafter 'further additional emergency unemployment compensation') equal to the lesser of—

''(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under the State law; or

''(B) 13 times the individual's average weekly benefit amount (as determined under subsection (b)(2)) for the benefit year.

''(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if such a period would then be in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970 if—

''(A) section 203(d) of such Act—

''(i) were applied by substituting '6' for '5' each place it appears; and

''(ii) did not include the requirement under paragraph (1)(A) thereof; or

''(B) section 203(f) of such Act were applied to such State—

''(i) regardless of whether or not the State had by law provided for its application;

''(ii) by substituting '8.5' for '6.5' in paragraph (1)(A)(i) thereof; and

''(iii) as if it did not include the requirement under paragraph (1)(A)(ii) thereof.

''(3) COORDINATION RULE.—Notwithstanding an election under section 4001(e) by a State to provide for the payment of emergency unemployment compensation prior to extended compensation, such State may pay extended compensation to an otherwise eligible individual prior to any further additional emergency unemployment compensation, if such individual claimed extended compensation for at least 1 week of unemployment after the exhaustion of additional emergency unemployment compensation.

''(4) LIMITATION.—The account of an individual may be augmented not more than once under this subsection.''.

(b) CONFORMING AMENDMENT TO NON-AUGMENTATION RULE.—Section 4007(b)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) by striking ''then section 4002(c)'' and inserting ''then subsections (c) and (d) of section 4002''; and

(2) by striking ''paragraph (2) of such section)'' and inserting ''paragraph (2) of such subsection (c) or (d) (as the case may be))''.

(c) TRANSFER OF FUNDS.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by striking ''Act;'' and inserting ''Act and the Unemployment Compensation Extension Act of 2009;''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

SEC. 3. 0.2 PERCENT FUTA SURTAX.

(a) IN GENERAL.—Section 3301 of the Internal Revenue Code of 1986 (relating to rate of tax) is amended—

(1) by striking ''through 2009'' in paragraph (1) and inserting ''through 2010'', and

(2) by striking ''calendar year 2010'' in paragraph (2) and inserting ''calendar year 2011''.

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

SEC. 4. REPORTING OF FIRST DAY OF EARNINGS TO DIRECTORY OF NEW HIRES.

(a) IN GENERAL.—Section 453A(b)(1)(A) of the Social Security Act (42 U.S.C. 653a(b)(1)(A)) is amended by inserting ''the date services for remuneration were first performed by the employee,'' after ''of the employee,''.

(b) REPORTING FORMAT AND METHOD.—Section 453A(c) of the Social Security Act (42 U.S.C. 653a(c)) is amended by inserting '', to the extent practicable,'' after ''Each report required by subsection (b) shall''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall take effect six months after the date of enactment of this Act.

(2) COMPLIANCE TRANSITION PERIOD.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under part D of title IV of the Social Security Act to meet the additional requirements imposed by the amendment made by subsection (a), the plan shall not be regarded as failing to meet such requirements before the first day of the second calendar quarter beginning after the close of the first regular session of the State legislature that begins after the effective date of such amendment. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

SEC. 5. COLLECTION IN ALL STATES OF UNEMPLOYMENT COMPENSATION DUE TO FRAUD.

(a) IN GENERAL.—Subsection (f) of section 6402 of the Internal Revenue Code of 1986 is amended by striking paragraph (3) and redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to refunds payable on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from Kentucky (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. MCDERMOTT. 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 materials on H.R. 3548.

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

There was no objection.

Mr. MCDERMOTT. Mr. Speaker, across America, there are people who are hanging on by a thin, economic lifeline called unemployment insurance. Without the passage of this bill, that thread will break for over 1 million workers before the end of this year, plunging them and their families into an economic abyss and threatening to reverse the positive signs we are beginning to see in the economy. We can prevent that this afternoon by passing this bill.

This legislation will provide an additional 13 weeks of extended benefits to individuals in hard-hit States, specifically those with a 3-month average unemployment rate at or above 8.5 percent. It's important to note that this legislation is fully offset and does not increase the deficit.

At the beginning of this year, America felt the bare-knuckled brunt of what has already been called the Great Recession. Nearly three-quarters of a million jobs were lost in the month of January alone, and we met the crisis head on.

The steps we took earlier this year helped us turn away from an economic catastrophe and toward recovery. Don't take my word for it. Former JOHN MCCAIN economic adviser Mark Zandi said, ''Without the stimulus, job losses would be measurably worse.'' But even as economic indicators show improvement, we know we cannot replace 7 million lost jobs overnight.

□ 1545

Recovery will take time. There are still six unemployed workers for every available job, so extended unemployment compensation isn't a convenience; it's a necessity.

Since I introduced this legislation 2 weeks ago, my office phones have been ringing nonstop with calls from Americans all across the country who have exhausted or soon will exhaust their benefits, asking, When is it going to pass?

I heard it from paralegals who could not find a job because attorneys are competing against them for employment; from contractors who are still reeling from the collapse of the housing market; and from school teachers whose local school districts could not afford to keep them on the payroll.

Without quick action, they will become unable to afford their mortgages or health coverage. Providing these Americans with a modest economic lifeline is not only the humane thing to do, but it's in the economic interest of the country.

Every UI dollar generates $1.64 in positive impact in the economy. That supports existing jobs and our fragile housing market. In other words, UI, unemployment insurance, is a win for every American.

I urge all Members to support this bipartisan, budget-neutral bill to extend unemployment benefits.

I reserve the balance of my time.

Mr. DAVIS of Kentucky. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3548, the Unemployment Compensation Extension Act. This legislation provides up to 3 months' additional Federal extended unemployment benefits to long-term unemployed individuals in States where the unemployment rate is 8.5 percent or higher.

That's on top of the 18 months of State and Federal unemployment benefits already available in places with unemployment at those levels. With the passage of this bill, folks who are unemployed could potentially receive up to 21 months of combined unemployment benefits.

Right now, more than half of the States will benefit from this bill. An incredible 29 States are struggling with unemployment rates of 8.5 percent or higher. In my home State of Kentucky, the unemployment rate is 11.1 percent, leaving more than one out of every 10 Kentuckians out of work.

That's a staggering number. The fact that we're here today discussing a measure that will provide Americans with nearly 2 years' worth of unemployment benefits is yet another sign of the failure of this administration's stimulus plan to create jobs. Nothing establishes that more clearly than the economic trends in States like the Commonwealth of Kentucky.

Since February, 2009, when the stimulus law was signed, almost 38,000 Kentuckians have been added to the unemployment rolls, and the unemployment rate has surged from 9.3 percent in February, to 11.1 percent today.

Over the past year, nearly 123,000 Kentuckians have claimed emergency unemployment benefits after their traditional benefit allowances expired. Every week, between 800 and 1,200 Kentucky residents are running out of unemployment benefits.

Earlier this month, Kentucky Governor Steve Beshear sent a letter to the Kentucky delegation stating that the loss of unemployment benefits would be devastating to many families. It will only sink Kentucky further behind in the race toward economic recovery. State and Federal unemployment accounts are already drained, and we are headed for more than $100 billion deficits in these supposed ''trust funds'' by the end of 2010, with $200 billion deficits by the end of 2012.

All of that spending will come at a huge price, which could require a doubling or more of State payroll taxes and possibly Federal tax hikes as well. Payroll tax hikes mean a tax on jobs—and ultimately on job creation—which brings us back to the real point: jobs.

In February, the administration promised its stimulus plan would create 3.5 million jobs. We're still waiting. While the administration claims to have ''created or saved'' 1 million jobs, in the real world, Americans have witnessed the continued destruction of 3 million jobs since the beginning of this year.

The administration promised with its stimulus bill that national unemployment would not exceed 8 percent. It's now 9.7 percent nationally, and the President has said he now expects it to exceed 10 percent by the end of the year.

Earlier this month, Larry Summers, Chair of the President's National Economic Council, said that the level of unemployment is unacceptably high and will remain so for a number of years.

It's time to provide much needed help and assistance to millions of Americans who are struggling in States with outrageous unemployment rates. They should not be made to suffer for the failure of this administration's policies that have failed to create the promised jobs.

I support these extended benefits in H.R. 3548 to help long-term unemployed workers in Kentucky and other States where jobs are hardest to find. But we need to move beyond this secondary debate to the primary task of creating jobs, instead of undermining job creation. Until we do that, we're missing the point. What Americans want are jobs, not handouts from the government. But that's sure not what they're getting right now.

I reserve the balance of my time.

Mr. MCDERMOTT. I yield 1 minute to the majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman from Washington, the Chair of the subcommittee, for yielding. I thank Mr. DAVIS for his support in facilitating this coming to the floor.

Mr. Speaker, 8 months into the 111th Congress and the Obama Presidency, it's clear to me, and I think others, that the economic policies that we've put in place are helping to pull our country out of the recession.

This month, the Blue Chip economic survey confirmed that 81 percent of leading economists believe that the recession is over. Federal Reserve Chairman Ben Bernanke recently stated that he agrees.

Nonpartisan economic analysts agree that the actions taken by the Obama administration and our Congress, including the American Recovery and Reinvestment Act, were critical to stabilizing our economy and putting us back on a path to recovery.

The nonpartisan Congressional Budget Office, Moody's, and the Council of Economic Advisers all concluded that our economy has approximately 1 million more jobs than it would have had if the Recovery Act had not been passed.

Last week, Mr. Speaker, the Center on Budget and Policy Priorities found that the Recovery Act kept 6 million Americans from falling below the poverty line and reduced the severity of poverty for 33 million Americans.

Whether we're Republicans or Democrats, those are results we can all cheer because they mean economic security to the people we represent.

However, Mr. Speaker, it's clear to all of us that unemployment remains a problem for millions of American families. The headlines may say that our recession is over; but for those individuals who remain out of work, this is still a time of hardship and struggle.

According to the CBO, it has also become clear that the hole we are climbing out of was deeper than we knew. Now we know that the economy was in even worse shape than economists realized when President Obama took office in January.

Though unemployment continues to strain families in all of our districts, job losses have been steadily decreasing the last 3 months under this administration, with last month's figures the best in over a year.

But while job losses are slowing, it will take some time before we can reverse the losses that economists agree began nearly 2 years ago and start creating enough jobs for people who have been out of work.

Long-term unemployment, Mr. Speaker, remains at its highest rate since we began measuring in 1948. Over 33 percent of the total unemployed have been out of work for more than 26 weeks, thereby requiring this legislation.

Even as our country emerges from an economic crisis, hundreds of thousands of Americans and their families face a more personal crisis. At the end of this month, if we do not act, their unemployment insurance will run out, even though they continue to look for work. Many of these workers are middle class Americans. Many of them lost their jobs without notice.

According to a recent unemployment survey conducted by the Heldrich Center for Workforce Development at Rutgers: ''Six in 10 of those whose employer had let them go had no advanced warning, adding to the pain for many. Nearly four in 10 said they had been employed by their company for more than 3 years and one in 10 for more than a decade.''

In other words, Americans who had what they thought were stable jobs—and made commitments based on these jobs, like mortgages, college payments, auto payments—found themselves out of work without warning, leaving them and their families in dire straits.

For their sake, this bill extends for up to 13 weeks the unemployment benefits of more than 300,000 American workers. Our fellow citizens, through no fault of their own, find themselves without a job, without a livelihood, without a way to support themselves and their families.

I know that some argue that unemployment insurance can be an incentive not to seek a job at all. But that argument doesn't hold water for the workers who are the target of this bill: workers in the States with unemployment rates over 8.5 percent, the States in which an honest effort to find work is most likely to be frustrating.

We chose to target those workers who are still having difficulty finding a job, not because they're failing to give their best effort, but because the economic climate of their State is still difficult.

Very frankly, Mr. Speaker, my State will not qualify. That's the good news. But for those unemployed, the bad news, perhaps. But not only is supporting job-seeking workers the right

thing to do; extending unemployment insurance benefits all of us. That's because the money provided is quickly spent on necessities, which provides an immediate boost to local economies.

Mr. Speaker, an extension of unemployment insurance is supported by a bipartisan coalition of Governors, who understand its benefits for their economies and their families. They write that the unemployment benefits have ''offered relief each month to struggling families across the country and have played a critical role in stabilizing the economy,'' and that these benefits, they say, must be extended. I would also add that because this bill is fully paid for, it doesn't add to the deficit.

In 8 months, we have come a long way, a long way in recovering from the recession inherited by this administration. But we cannot forget, we must not forget those whom the recovery has not yet reached, which is why I urge my colleagues to support this important bill, and why I thank Mr. MCDERMOTT and Mr. DAVIS for their leadership in bringing this bill to the floor in an appropriate time frame so that we can get relief to those people before their benefits run out.

Mr. DAVIS of Kentucky. Mr. Speaker, I will insert in the RECORD a recent article about an innovative and bipartisan Georgia program designed to help unemployed workers get back on the job quickly. The program is called Georgia Works. It allows unemployed workers to go to work for selected businesses for up to 24 hours a week for 8 weeks.

Unemployment benefits serve as the workers' salaries and the State pays an additional stipend of up to $300 a month to cover child care, transportation, and related work costs.

Employers win because they get to test out qualified workers they might hire. Workers get a solid foot in the door to a new job and maintain and build work skills. And taxpayers get lower taxes in the form of shorter unemployment benefits and a quicker return to work.

This is a win-win program that other States would do well to replicate to help workers get back to work more quickly.

GA. WORK PROGRAM GROWS, ATTRACTS FOLLOWERS

(By Christine Vestal)

As states struggle to help legions of jobless workers find employment, some are seeking advice from Georgia, where a growing number of people are landing jobs as a result of free tryouts sponsored by the state unemployment system. The program, dubbed Georgia Works, is so simple that experts say other states should have no problem replicating it.

''It's a brilliant little program. There's no cost to the employer and the only cost to the state is a small stipend for transportation,'' said Don Peitersen, workforce director for the American Institute for Full Employment, which advises states on employment issues. ''I go out and actively recruit states to recreate the Georgia model,'' he said. Officials from at least 15 states have told Georgia's labor department they are considering the option.

Started in 2003, Georgia Works allows people collecting unemployment benefits to work for selected businesses up to 24 hours a week for eight weeks at no cost to the employers. When not working, unemployment recipients are expected to search for other jobs.

Unemployment benefit checks serve as the workers' salaries and the state pays for workers' compensation insurance when needed. The state also gives job seekers as much as $240 to cover child-care, transportation or clothing costs—a stipend slated to increase to $300 this month.

All employers have to do is certify that they intend to immediately hire for the position and follow up with a performance evaluation, whether they hire the worker or not.

Georgia considers the program valuable on-the-job training, but unlike other training programs, it is not federally funded under the Workforce Investment Act. As a result, Georgia Works is open to all job seekers, not just low-income, disabled or dislocated workers who qualify under federal rules. In addition, there is no need for participating companies to fill out reams of paper to be certified. In Georgia, no legislation was required to launch the unique program.

Critics argue that the unemployment insurance system that funds Georgia Works was not intended to help businesses create jobs, but federal officials say they approve. ''It's an innovative program and it's a good one. We think it's a plus all the way around,'' said the U.S. Department of Labor's southeastern director Pete Fleming.

Under the program, job seekers get a chance to show employers their skills and businesses can test prospective workers before hiring them. So far, more than 3,000 Georgians have landed permanent jobs through the program.

With the recession creating a much larger pool of unemployed workers, Labor Commissioner Michael L. Thurmond aims to quadruple that number over the next year. ''Stimulus job creation is not sustainable. Georgia's economy will not rebound unless we jump-start private-sector hiring,'' Thurmond told Stateline.org.

He said plans are under way to make Georgia Works the state's lead re-employment strategy by aggressively recruiting businesses to get on board and offering job tryout options to every job seeker.

In its six years of operation, Georgia's program has grown primarily through word of mouth, with some job applicants proposing it to prospective employers as a way to get their foot in the door. Successful job seekers have also recommended Georgia Works to unemployed friends, and workforce agencies have proposed it to a small number of businesses and unemployment recipients.

Under the expansion, Thurmond says the state will post signs saying ''Ask me about Georgia Works'' at all workforce centers, frontline staff will offer the option in initial interviews with job seekers, and a marketing campaign will target some 6,000 small- and medium-sized businesses across a broad spectrum of industries, including retail, hospitality, construction, manufacturing, transportation and public utilities.

In the process, Thurmond says, the program will help struggling companies get back on their feet and start hiring.

As in the rest of the nation, layoffs have subsided in Georgia, but thousands of jobs remain unfilled, in part because employers are uncertain about their economic future. Even as the number of jobless workers soared to nearly 15 million nationwide last month, some 2.6 million jobs remained open, according to the U.S. Department of Labor.

By taking some of the risk and expense out of hiring, Thurmond says Georgia can leverage unemployment trust fund dollars to stimulate job growth. Instead of simply serving as income support, benefit checks become a job seeker's investment in new employment and an opportunity for companies to lower the cost of hiring and training. ''That's two for the price of one,'' Thurmond said.

But advocates for workers say the unemployment trust fund was not designed to subsidize jobs. Instead, the insurance is intended to support people while they search for the best possible work. ''I don't buy the idea that pushing unemployed workers to fill just any opening is better than searching for a suitable job,'' said Andrew Stettner, deputy director of the National Employment Law Center, which advocates for workers.

Still, some workers say they would rather get back to work quickly than live with the uncertainty and frustration of a drawn-out job search.

Randall Crenshaw was one of those people. At 41, he lost his job of 22 years last January at hair-products company Goody Products, in Columbus, Ga. After two months of job searching, he said, ''I was in shock because I was used to getting up and going to work every morning.'' So, when his adviser at the employment center suggested he enter the Georgia Works program, Crenshaw jumped at the opportunity.

''There were about 50 of us in the room when he invited us to stay after class if we were interested in hearing more about the program. Only two or three people took him up on it. So many people got up and walked out. I was just amazed by that,'' Crenshaw said.

Acknowledging the program is not for everyone, Thurmond says the soon-to-be announced expansion will set a goal of enrolling 10 percent of the state's approximately 200,000 jobless workers. With the program's historic success rate of placing more than 60 percent of participants in permanent positions, the program should result in new jobs for some 12,000 unemployed workers.

Crenshaw got the job he tried out for at a home health-care company in Columbus, and his salary of $35,000 is only $2,500 less than he was making in his last job. He said he'd recommend Georgia Works to anyone.

According to data from the state's department of labor, Georgia Works has helped lower the average amount of time it takes jobless workers to find new employment, reducing the draw on the trust fund by $6 million. After program expenses, including worker's compensation insurance and stipends, the net savings as of March 2009 was $3.7 million.

The U.S. Department of Labor maintains state-by-state data on the average length of time unemployed workers remain on benefits, but allows states to set their own rules limiting the number of weeks each worker can receive a check. While experts consider average duration of benefits a measure of state performance in helping people find work, the availability of jobs is a bigger factor.

Georgia currently requires participants in the Georgia Works program to have at least 14 weeks of state unemployment benefits left. That way, if they land a job during the eight-week trial, it will save the state money on benefits. But Thurmond says he plans to broaden the program to include people closer to the end of their state benefits and those already on federally funded extensions. In addition, the trial period may be shortened to six weeks, since most companies hire applicants they like in the fourth to sixth week, so they won't take a job somewhere else.

Although stanching the drain on the unemployment trust fund is still a goal, Thurmond said he is more concerned about spurring private-sector hiring and reviving the state's economy.

Georgia has been cited by two organizations—UWC Strategic Services on Unemployment & Workers' Compensation and the American Institute for Full Employment—for its innovative approach to helping people on unemployment benefits find work.

''We're in an unprecedented job market so it's a unique opportunity to see if we can make this work,'' Thurmond said. ''Oftentimes in government you have to step back and recalibrate. It's not so much a new idea, but an improvement on a good one. We're flying this airplane while we build it.''

The biggest objection Thurmond said he hears from other states and potential business partners is that the program sounds ''too good to be true.'' It involves scant paper work and a minimal investment.

But simple, low-cost ideas are often the best. ''One of the great strengths of the unemployment insurance system is that states provide 50 separate incubators of innovation and change,'' Fleming of the labor department said.

I reserve the balance of my time.

Mr. MCDERMOTT. I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

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

Mr. LEVIN. It is vital this bill be before us, and I congratulate our chairman and our ranking member for bringing it here. They and our leader have outlined the facts: almost 125 million unemployed, the highest since 1939, and about one-third have been long-term unemployed 6 months or more. In August, 27 States saw their unemployment rates increase, and 42 States saw losses in jobs.

So I urge we have three alternatives. We can say to the millions who are unemployed: get looking; get lost; or you're getting some help.

Get looking. They're looking. They're looking. It's a requirement of unemployment comp.

I want to read something that was said over the phone to us this morning. A gentleman by the name of Larry Szpanelewski from Madison Heights, Michigan, out of work since May of 2008. He has 10 weeks of benefits left, and if we don't extend it, he'll exhaust those benefits before the end of the year.

This was taken down by my office: ''You know, I never thought this would happen to me. I have never been unemployed before. This economy is unlike anything I could ever imagine. I am very grateful for each extension of benefits. But I really want to get back to work. There is this misconception that people like me are sitting back and waiting for the next unemployment check. I really, really want to get back to work. I want to get back to doing my part and earning a paycheck. This unemployment is agony; it really is. I'm just waiting for the right phone call, Come to work.''

□ 1600

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

Mr. MCDERMOTT. Mr. Speaker, I yield 1 additional minute to the gentleman.

Mr. LEVIN. Thank you. And I will repeat what he said to conclude, I am just waiting for the right phone call, Come to work.

So I don't think this first alternative, ''get looking,'' applies. He, like millions of others, are looking. Six for every job. I don't think we can say to Larry Szpanelewski or the millions of others, ''Get lost.'' That is not this country. So what we're saying today is, You're going to be getting some help. You've worked for it. He worked 20 years, a steelworker, and I think never unemployed before. I'm glad this is bipartisan. This needs a bipartisan response in the best traditions of this House and in the best traditions of our beloved country.

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

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank Chairman MCDERMOTT for yielding. I also want to commend him and the ranking member for expeditiously getting this legislation to the floor. Mr. Speaker, when President Obama took office, we were in the middle of an economic recession which showed itself for real in December of 2007. Notwithstanding economic recovery activities, stimulus activities, green initiatives and other efforts that are beginning to take hold, we still hear the song. And I turned my radio on just the other day, and I heard a song from probably the seventies that said, Every morning about this time, she bring my breakfast to the bed crying, get a job.

It said, When I read the papers, I read it through and through, trying to see if there is any work for me to do.

Unfortunately for many people, there is no work for them to do at the moment, but we know that the time is coming. But in the meantime, they need help. And the help that we can give them today is the help of knowing that their unemployment benefits are extended. That's the very least that we can do while we continue to work to try to make sure that our economy regroups, re-energizes itself so that that song does not have to be played, ''Get a Job.''

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

Mr. MCDERMOTT. Mr. Speaker, I have no more speakers. So if Mr. DAVIS wants to speak to end, and I will speak, we will be done.

Mr. DAVIS of Kentucky. Mr. Speaker, as I said in my opening statement, I truly urge support for H.R. 3548, to extend benefits to help long-term unemployed workers in States with the highest unemployment rates, which include my home State of Kentucky. We also need to redouble our efforts to focus on the task of creating jobs, especially like those that would be coming from allowing Americans to take an all-of-the-above energy policy to create jobs across the board. As our Democratic majority leader in the State House says, If we were to do that, we could have a third industrial revolution across the heartland.

What Americans really want are jobs, not handouts. Even as we help those in places where jobs are the hardest to find, promoting job growth should be our broader goal and our number one priority as we move forward in this Congress.

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

Mr. MCDERMOTT. Mr. Speaker, I want to begin by thanking the minority on the subcommittee for being supportive of bringing this bill out here. We did not go through some of the usual procedures. We brought it out straight to the floor. I think that their cooperation should be recognized because it is a reflection of the fact that everybody in this House cares about the American people. We all want people to have a job, and we want them to have some way to sustain themselves until this economy begins to open up again.

One of the interesting things about this period in our economic history, as has been pointed out by some economists, there have been three real recessions. One was 1930, and in that recession, many workers never returned to the work they did before. Rather than going back to the farms, they moved to the cities, and that was a major shift in what was happening. In the 1980 recession, many workers were able to go back to the work that they had done before. The question that our country faces right now is: Will we be able to go back to what we had before, or will we create a new economy? And I think that this bill will give us a chance to get the industries, the new industries, the green industries and so forth, up and running so that we can return people to gainful employment.

Mr. BLUMENAUER. Mr. Speaker, with record 12.2 percent unemployment, Oregon has one of the highest unemployment rates in the country. That translates into 236,000 Oregonians without work. In the Portland region, nearly 140,000 residents are out of work. For those without work, the average weekly unemployment benefit in Oregon is $310. Each week, I receive letters indicating how much of a lifeline these unemployment benefits are.

Tragically for many families, this benefit is running out. Without this legislation, 6,000 Oregonians will have exhausted their unemployment benefits by the end of September. Each week thereafter 500 more will lose their coverage. Unless we authorize this extension, federal aid for these Oregonians will end.

The economic losses from unemployment will last long after these workers—and the millions like them around the country—have

again found work. Income losses for workers who are let go in a recession can persist for as long as two decades, sometimes longer. During this recession, older workers' wages will likely fall farther than those of younger workers. Those without college degrees will likely do worse than those with.

These challenging economic conditions are only the tip of an economic iceberg. The typical American household made less money last year than the typical household made a full decade ago. Median household income fell to $50,303 last year; in 1998, the median income was $51,295. With six job seekers for every opening, these numbers are not likely to improve soon. Every year, our constituents have to do more with less.

Every day in America jobs are being created and jobs are being lost. The real question is the balance between job growth and job loss. Since 1940, Republicans have been in charge of the United States more years than Democrats, 36–33. But, despite that fact, in terms of actual job creation, you can go back and look at the Department of Labor's statistics, for those 33 years, Democrats created 64.2 percent of the jobs in this country. Republicans were responsible for 35.8 percent of the jobs.

The Obama administration has inherited the worst financial collapse in American history since the Great Depression, with the effects that are still being felt on the State and local level and will continue to ripple throughout the economy even after it is corrected. In response, President Obama produced a strong economic recovery package that the Congress passed in a few days. The current credit crisis facing the United States is one of the greatest economic challenges that the country has faced. It can be squarely traced to the ideology of economic deregulation, which left the government with few tools to address the reckless actions of many financial institutions until too late.

It is time to rebuild the foundations of our economy, to improve America's fiscal fitness. I'm proud that the Recovery Act has begun this process. I look forward to working with my colleagues to invest in good jobs, improve wages, and create a nation where every family is safe, healthy, and economically secure.

Ms. RICHARDSON. Mr. Speaker, I rise in strong support of H.R. 3548, the ''Unemployment Compensation Extension Act.'' This bill will provide much-needed relief to the millions of unemployed American workers who are struggling to find jobs today. With the adoption of this bill, Congress will provide up to 13 additional weeks of desperately needed unemployment benefits to workers who are about to run out of unemployment benefits, particularly focusing on those people who live in states where unemployment rates are highest.

California has the 4th highest unemployment rate in the Nation and in terms of my district the numbers are staggering:

Carson—12.6 percent

Compton—20.9 percent

Long Beach—13.7 percent

Signal Hill—9.4 percent

Mr. Speaker, although job losses have begun to decline more recently, unemployment is still too high, and the American people need relief now. With the national unemployment rate at 9.7 percent, we must enact legislation that will assist the American people during this precarious economic time of availability at an all-time low. At least 300,000 will run out of their unemployment benefits by the end of September and over 1 million people will run out of their benefits by the end of December.

It is very important that we pass H.R. 3548, but let us not forget that our real task in the coming months is to ensure that every American that wants a job has one. I have been working in Congress to continue to create and pass meaningful reform that will spur job growth and help communities in crisis. One of the most powerful pieces of legislation that we have already passed is the American Recovery & Reinvestment Act, which helped create and save 3.5 million American jobs.

The American people are struggling to make ends meet while they search for new jobs in this challenging economy. I urge my colleagues to support this necessary and timely legislation. If we do not pass this bill, we will not only face a financial crisis but a moral deficit in this country as well. We cannot allow that to happen. I urge all members to vote ''aye'' on H.R. 3548, the Unemployment Compensation Extension Act.

Ms. WATERS. Mr. Speaker, I rise in strong support of H.R. 3548—the Unemployment Compensation Extension Act of 2009. In light of the devastating impact the recession has had on families and communities across the country, this legislation is critical to ensure that jobless workers continue to collect unemployment benefits while they rebuild their lives and try to find gainful employment. This is a very important bill, and I commend Representative JIM MCDERMOTT for bringing this measure before the floor.

Although Federal Reserve Chairman Ben Bernanke announced last week that the recession is very likely over, he and other members of the Obama administration caution that unemployment may continue to rise before we start to see significant job creation next year. And today, many people across the country remain jobless and are relying on their unemployment benefits to support their families.

Unless Congress acts, over 300,000 jobless workers living in high unemployment states are projected to exhaust their unemployment benefits by the end of September. California is ranked among the states leading in double digit unemployment rates. According to the U.S. Department of Labor, as of August 2009, California's unemployment rate reached 12.2 percent. Moreover, the Department of Labor reports the state has lost well over 700,000 jobs over the past year.

I have received countless distressing calls and letters from my constituents. I have heard horror stories about foreclosed homes, displaced families, and even death due to unforeseen illness because of an inability to pay for medical care. These stories give a face to the statistics.

This recession has been particularly devastating on communities of color. The unemployment rate for African Americans is 15.1 percent, and for our Hispanics and Latinos, the rate is 13.1 percent. When you consider the nationwide unemployment rate is 9.7 percent, our minority communities are clearly fairing far worse. These communities are in desperate need for further assistance as provided under this measure.

Mr. Speaker, I am pleased to add my voice of support for H.R. 3548. And I look forward to working with my colleagues in Congress to ensure that our Federal government's economic recovery programs are effective and actually achieve their intended goals.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to offer my strong support for H.R. 3548, the Unemployment Compensation Extension Act of 2009.

The unemployment rate in my state of Illinois is 10 percent. Illinois' unemployment rate is higher than the national average of 9.6 percent; and within Illinois, the rate in the Chicago area is higher still, at 10.6 percent.

It is true that there are signs the economy is beginning to recover: fewer jobs were lost in August than in previous months. But we still have a long way to go in terms of job creation, and in the meantime, we need to help those who are looking for work but can't find it.

Three hundred thousand Illinoisans have lost their jobs in the last year. Five million Americans have been out of work longer than six months. The bill before us would extend an additional 13 weeks of unemployment compensation for those individuals in high unemployment states who are exhausting their unemployment benefits. With nearly six people out of work for every available job, this assistance is imperative.

H.R. 3548 would help at least 20,000 Illinoisans who are exhausting their benefits by the end of September and more than 50,000 whose benefits would otherwise expire by the end of the year.

Extending unemployment compensation will help job-hunting Americans pay their bills and prevent more foreclosures, further bolstering the economy. According to Mark Zandi, chief economist of Moody's Economy.com, every $1 spent on unemployment benefits generates $1.63 in new economic demand.

I urge my colleagues to support H.R. 3548.

Mr. LINDER. Mr. Speaker, this legislation would extend unemployment benefits to as long as 21 months in States where the unemployment rate is 8.5 percent or higher. That's about half the country, and the number is likely to grow.

And we aren't even close to the end of the road. On September 11, 2009, Larry Summers, chair of the President's National Economic Council, said today's level of unemployment is ''unacceptably high'' and will remain so ''for a number of years.'' How high? Today's unemployment rate is 9.7 percent. The Administration's August Midsession Review foresees 10 percent at the end of 2009, 9.7 percent in late 2010, and 8.0 percent in late 2011.

It's highly unlikely Congress will stop paying extended benefits then. We need to ask how long can this go on, and what does any of this have to do with helping people get back to work? Since this extended benefits program was created in June 2008 and expanded twice, unemployment rose from 5.8 to 6.8 to 7.6 to now 9.7 percent, even though the Administration swore it wouldn't exceed 8 percent under their stimulus law. There are now 6 million more unemployed, including 3 million more long-term unemployed, than when this program was created.

We are perpetuating unemployment, not solving it. Larry Summers also has stated that unemployment benefits ''contribute to long-term unemployment . . . by providing an incentive, and the means, not to work. Each unemployed person has a 'reservation wage'—the minimum wage he or she insists on getting

before accepting a job. Unemployment insurance and other social assistance programs increase that reservation wage, causing an unemployed person to remain unemployed longer.''

A senior Labor official in the Clinton administration reflected on what that meant in terms of when unemployed workers find new jobs: ''There are large spikes in the escape rate from unemployment at 26 weeks and at 39 weeks for UI recipients. Spikes of similar magnitude at 26 and 39 weeks are not apparent for UI non-recipients.'' What happens after 26 and 39 weeks of unemployment? State and Federal unemployment benefits end, and there are ''large spikes'' in people finding new jobs.

Is ending a long spell of unemployment easy? Of course not. Does everyone quickly find a job? Unfortunately not. Do those who return to work always make what they did before? No. But government cannot solve all ills, and sometimes makes things worse by trying to. Recent articles have noted that a majority of the unemployed are willing to take a pay cut to get back to work, that ''there is a huge traveling workforce that follows the jobs,'' and that States have innovative options to get unemployed workers back on the job.

But extending benefits to 21 months undermines those return to work incentives, leaving workers worse off, and employment prospects more depressed going forward.

Just currently approved unemployment spending has drained the State and Federal unemployment accounts, and will lead to deficits totaling more than $100 billion by late 2010 and nearly $200 billion by late 2012. Further extensions and expansions will add massively to that tide of red ink. That undermines job creation by requiring even more massive tax hikes to pay for all the continued benefit spending. Already State unemployment taxes are poised to double in the coming years. Extending benefits even more will require even greater job-killing tax hikes, hurting especially the long-term unemployed we are trying to help.

We can and must do better. It's well past time for us to review how we can really increase jobs so laid off workers get paychecks, not unemployment checks.

Mr. STARK. Mr. Speaker, I rise today in support of the 300,000 workers who will lose unemployment benefits by the end of the month if we do not act.

The economic crisis that President Obama and this Congress inherited has caused unemployment to spike throughout the country. Competition for jobs is intense, with six jobless workers for each new job. The result is that an estimated 50 percent of unemployed individuals have been jobless for more than 6 months. The Unemployment Insurance system has done a good job of helping families make ends meet during the recession, but we must protect those who still cannot find work and whose benefits are about to run out.

The Unemployment Compensation Extension Act (H.R. 3548) would provide immediate relief to millions of workers by extending unemployment benefits for an additional 13 weeks in states with high unemployment rates. In my state, California, the unemployment rate is at 12.2 percent—a 70 year high. If Congress does not act, nearly 70,000 Californians will run out of benefits by the end of this month and a total of 154,000 Californians will exhaust benefits by the end of the year. In total, 1 million workers around the country will exhaust benefits by the end of the year. We cannot allow that to happen. While the economy begins to recover and the economic stimulus starts to take hold, Congress has an obligation to ensure that families can put food on their tables and pay their bills.

I am a co-sponsor of the Unemployment Compensation Extension Act and I urge all of my colleagues to support this important legislation.

Mr. DINGELL. Mr. Speaker, I rise today in strong and full support of H.R. 3548, the Unemployment Compensation Extension Act of 2009. This legislation is sorely needed in my home State of Michigan and I urge all of my colleagues to lend their support.

This legislation comes before the House at a critical time for many of our families. By the end of this month more than 300,000 jobless workers are expected to run out of unemployment compensation. The National Employment Law Project estimates that by the end of the year nearly 1.5 million workers will have used up their benefits. In Michigan it is expected that more than 62,000 will run out of their benefits by the end of December.

For the families that I represent this loss of benefits comes at a time when Michigan is continuing to struggle with over 15 percent unemployment. In the metro Detroit area unemployment is even higher at 17.1 percent unemployment. These are not families looking for a handout, rather they are relying on these benefits to pay their mortgage and put dinner on the table. I can think of thousands of workers in my district alone who can confirm that $310 a week does not stretch far.

Although it is easy to lose sight of an individual family in the crowded pages of statistics and multi-colored graphs we use to try to quantify unemployment in this country, hearing the thousands of stories of my constituents struggling to stay afloat in these still-difficult times is enough to argue the necessity of this bill. One of those stories was told to me by a man named Dave from Taylor. Dave is 58 years old, but is unable to retire due to both a lengthy period of unemployment as well as being a victim of identity theft. He moved back to Michigan to be close to his daughter, but still struggles to find work despite, in his words, ''trying just about everything.'' Folks like Dave are not simply sitting around and idly hoping for a job. They are actively searching every day and we must give them more time to do so.

Another story highlighting the need for this extension was told to me by a man who introduced himself as Will at the Southeast Michigan Rehiring, Retraining, and Relief Fair I hosted in early September. Will was a Senior Information Technology Project Manager with GM for 19 years, but despite a great deal of time and effort to both network and go through traditional channels, he continues to struggle to find employment. Although Will is following leads on jobs he discussed with recruiters at the job fair, his situation is emblematic of the displaced auto workers from all sectors of the industry who will likely require retraining to find a new job as well as the continued unemployment benefits throughout that process to support themselves and their families.

Under this legislation States that have a three-month average of total unemployment rate of 8.5 percent will be eligible for up to 13 weeks of extended unemployment benefits. This would bring the total amount of potential Emergency Unemployment Compensation to 46 weeks for 29 States.

The additional 13 weeks of benefits included in this legislation is far from being enough to solve the problem of unemployment, however, it will provide some peace of mind for our families and give our workers additional time for their job search. And with six people looking for each available job, we know that this extension will be valuable.

For those that doubt the need for this extension, consider that both Moody's Economy.com and the Congressional Budget Office have found that such an extension is an effective economic stimulus. For every dollar of unemployment benefits, $1.64 is provided in economic stimulus.

Mr. Speaker, as a cosponsor of this legislation and as the federal representative for the State with the highest unemployment, I urge all of my colleagues to express their support for this extension and vote in favor of H.R. 3548. Please do not let Congress's holiday gift to our families in need be the exhaustion of their unemployment benefits.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of this legislation to temporarily extend unemployment insurance benefits.

Unemployment rates remain historically high. However, we are beginning to see signs of economic recovery. Though the August 2009 jobs report announced that 216,000 jobs were lost, it was the fewest jobs losses in a year. We are seeing rebounds in the housing and stock markets. The gross domestic product is stabilizing. It is becoming increasingly clear that the Recovery Act that Congress passed earlier this year prevented a severe economic collapse and is a success by putting money back into the economy, creating jobs, and providing tax relief to 95 percent of Americans. While this economic progress is welcome news, much work remains to be done in rebuilding our economy.

Too many Americans remain out of work at no fault of their own. They are still struggling to make ends meet. If we do not act to extend unemployment benefits, thousands of American workers will run out of unemployment compensation by the end of September, and over one million will exhaust benefits by the end of the year. These benefits help workers who have lost their jobs to buy basic necessities for their families as well as continue their mortgage payments.

Mr. Speaker, we must continue to help those in need during this economic recovery. I urge my colleagues to support this much-needed legislation.

Mr. HOLT. Mr. Speaker, I rise today in strong support of an emergency extension of unemployment benefits for states with high rates of unemployment like my home state of New Jersey.

I hear all the time from Central New Jersey residents who are working hard each day to find a new job. Recently, a Mercer County resident wrote me to say his wife had been out of work for 11 months. He wrote to say, ''The jobs are just not available for her to go back to work.'' This bill answers his plea and the pleas of countless other out of work New Jersey residents to extend unemployment benefits while they continue to search for employment.

In tough economic times, Congress and the President have worked together to extend unemployment benefits when needed. The previous extensions of unemployment insurance during this current recession has helped many New Jersey residents keep a roof over their head and food on the table when times were tough. In this tight job market and with the economy just starting to show signs of recovery, there are still six unemployed workers for each job opening and more than five million people who have been unemployed for more than six months.

The Unemployment Compensation Extension Act of 2009, H.R. 3548, would extend an additional 13 weeks of unemployment benefits to individuals who have exhausted their current benefits in states with unemployment rates above 8.5 percent. With New Jersey's unemployment rate at 9.4 percent, by the end of September it is estimated that 22,000 New Jerseyans will have exhausted their unemployment benefits and have nowhere else to turn. This bill will provide them with direct relief during a difficult time.

Our government must help those in need as they seek new work. Morally, it is the right thing to do and the economists tell us that unemployment benefits are one of the most cost-efficient and fast-acting forms of economic stimulus.

The bill does not add to the deficit, by offsetting its cost with a one year extension of an employment tax that has been in place for 30 years.

Once this bill is signed into law it is estimated that by December, this 13-week extension of unemployment would benefit 1 million Americans—including 42,000 New Jersey residents—who will be looking for work and have exhausted their existing unemployment benefits.

Mr. LANGEVIN. Mr. Speaker, I rise in strong support of H.R. 3548, the Unemployment Compensation Extension Act of 2009, which will provide an additional 13 weeks of unemployment benefits to individuals in states with unemployment rates of 8.5 percent or higher. This bill provides a critical boost to the many Rhode Islanders, and Americans across the nation, who are struggling to find employment. In order to receive these benefits, workers must have lost a job through no fault of their own, be actively searching for a job, be able to work, and must have worked twenty weeks prior to being laid off. Only unemployed workers who become eligible for the additional weeks of benefits before January 1, 2010, will qualify for this extension.

I am encouraged by reports that our country's recession is easing, but that is little consolation to the many people still suffering in my home state. In Rhode Island, the unemployment rate has reached 12.8 percent, which is the third highest rate in the country. It is also estimated that nearly 4,500 Rhode Islanders will exhaust their benefits before the end of this year. With recent reports estimating that there are six job seekers for every job opening, Congress must act to help workers through this challenging time.

I understand the hardships Rhode Islanders are facing, and that is why rebuilding our economy is the top priority for me and this Congress. The American Recovery and Reinvestment Act has saved the jobs of teachers, police officers, and nurses across our state and has created jobs through new highway and infrastructure projects, with more coming online in the next few months. I am also pleased to see that the programs we have passed are being turned into smart investments in our future, such as the creation of clean energy jobs in our state through weatherization and offshore wind development.

As the President has stated, it may take some time before we see significant improvements in our unemployment rate, but I am confident that the programs we are putting into place will yield results over the next several months, while the longer-term investments we're making will ensure that our workforce and our job market are stronger in the years to come. While unemployment benefits and stimulus programs help jumpstart our economy in the short term, Congress must also work to build a new foundation for a lasting recovery. That is why we are making much needed reforms to our health care and financial systems and investing in our education and workforce training systems.

As Members of Congress, we have the power to give hard-working Americans another chance to continue their job search and provide for their families. I encourage my colleagues to pass this bill to help those who are most vulnerable during these trying times.

Mr. KUCINICH. Mr. Speaker, I rise in strong support of this legislation and thank Chairman MCDERMOTT for his leadership on this bill. H.R. 3548 provides an extension of unemployment benefits for up to 13 weeks for Americans across the country in states with the highest unemployment rates.

As of August 2009, the unemployment rate in America is a staggering 9.7 percent. Jobs are continuing to be shipped overseas, with the manufacturing sector boasting the biggest losses. Over 216,000 jobs were lost just last month. Ohio is one of 15 states with an unemployment rate above the national average and the Economic Policy Institute is projecting that racial disparities in high unemployment states will continue to worsen in 2010.

In recent weeks, I have received numerous calls from constituents who have already run out of unemployment benefits or are on the verge of doing so. This legislation provides a critical, if temporary fix to their problems.

Twenty-nine states currently qualify for the 13 week unemployment extension under this legislation, with more states sure to follow suit. I strongly support this legislation and urge my colleagues to vote in favor of this bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. MCDERMOTT) that the House suspend the rules and pass the bill, H.R. 3548, as amended.

The question was taken.

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

Mr. DAVIS of Kentucky. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

RECESS

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

Accordingly (at 4 o'clock and 7 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ALTMIRE) at 6 o'clock and 30 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 324, SANTA CRUZ VALLEY NATIONAL HERITAGE AREA ACT

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 111–263) on the resolution (H. Res. 760) providing for consideration of the bill (H.R. 324) to establish the Santa Cruz Valley National Heritage Area, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

House Resolution 441, by the yeas and nays;

H.R. 2971, by the yeas and nays;

H.R. 3548, by the yeas and nays.

Proceedings on H.R. 2215 and House Concurrent Resolution 163 will resume later in the week.

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

HONORING CATHOLIC SISTERS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 441, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 441, as amended.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 20, as follows:

[Roll No. 720]

YEAS—412

Ackerman	Adler (NJ)	Alexander
Aderholt	Akin	Altmire

Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
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
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
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
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—20

Abercrombie
Barrett (SC)
Bishop (UT)
Capuano
Carney
Delahunt
Gerlach
Grijalva
Gutierrez
Hastings (WA)
Jackson (IL)
Kirk
Loebsack
Matsui
Meek (FL)
Radanovich
Rohrabacher
Rush
Schock
Wu

□ 1856

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DR. MARTIN LUTHER KING, JR. POST OFFICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2971, 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 Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 2971.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 21, as follows:

[Roll No. 721]

YEAS—411

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar

Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
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
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—21

Abercrombie
Barrett (SC)
Bishop (UT)
Capuano
Carney
Delahunt
Gerlach
Grijalva
Gutierrez
Hastings (WA)
Herseth Sandlin
Jackson (IL)
Kirk
Loebsack
Marshall
Meek (FL)
Murphy (CT)
Radanovich
Rohrabacher
Rush
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1903

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.

UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3548, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. MCDERMOTT) that the House suspend the rules and pass the bill, H.R. 3548, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 331, nays 83, not voting 18, as follows:

[Roll No. 722]

YEAS—331

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boucher
Boustany
Boyd
Brady (PA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Giffords
Gonzalez
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hoekstra
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Issa
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E.B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Markey (MA)
Marshall
Massa
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Pence
Peters
Peterson
Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Yarmuth
Young (AK)
Young (FL)

NAYS—83

Akin
Bachmann
Bachus
Barton (TX)
Berry
Boehner
Boozman
Boren
Boswell
Brady (TX)
Braley (IA)
Broun (GA)
Burgess
Cantor
Carter
Chaffetz
Coffman (CO)
Cole
Conaway
Connolly (VA)
Courtney
Culberson
Deal (GA)
Duncan
Fallin
Flake
Fleming
Fortenberry
Foxx
Franks (AZ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Hall (TX)
Hensarling
Hodes
Hunter
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
Kline (MN)
Lamborn
Latta
Linder
Lucas
Lummis
Mack
Marchant
Markey (CO)
Matheson
McCaul
McClintock
Melancon
Miller (FL)
Moran (KS)
Moran (VA)
Murphy (CT)
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Perlmutter
Perriello
Pitts
Poe (TX)
Price (GA)
Roskam
Ross
Scalise
Sessions
Shadegg
Smith (NE)
Smith (TX)
Sullivan
Teague
Terry
Thornberry
Tiahrt
Westmoreland

NOT VOTING—18

Abercrombie
Barrett (SC)
Bishop (UT)
Capuano
Carney
Delahunt
Gerlach
Grijalva
Gutierrez
Hastings (WA)
Jackson (IL)
Kirk
Loebsack
Meek (FL)
Radanovich
Rohrabacher
Rush
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1911

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HASTINGS of Washington. Mr. Speaker, on rollcall No. 722, I was inadvertently detained. Had I been present, I would have voted ''yea.''

Stated against:

Mr. BISHOP of Utah. Mr. Speaker, on rollcall No. 722, I was unavoidably detained. Had I been present, I would have voted ''nay.''

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today. Had I been present, I would have voted ''yea'' on rollcall votes 720, 721 and 722.

HONORING SHANE HORNER

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

Mr. THOMPSON of Pennsylvania. Madam Speaker, I rise today in sorrow over a young life lost in a tragic car accident. Shane Horner, son of Maria and G. Edward Horner of Brockway, Pennsylvania, passed away September 13 at age 18. Shane had completed his work to achieve the rank of Eagle Scout, which included a project cleaning, painting and restoring the Brockway Sportsmen's Club Pavilion.

This young man had been active in his Scout troop, holding various positions, including assistant senior patrol leader, chaplain's aide, and junior assistant scoutmaster. Shane had applied to continue with his troop as an assistant scoutmaster. He was also a youth representative to the Brockway Borough Council.

Shane was a multi-sport letter winner at his high school. He was part of the 2009 District 9 boys basketball team champions, but he was also involved in the spring musicals and a member of the student council. He planned to attend Pennsylvania State University and continue on to law school.

He was a member of St. Tobias Roman Catholic Church of Brockway and was active with youth ministry. My thoughts and prayers are with the Horner family as they seek solace in their memories of a son who gave them so many reasons to be proud.

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IN HONOR OF MINNESOTA'S THIRD CONGRESSIONAL DISTRICT'S BLUE RIBBON SCHOOLS

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

Mr. PAULSEN. Madam Speaker, I rise to congratulate two schools in my congressional district: Our Lady of Grace in Edina and Thomas Jefferson Senior High School in Bloomington. They were both recently named 2009 National Blue Ribbon Schools. They were just two of 314 schools nationwide to receive this honor.

The Blue Ribbon Schools Program honors elementary, middle, and high schools that display superior academic achievement or demonstrate dramatic gains in student achievement.

Both of these schools are carrying on a proud tradition we have in Minnesota. Our students consistently score at the top in national assessments and tests, and our educational experience from birth to adulthood rates among the best in the Nation.

The Blue Ribbon Schools designation is one of the highest awards the school can ever receive. I congratulate the students, the teachers, the administrators, and the parents who've earned this honor for both Our Lady of Grace and Thomas Jefferson Senior High School.

THE LITTLE FELLOW FROM THE DESERT AND HIS ITCHY FINGER

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

Mr. POE of Texas. Madam Speaker, the little fellow in the desert has been at it again. Iran's usurper President Ahmadinejad that calls the Holocaust a myth has made it clear he wants nuclear weapons and intercontinental ballistic missiles to destroy Israel and the United States. And now the tiny tyrant is in New York City spreading hate at the U.N.

A leaked document says that Iran has all the elements they need to build a nuclear weapon. They have been working with North Korea on missiles, missiles with more distance and more accuracy.

The unstable situation demands that we put a complete missile defense system in place. We are leaving ourselves and our allies vulnerable, but the administration last week scrapped our missile defense system that's based in Poland, and they also cut our radar systems in the Czech Republic. Believe it or not, this country cannot stop a missile fired at us. One would think that would be a priority.

Why are the American people left vulnerable to any tin pot totalitarian with an itchy trigger finger? The government's main job is to defend the American people, even from gun-toting little thugs who are determined to have an international shoot-out with the United States.

And that's just the way it is.

LISTEN TO OUR COMMANDERS ON THE GROUND

(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. Madam Speaker, our military men and women are fighting in Afghanistan to defeat terrorists overseas and protect families here at home. Having visited my former unit, the 218th Brigade of the South Carolina Army National Guard, during their year-long deployment, I know firsthand that our servicemembers in Afghanistan are doing incredible work along with the Afghani police and army units they train.

In March, when President Obama announced his strategy for Afghanistan, I commended the President for moving forward with the plan based on the counsel of military leadership on the ground. In light of the recent reports that General Stanley McChrystal has requested additional forces, I hope we continue to heed the advice of our commanders in Afghanistan. We must provide the level of force and resources necessary to help our brave military complete their mission. We cannot allow the terrorists to establish a safe haven from which to attack America and our allies.

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

SPECIAL ORDERS

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

WE NEED AN EXIT PLAN FOR AFGHANISTAN—NOT AN ESCALATION PLAN

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

Ms. WOOLSEY. Madam Speaker, a report written by General McChrystal, the commander of American and NATO forces in Afghanistan, was leaked to the press yesterday. In this report, General McChrystal warns that the conflict in Afghanistan ''will likely result in failure'' if we don't send in more troops.

The leak was an apparent attempt to put pressure on the White House and the Presidency to escalate the conflict. But, to its credit, the administration didn't go there and did not cave in.

President Obama said that he is skeptical that sending in more troops will do any good. And he said, ''I'm certainly not somebody who believes in indefinite occupations of other countries.''

Madam Speaker, I'm relieved that we have somebody in the White House who will think long and hard before sending America's men and women into harm's way. But the President will certainly face a lot more pressure in the coming weeks to increase troop levels. I urge him to resist the idea for three very good reasons.

First, there is no military solution in Afghanistan. We tried it for over 8 years. Our troops have fought with incredible skill and courage. But sending in more troops will only fuel anti-Americanism, and it will convince the Afghan people that the United States is an occupying force that must be resisted.

Second, poll after poll shows that the American people are overwhelmingly opposed to sending more troops to Afghanistan, and the majority now believe that the war in Afghanistan is simply not worth fighting.

Third, Madam Speaker, we cannot afford to keep pouring hundreds of billions of dollars into this conflict. We need every one of those dollars to meet our urgent domestic needs here at home. We need to use our resources to dig out of the recession, not dig into a quagmire in Afghanistan.

For all these reasons, the President and his advisers must rethink our mission in Afghanistan and look at changing our strategy.

The Rand Corporation has produced a study of extremist groups that should help us develop the right strategy. Rand studied the history of 648 extremist groups, finding that military force was effective against these groups only 7 percent of the time. Two strategies that work better were negotiated political settlements and the use of intelligence and police agencies to dismantle extremist networks. Combined, these two strategies were effective 83—83 percent of the time. That's about 12 times better than the military option.

Rand also applied its analysis to the current situation in Afghanistan and

concluded that ''policing and intelligence should be the backbone of U.S. efforts'' against al Qaeda in that region.

That's why policing and intelligence are two key components of my national security plan, which is described in House Resolution 363, the Smart Security Platform for the 21st Century. My plan also emphasizes economic development, infrastructure, jobs, education, and better governance for Afghanistan.

Madam Speaker, by refusing to be rushed and sending more troops to Afghanistan, President Obama has shown that he is willing to change course. And we must change course. The American people want an exit strategy for Afghanistan, not an escalation strategy.

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

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

REDESIGNATE THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS

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

Mr. JONES. Madam Speaker, in each Congress since 2001, I have introduced legislation aimed at giving the Marine Corps the recognition it deserves as one of the official branches of the military. This year, I introduced H.R. 24, a bill to redesignate the Department of the Navy as the Department of the Navy and Marine Corps. Then the Secretary of the Navy would be the Secretary of the Navy and the Marine Corps.

On June 25, 2009, the language of H.R. 24 was passed by the House as part of H.R. 2647, the House version of this year's National Defense Authorization Act.

In a matter of days, Members of the Senate and House Armed Services Committee will meet to work out a final version of this bill, and the language of H.R. 24 will become law if the Senate agrees to the House position. Right now, Madam Speaker, the Senate is opposed to this language.

With the help of Senator PAT ROBERTS, a former marine who introduced S. 504, a companion bill in the Senate, and the bill's 308 cosponsors in the House, I'm hopeful that this will be the year the Senate will support the House position and the Marine Corps will be recognized as an equal partner of the United States Navy and Marine Corps team.

During my 15 years in Congress, whenever a chief of naval operations or commandant of the Marine Corps has come to testify before the House Armed Services Committee, I have heard that the Navy and the Marine Corps are ''one fighting team.'' If this is true, then why should not the team bear the name of Navy and Marine Corps?

Changing the name of the Department of the Navy to the Department of the Navy and Marine Corps is a symbolic gesture, but it is important to the team. This change has received support from at least three former Navy Secretaries, the Marine Corps League, Veterans of Foreign Wars, the Fleet Reserve Association, MarineParents.com, and many other individuals and groups.

As a Chicago Tribune editorial titled, ''Step up for the Marines,'' noted: ''The Marines have not asked for complete autonomy. Nothing structurally needs to change in their relationship with the Navy, which has served both branches well. The Corps only asks for recognition. Having served their Nation proudly and courageously since colonial days, the leathernecks have earned a promotion.''

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In closing, Madam Speaker, I would like to show what this change could mean to the members of the United States Marine Corps, including the 41,000 marines and nearly 3,000 sailors stationed in my district at Marine Corps Base Camp Lejeune. On August 19, 2009, in the Jacksonville Daily News, an article titled ''Navy Secretary Visits Local Troops'' described Secretary Mabus' recent visit with Camp Lejeune marines and sailors deployed to Iraq. It was touching to read about the Secretary's visit to see firsthand the terrific work of the United States Navy and Marine Corps team in Iraq. Yet I couldn't help but think the team's unity would be better illustrated if the title could have read, ''Secretary of the Navy and Marine Corps Visits Local Troops.''

Madam Speaker, right now I'm going to show that this is the actual news release. It says, Secretary of the Navy visits local troops, and it talks about the marines in Iraq and the Navy. If this should ever become law, what it would have said: ''Navy and Marine Corps Secretary Visits Local Troops in Iraq and Afghanistan.''

Madam Speaker, before I close, I regret that the Senate does not see the importance of giving this recognition to the Marine Corps. So if I can close by saying this, as I do every night on the floor, God, please bless our men and women in uniform. God, please bless the families of our men and women in uniform. God, in your loving arms, hold the families who have given a child dying for freedom in Afghanistan and Iraq. Dear God, I ask you to please bless the President of the United States with the wisdom and courage that he will do what's right for this country. And three times I will ask, God please, God please, God please continue to bless America.

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

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

TAXING MEDICAL DEVICE COMPANIES

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

Mr. SOUDER. In my district there is a wonderful little town of around 12,000 people called Warsaw, Indiana. It's in Kosciusko County, a county with 100 lakes, including our biggest natural lake in the State of Indiana and many other sizable lakes. Tippecanoe, Syracuse, Webster Lake, North Webster, Big and Little Chapman as well as many other lakes. At this point I would like to insert into the RECORD from The Wall Street Journal ''Sticks and Stones May Break Bones, but Warsaw, Indiana, Makes Replacements.''

[From the Wall Street Journal, Oct. 26, 2006]

STICKS AND STONES MAY BREAK BONES, BUT WARSAW, IND., MAKES REPLACEMENTS

(By Timothy Aeppel)

WARSAW, IN.—When Don Running and his two partners decided to start up a company specializing in orthopedic plates and screws to mend broken wrists two years ago, it was a given that they would set up shop here.

Silicon Valley has computers. Detroit has cars. But in orthopedic devices, the undisputed world capital is Warsaw, a city of 12,500 with a silver-domed 19th-century courthouse and pickups angled into the curb on Main Street.

Three of the world's five largest makers of artificial joints and related surgical tools have their headquarters here amid the lakes and fields of northeastern Indiana. The local industry has grown so much that it's now a regional force, with orthopedics companies popping up in nearby farm towns and the suburbs of Fort Wayne, about 50 miles to the east.

''How many orthopedic-implant engineers do you find walking around most places?'' asks Mr. Running. ''Well around here, you bump into them in the supermarket.''

Memphis, Tenn., and northern New Jersey are other industry hotspots, but none rivals Warsaw for sheer concentration. And while major orthopedics companies are looking overseas for cheaper places to produce items such as basic bone screws and metal plates, the U.S. retains a firm grip on the industry.

A big reason is that the U.S., with its population of fast-aging baby boomers, injury-prone weekend athletes and overweight people, is by far the world's biggest market for artificial hips and knees. The U.S. represents an estimated $14 billion of the annual spending in a global market of $22.9 billion, according to Knowledge Enterprises Inc., a Chagrin Falls, Ohio, market research firm.

The U.S. also effectively protects manufacturers in the sector with strict regulations for devices that go inside the human body. Rather than risk problems—and crippling lawsuits—U.S. health-care providers buy their artificial joints from companies they know, which generally means buying American.

Profits are so good in the orthopedics industry that there isn't much pressure on suppliers to shave costs by going to low-cost

countries. ''The reason this business is in Warsaw and not Mexico is because margins are 70% or better,'' says Ron Clark, an orthopedic surgeon who founded his own company in Fort Wayne, which is on the other side of the state from his home in Valparaiso, in part so he could be closer to Warsaw. Dr. Clark says savings from going abroad just aren't worth it.

To be sure, the industry's dynamics may be starting to change. Health-care providers are starting to push back against the industry's steady price increases, raising concerns among investors about whether profits for Warsaw companies and others can keep up the brisk growth.

There are other shadows over Warsaw's future. The U.S. Justice Department has opened two probes of orthopedics makers in the past two years, including an antitrust investigation in which Smith & Nephew PLC, of the U.K., has confirmed that one of its independent sales representatives tried to initiate an industry-pricing strategy in response to a U.S. hospital's bid request. Other producers, including those in Warsaw, have said they didn't respond to the suggestion.

The big implant makers also received a separate batch of subpoenas in early 2005 regarding an investigation of any financial ties between them and surgeons who recommend their products. Doctors work closely with device makers to develop and refine artificial joints, and the companies have long paid surgeons as consultants and designers.

At least for now, though, Warsaw's orthopedics businesses continue to hum. The industry got its start here over a century ago, when a Canadian pharmacist, Revra DePuy, came up with the idea of making flexible splints to replace the wooden barrel staves then used to set broken bones.

The company he created thrived and exists today as DePuy Inc., a unit of Johnson & Johnson. It eventually spawned other companies, as people left to start competing operations. Indeed, Warsaw's largest employer is Zimmer Holdings Inc., founded by a DePuy salesman who broke out on his own in the 1920s. Today, about 60% of the workers who live within seven miles of Warsaw are directly or indirectly engaged in orthopedics manufacturing, says Joy McCarthy-Sessing, president of the local chamber of commerce.

Such a concentration of one industry in such a small town is unusual, but the larger phenomenon isn't unusual at all. Many of the strongest U.S. manufacturers set up production far away from urban centers, with their high taxes, labor, and utility costs, and instead look for locations in small towns, close to major highways and railways. Proximity to transportation hubs allows for smooth logistics in an age of just-in-time deliveries. Warsaw, for instance, sits astride a highway, U.S. 30, connecting Fort Wayne and Chicago.

Economists have long known that businesses thrive when they congregate in one place. Think of Hollywood movie studios, or the Route 128 technology ring around Boston. The same holds true in manufacturing. ''Companies that operate in clusters have greater access to talent,'' explains Jeffrey Grogan, partner at the Monitor Group, a Boston strategy consulting firm. They also serve as fertile ground for start-ups.

Mr. Running's company, Deo Volente Orthopaedics LLC, is a prime example. Mr. Running first met his partners, Rod Mayer and Jeff Ondrla, when the three were working together at DePuy in the early 1990s. Mr. Running and Mr. Ondrla are engineers and inventors, and Mr. Mayer's background is in sales.

Mr. Mayer got the idea for the company after seeing that the market for ''extremity'' devices, such as plates and screws for fixing broken wrists, wasn't then as developed as it was for major joints, such as hips and knees. The three were eager to get away from big-company bureaucracy.

And as often happens in the close confines of Warsaw, the partners' connections stretch into their personal lives: They were attending the same evangelical church in 2004 when they launched the company. Deo Volente means ''God willing'' in Latin.

The three men agree it is a hefty advantage to have so much of what they need at their fingertips. ''It's a lot easier to drive across town and visit a supplier then it is to pick up the phone and try to talk through some complicated issue,'' says Mr. Ondrla.

Warsaw is dotted with small support businesses, from packaging firms that specialize in super-clean processes to machine shops. There are even multiple manufacturers of the plastic trays and cases needed to pack orthopedic kits. A total hip replacement, for instance, can require up to 22 cases of equipment and each case and tray is specially designed.

The region surrounding Warsaw has long been home to the U.S. automotive and machinery industries, churning out a stream of skilled machinists, toolmakers and industrial engineers. Orthopedics makers opening up shop in Warsaw found a ready supply of skilled workers, particularly in recent years as the more-traditional sectors have slumped.

Whole companies in the region have switched over to serving the orthopedics industry in recent years, including the small factory contracted to do most of the production for Deo Volente: Three years ago, Micropulse Inc., of nearby Columbia City, Ind., stopped doing any work for the automotive and other old-line industries—which once accounted for over half of its business—to focus on orthopedics.

''Half of our customers were closing, so we divorced them all,'' says Brian Emerick, president of Micropulse. His company is now growing 25% a year, he says.

Mr. SOUDER. In 1895, in this small town—which at that point was a lot smaller—a man named Revra DePuy founded DePuy Manufacturing in Warsaw. The problem back then was that they were using wooden barrel stays to do hips. So he thought a fiber splint would be better. So DePuy went on—and now is part of Johnson & Johnson—to become a major player there. In 1926, Justin Zimmer, a sales manager for DePuy, felt that he had a better idea for different types of splints, and he broke off and developed Zimmer Manufacturing, now based in Warsaw. In 1997, Dr. Dane Miller and a small group of innovators and entrepreneurs formed Biomet in Warsaw.

Today these three companies are headquartered in Warsaw, Indiana, and are three of the five biggest orthopedic companies in the entire world. Zimmer, for example, employs 8,300 people and has $33.9 billion in sales in 100 countries around the world. In addition in Warsaw, other companies have come up—a division of Medtronic that does spinal research and production; Orthopediatrics specializes in anatomically appropriate, unique instrumentation and biologics for pediatric and small-stature patients because they're going to take different sized elbows, shoulders and knees.

In addition, we have many tier one and tier two suppliers who are centered in this region—Paragon Medical, Micropulse and Symmetry are tier one suppliers to the orthopedic industry. C&A Tool, one of the remaining large-sized machine tool manufacturers in America, makes highly detailed parts that go into your body, takes tremendous precision, as they also do for NASA and for defense contractors because they've managed to survive by upgrading and putting in million-dollar equipment.

Now Warsaw and Kosciusko County, along with the State of Indiana and the Lily Foundation, are proposing to develop a BioCrossroads project. This is the type of cluster that we need in America. We can't all be hamburger flippers. We can't all work in retail stores. You have to have R&D centers and clusters that you fight as a community, as a State and as a Nation to protect, just like other countries fight to protect those. Now the reason that all of a sudden this has become relevant is that last week, a health care proposal was floated in the other body that proposes to tax medical device companies 10 to 30 percent. I would like to insert into the RECORD from The Wall Street Journal ''The Innovation Tax'' editorial.

[From the Wall Street Journal, Sept. 8, 2009.]

THE INNOVATION TAX—HOW MAX BAUCUS KNIFED THE MEDICAL DEVICES INDUSTRY

Supposedly the Senate's version of ObamaCare was written by Finance Chairman Max Baucus, but we're beginning to wonder if the true authors were Abbott and Costello. The vaudeville logic of the plan is that Congress will tax health care to subsidize people to buy health care that new taxes and regulation make more expensive.

Look no further than the $40 billion ''fee'' that Mr. Baucus wants to impose on medical devices and diagnostic equipment. Device manufacturers would pay $4 billion a year in excise taxes, divvied up among them based on U.S. sales. This translates to an annual income tax surcharge anywhere from 10% to 30%, depending on the corporation.

Why $40 billion? No reason in particular, except that Mr. Baucus needs to finance nearly $900 billion in new spending and so he'll grab anything within arm's reach. While there are some exemptions, such as tongue depressors and eyeglasses, most of the devices tax will fall on hundreds of thousands of products that are basic components of modern medicine. Some are routine—surgical equipment, diabetes testing supplies—while others are cutting-edge technologies, like replacement joints, pacemakers, stents, and MRI and CT scanners.

This new tax will eventually be passed through to patients, increasing health-care costs. It will also harm innovation, taking a big bite out of the research and development that leads to medical advancements. The core of the industry (excluding a few conglomerates like Johnson & Johnson) spent about $9.6 billion on product development in 2007, according to Ernst and Young. The Baucus tax is nearly half that, and also exceeds $3.7 billion, the total venture capital invested in device makers that same year.

Even if consumers will ultimately pay one way or another, this tax also offers an instructive lesson in the perils of industry dealmaking in President Obama's Washington. Convinced by the White House that legislation was inevitable, most of the health-care lobbies decided to negotiate and

pay ransoms so Democrats would spare their industries greater harm. Sure enough, the device maker lobby, AdvaMed, was among the ''stakeholders'' that joined with Mr. Obama in a Rose Garden ceremony in May and pledged to ''save'' $2 trillion over 10 years to fund his program.

AdvaMed was nothing if not a team player. It endorsed Democratic inspirations like comparative-effectiveness research and value-based purchasing, despite the danger that under such centralized decision-making the government will decide that the most effective and valuable treatments also happen to be the cheapest—rather than those that are best for patients. It also suggested a variety of other taxes that would have resulted in a lower bottom line, much as Big Pharma promised $80 billion in drug discounts and the American Hospital Association agreed to $155 billion in Medicare and Medicaid reimbursement cuts.

But the word on Capitol Hill is that AdvaMed's tribute wasn't handsome enough for Mr. Baucus's tastes. The massive new tax—which wasn't a part of any of his policy blueprints released earlier this year—is in part retaliation. Partly, too, the device makers simply don't have the same political clout as the other big players, making them an easier mark. Old Washington hands are saying the device lobby made a ''strategic mistake'' by not offering Mr. Baucus more protection money, but the real mistake was trying to buy into the ObamaCare process, instead of trying to defeat its worst ideas outright.

And now it may be too late. As we've argued, liberal Democrats think that merely allowing an industry to continue to exist is a concession, and they're already taking the pharma and hospital concessions and running them higher. In the case of devices, patients will be left with higher costs for fewer life-saving technologies.

Mr. SOUDER. This proposed provision would tax these companies 10 to 30 percent. Medical devices are currently paid for by hospitals. You don't declare that individually in Medicare or in any other health—it goes through a hospital. The hospitals have already been asked to lower their costs and put money into the system. So this would be a direct tax based on the sales and profits of these companies.

Now there are three classes of medical devices. The joke that occurred around this was, in class one, Q-tips are called a medical device. Well, we heard today that Q-tips are going to be exempt, as are condoms, as are home pregnancy tests, as are scented Maxi Pads. So I guess that's the good news. The bad news is that what isn't exempt is class two and class three, which are going to have huge taxes on these companies and will restrict innovation. What are they? Heart valves, automatic cardiac defibrillators, heart imaging machines, insulin pumps, hearing aids, electric wheelchairs, and of course, all orthopedic joints—spine and neck implants included with that. They are going to be taxed.

What in the world is going on here? I think that a lot of people are of the impression that this kind of stuff just comes, that somehow it magically appears. In fact, I've heard people say, Well, why don't we all just get on Medicare? Besides the fact that Medicare is broke, Medicare hasn't invented anything for hips. They only cover variable costs. No research comes out of Medicare. No research comes out of Medicaid. No research comes out of the Veterans Administration. All that's funded by private pay. All that's funded by profits of corporations.

And if you take away the profits, they aren't going to be developing special hips for 18-year-old soldiers who are shot up. They now have body armor, but they are getting shot in their joints and now have to live for the rest of their lives with that. They aren't going to do it for the little kids. As people live longer and have this in their bodies longer, they aren't going to do all the variations. They aren't going to be able to do custom orders. R&D will tend to be shot. It may move offshore. It may totally disappear. This tax would be a disaster to America, and I hope it can be defeated.

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

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

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

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

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

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

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

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

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

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

DEMOCRATIC FRESHMAN CLASS HOUR ON HEALTH CARE

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

Mr. TONKO. Madam Speaker, as you know, we have a very talented freshman class in the House of Representatives. And for the next hour, Members of the freshman class will be discussing health care. We would like to thank the Democratic leadership for giving us time to discuss this very important issue. Within the freshman class I believe is a diversity of work experience and work expertise, skill sets that have been brought to this Chamber to discuss various policies.

Well, nothing could be more pressing, Madam Speaker, than the need for health care reform. Just yesterday I was pleased to welcome President Obama to the 21st Congressional District of New York, which I represent, specifically to the city of Troy, New York. He had spoken about the innovation economy. He had spoken about the recovery from this recession, which has been deep and long. He made mention that there is no recovery without addressing health care costs for our businesses, to be able to go forward with a meaningful plan that will allow for employer-based coverage at an affordable price.

So this evening as we speak about health care reform, it is significant to our business community, it is significant to our families, the working families across America, and it is significant to government, as health care costs for government-provided health care in our local municipalities, in our school systems, is rising well beyond inflation.

In fact, just today a report was issued by the Office of the Vice President that spoke to, on average, 5.5 percent increases on family plans across America. That average of 5.5 percent came during this recession period that actually saw inflation dropping by 0.7 percent. So this is a remarkable statistic that we're seeing this growth continuing.

We have been joined, and we are joined by two of our colleagues right now. We have Representative GERRY CONNOLLY from Virginia's 11th District and Representative CHELLIE PINGREE from Maine's 1st Congressional District. Representative CONNOLLY, if you please.

Mr. CONNOLLY of Virginia. I thank my friend and colleague from New York. I just wanted to amplify the point you just made, Mr. TONKO. Last week the Kaiser Family Foundation issued a report. This isn't coming from any committee in Congress. This is an independent analysis. It said that the average family of four in the United States is currently spending over $13,000 a year for health care coverage. If we do nothing, by 2018, in only 9 years, that $13,000 a year will be $30,000 a year, pushing health care affordability beyond the reach of millions of American families if we do nothing.

There are real costs to inaction when it comes to health care.

Mr. TONKO. Absolutely. And I think that the statistics speak for themselves. Representative PINGREE, you have long been a champion in your State for health care reform. Statistics in the Northeast and certainly in New England are what they are across America, where we see out-of-control costs and reduced opportunities for those who are holding an insurance policy in hand.

Ms. PINGREE of Maine. Absolutely. You're right. I come from the State of Maine. And like many State legislatures, when I was in the legislature and after I was there, the State implemented a lot of reforms around health care. They've done a tremendous amount to attempt to cover more citizens, to bring down the price of prescription drugs, to deal with the challenges of the insurance markets. But the fact is, even though that is a State that has done all it can, a State can't do it by itself. It can't do it one State at a time. What I hear from my constituents when I go back is, Please, do something about the health care system, and don't delay. Do it now. Get it done this year.

You talked about small businesses. Small businesses in my State and big businesses alike are really struggling under the cost of health care. It's a significant economic issue. It truly is. If we don't do something about the rising costs of health care, we're more uncompetitive as a Nation. More small businesses are finding that they're having to cut back on the coverage for their families or take away coverage completely. It's a huge economic issue in our State.

You know, one other factor we sometimes don't talk about around the economic issues is the number of people who might leave their job to start a business. I talk to a lot of constituents who say to me, You know, I would like to start up my own business. I have got an idea. I even might employ a couple of people, but I wouldn't dare leave my job because I don't think I could be without a safety net.

So you have older workers who might choose to retire, you know, go on to their next stage of their lives, but they don't want to leave that health care insurance that they currently have. Or people who have good ideas, who want to go do something, and they say, I just can't do it without the safety net of health care insurance. I don't dare be out there.

Mr. TONKO. Well, it's interesting because I'm sure we hear it all the time. We recommend to high school students that probably their work stops throughout their careers will be four, five in number. It will not be that sustained one bit of loyalty to the employer and reverse to the employee that goes through an individual's work life career. And that is an important thing. If we profess that to be true, and we share that with these young minds, where we see that happening today in today's society where there are more and more shifts in careers, where there are golden opportunities to enter into another work opportunity, or where people are displaced, tossed to the streets, if you will, and lose their jobs, there should be that stability.

While the discussion by some has been framed an issue for the uninsured or underinsured, it's equally about those of us who are insured with the policy in hand. And what is really driving the issue here for many is catastrophic illness, where there is perhaps a huge demand on a family for medical expenses, and we are seeing more and more bankruptcies due to medical expenses as part of an American outcome, unacceptable outcomes in a land of abundance, as is the case in America.

□ 1945

So reform here is what we need. Status quo is unsustainable, absolutely unsustainable, and we need to go forward with a progressive sort of policy reform that will enable us to prosper as a society, via business, via families, via individuals, via our local governments and school systems.

Mr. CONNOLLY of Virginia. I would say to my friend from New York, Madam Speaker, that I think this whole issue of the distortions health care causes on the labor market really impede and constitute a significant barrier to the fostering of innovation and entrepreneurship in the United States because, as our friend from Maine just indicated, millions of Americans have to make decisions about where they will work and at what they will work, not because they think that's necessarily what they're going to be best at or not because they're willing to take a chance with a startup company, understanding it might fail but, on the other hand, it might be the next Microsoft, but because they can't afford to because they have a preexisting condition.

Forty-five percent of us who have health care insurance have a previous existing condition, and you may have a spouse or a child with a previous existing condition on that policy. And if you move to a smaller risk pool or, God forbid, no risk pool at all because that small startup or that small company can no longer afford health care coverage, you risk the catastrophic illness you just talked about, Mr. TONKO, which drives families into bankruptcy.

In my district, which is a relatively affluent district compared to many others, we had 1,430 families last year in the 11th Congressional District of Virginia who filed for bankruptcy because of health care costs. And no American family should have to face that kind of ''Sophie's choice'' over health care in America.

Mr. TONKO. Absolutely not.

As I mentioned, the President came to my district just yesterday and talked about the innovation economy and the emergence of innovation that is expressed through keen intellect out there, whiz kid ideas, if you will, that are fostered by these very sharp individuals who know with precision how we can enter into a high-tech sweepstakes and win that global race. Well, we can't saddle these people with the costs of health care that is unaffordable or deny their entry into the job creations that they want to provide by finding that the premium is going to be some $13,375, as the Vice President's released study indicates. That is unacceptable.

Status quo also means that insurance companies will be calling the shots, that they will control your destiny. They will step between you and the medical community. They will continue to reap great profits that go toward marketing and executive bonuses and various other items. The first 26 cents now on the dollar are assumed to go for something other than health care. So status quo is not sustainable.

I know, Representative PINGREE, that you have been impacted by these issues within your district and have created a very strong voice for health care reform.

Ms. PINGREE of Maine. You know, it's interesting to come from a State where we have done a lot of insurance reforms and a variety of reforms. What I find is because we've been talking about it for such a long period of time in our State and because the State has moved forward on a variety of things, I find that the constituents in my district are very literate and very articulate about this. Wherever I go, they've got to give me a piece of their mind about the insurance company, and most of them have had some kind of an encounter.

We often talk about the number of people that are happy with their plan, but I've also heard people say, you know, you're happy with your insurance plan sometimes until you have to go and use it. And I am amazed at how many times I meet with people who say, I thought it was going to be there for me. I didn't realize there was going to be a cap on it.

An awful lot of people in my district are self-employed or they do a variety of different jobs. We have a tremendous number of fishermen. People work at woodcutting, a variety of different things, and they have $5,000 and $10,000 deductibles. Well, that sounds pretty good when you first sign up, but the fact is you still pay a very high premium and you've got to pay that first $10,000. You do an injury to your knee or you do a variety of other things or one of your kids gets sick, before you know it, you've got to pay that first $10,000 and you're still paying enormous premiums, and what have you got in the end? It sounds like kind of a way to get around the situation, but most people say to me in the end, you know, This idea of just catastrophic coverage, it really didn't work for me, or, The insurance company wasn't really there when I needed it.

I just want to go back to that point. A number of people who I talk to say—it's a tough economy. Maine is 38th in per capita income, so my district doesn't necessarily look just like yours. A lot of people are really struggling to put it together. A lot of people are seniors or nearing retirement age. But because it's a hardworking constituency, they'll say, you know, We do pretty well at making ends meet. I go fishing. I paint houses. I cut some Christmas trees. My wife sells crafts. We've got this little business or we want a tourist motel. We can almost put it all together and have a pretty good income. The thing we can't afford is that $12,000 or $13,000 a year for insurance. And my daughter's diabetic or my husband's got a condition; we can't go without it. And I just want to go back to that point that the number of people who work hard and say, I could earn a pretty good living, but what I can't afford is health care insurance.

When I look at my State, the struggling economy, the job loss—our unemployment numbers just went up, and we're all looking for the big extension today of unemployment insurance. But the fact is the single biggest thing we can do to revive the economy in my State is to have universal coverage for health care. And I don't care whom I talk to. If they're on the left or the right or they own a business or they work for a big company, that's the one thing we all agree on: If there were affordable health care, we could get by.

One other fact I just want to put out there, and we're talking about a variety of things today, is sometimes people will say to us, well, you know, I don't want to have this kind of government health care. I don't want to have to pay for everybody else.

Well, if you're paying the cost of health care insurance today, at least $1,000 of your $12,000 to $13,000 premium is in the cost shift of all the people who aren't covered or who don't have adequate coverage. I mean, thank goodness people get coverage when they get sick and they get to the hospital. But the fact is our hospitals are struggling under the weight. Our practitioners are having to cover a lot of people who just don't have it when they need it or the insurance wasn't there when they thought they did. So you're already paying at least $1,000 a year in a tax, in a cost shift that's going somewhere else.

Why not make this a sensible system where everybody has early care and intervention and we emphasize wellness? It would make a huge difference in the economy.

Mr. CONNOLLY of Virginia. Absolutely.

In my district, I've started something called ''house calls.'' In fact, CNN followed me around one day actually at it, saying, you know, it's not that often a Member of Congress makes house calls, but this one did.

What I did was sit around a kitchen table at a home with some neighbors in this particular neighborhood in my district and listened to stories. And while, obviously, there exists lots of considerable and legitimate fear and angst about what might constitute health care reform, what might be in a bill or not that we heard this summer, we also know there was also an awful lot of orchestrated noise to try to prevent the legitimate debate on health care sometimes and maybe to drown out these stories of average Americans and what they go through at the hands of the health care insurers.

So I'm picking up on what Ms. PINGREE said, but I am talking about those who have insurance, and yet time after time what I find when I go back to my district is stories, often horror stories, but certainly stories about capricious, arbitrary decision making.

We heard a lot of rhetoric this summer about I don't want a lot of government bureaucrats standing between me and my doctor and deciding on my medical care, and I think all three of us would agree with that. We don't want that either. There is a bureaucrat, however, if you're insured in America, standing between you, often, and your medical care, and that's not a government bureaucrat. It's an insurance bureaucrat sitting in a cubicle somewhere, looking for ways to shave costs irrespective of the medical requirements you may have, and sometimes and all too often irrespective of what the recommendation of your doctor may be in terms of best treatment or testing or both. Time and again, we hear sad story after sad story of lack of coverage, capping the amount of coverage, refusal to allow testing or procedures, often for very arbitrary reasons.

One of the things I hope, and I know that a number of the versions of health care reform legislation contain, is that we will actually address that. We will rein that in. We will protect health care consumers in America from that kind of capricious behavior by insurers whose only motivation isn't your health or your best interest; it is profit.

Mr. TONKO. Absolutely.

Mr. CONNOLLY of Virginia. There's nothing wrong with profit, but profit ought not to be the driving motivation in the most important part of our daily lives: our good health and well-being. And it seems to me we ought to be putting America's health before the insurers' profit motive.

Mr. TONKO. Representative CONNOLLY, you talk about some of the hardship that befalls people because of these decisions by bureaucrats in the industry. Well, there are also those situations where they drop coverage because of illness, which is a dreadful outcome. And I think that the insurance reforms, the health care insurance reforms that are required in this package would address situations like catastrophic illness, requiring that there be no prejudice shown against those suffering with catastrophic illness; that there be this portability that if you change jobs, lose a job, you continue to maintain health care coverage; that there be caps on certain situations where you're not draining—for the bankruptcy purposes we cited here or just the economic hardships that befall families, you're not draining them of resources unnecessarily, and putting a cap of perhaps $5,000 on an individual, $10,000 on a family, allowing for that cap to be placed so there is that benefit that comes the way of our American families.

Putting no copayment onto wellness programs and prevention programs, that's a smart thing for us to do. We know that when we bring people into the network and emphasize and underscore the value of prevention, they will be all the better for it.

So there are all these dynamics that should be responded to by the legislation that we do here, by the policy we develop.

Representatives talk about anecdotes that are shared within their districts to them either through house calls, which I think are unique, and just in group meetings that are had. I can tell you recently someone told me of their premium going up 37 percent in a matter of 2 years and that now, because of catastrophic illness, the wife of this married couple whom I reference here is unemployable at the age of 60. Her husband is now the single wage earner, trying to cover $18,000 worth of medical expenses.

Now, is that the kind of outcome that we want to protect? Is that the status quo that we're supposed to fight for? Or do we go forward and champion causes that will remove this sort of situation from the lives of the American families that we have the fortune to represent?

I think that there is a better way, and this health care focus in this House has been strong about wringing excess costs and inefficiencies out of the equation and putting in those measures that control overimpacting our American families in cases of catastrophic illness and advancing the cause of wellness. That's what we can achieve here and not be ruled by myth or fear tactics but by facts and information that is fed us that is responsible development of public policy, I believe.

Mr. CONNOLLY of Virginia. You know, Mr. TONKO, a lot of folks who have health care coverage have to look at what is the trajectory moving out in the next few years.

Let me give you an example of a couple I met in one of my house calls. This is a gentleman with a Ph.D. His livelihood is to tutor high school students in our school system who need extra help trying to make their way in the academic career, but he's considered a contract employee and, therefore, has to get his own health insurance. He has no benefits.

Seven years ago health insurance coverage for him and his family of four cost $4,000 a year. Absolutely manageable, easily fit into his budget. Seven

years later, no change in his health profile, it now costs $18,000 a year for that same family of four, and that includes no dental, no vision, and no drug coverage. He now has to look at the next few years of whether he has to drop that health insurance policy because he can no longer afford it because now it involves real tradeoffs economically.

□ 2000

This is not somebody who is abjectly poor; this is the middle class actually looking at terrible choices they never thought they would have to make regarding health care.

Mr. TONKO. And we have heard real-life stories that should affect all of us in our process here in the House. Both of you are strong voices for intelligent reform; and Representative PINGREE, I know you have a lot to add.

Ms. PINGREE of Maine. We have a lot of colleagues who are strong voices for reform; and most of us, every time we go to the supermarket, go to somebody's birthday party, the first thing our friends and neighbors and constituents say to us, We need to get the health care bill passed. What is standing in the way?

There is so much hard work going on here in dealing with many of the complicated details. This is a major overhaul of the health care system. I commend my colleagues in Congress who are putting in a tremendous number of hours to get this right, and it is not easy to figure out and how to make it affordable for Americans. The stories that you talked about earlier are exactly what we hear everywhere we go. What we are trying to do now is put the finishing touches on a bill that will get us to that place.

I want to go back to the point you made about wellness. I have visited with a lot of the businesses in my district, many of which are self-insured. Those businesses are big enough to take on the challenges of health care themselves, and I am so impressed with the number of companies that are self-insured and say that wellness needs to be a critical component. What they have found as a business decision, the more you can emphasize wellness, good nutrition, smoking cessation, regular check-ups, some have fitness trainers on site, things we wouldn't consider as an early component, but they have realized that the more you can do to keep people healthy, to make sure that their workers and their families get tests, stay out of the hospitals, that is where we can cut significant costs.

That is one of the challenges that people are spending a tremendous number of hours trying to sort out. What does that mean to lower cost? How do you make sure that we don't do unnecessary testing, and that we pay our practitioners for keeping people well, not for hospital admissions and just the times we get sick. It is a major change that we are talking about here, and there has been a lot of thoughtful dialogue and debate, not the crazy talk that is out on some of the cable news shows, but serious dialogue about how to do this right, how to get real competition in with the insurance companies, how to help our small businesses to increase the number of people who are covered.

I have to say that in spite of the difficulties in making major change and crafting a big piece of legislation, I get excited when I think about it. I think about what would it be like to end this year and go back home to our constituents and say, We did it. We took a major step forward. We will no longer be the only Western nation that doesn't have civilized health care insurance, that hasn't worked to bring down costs. That it is affordable. It would be wonderful to say that to people.

I have to leave the floor, but I want to say in closing about my own district, we have talked a lot about the economic issues. When we talk about individual constituents, there is a part of me that believes this is a moral issue. It is a patriotic issue. It is a way of making sure that we understand that in America, we are all in this together. If my small business fails because I struggle under the cost of health insurance, or one of your constituents goes into personal bankruptcy because of cancer or another illness that wasn't covered, that is not the kind of America that I want to live in. That is not the kind of place we want to be. We want to do this because it is right for our economy, but also because we believe it is right for America.

Mr. TONKO. It expresses the character of our society and of our Nation. Obviously, there are determined individuals who understand and acknowledge that we can't fix this system with slogans or sound bites or banners that are flown at various events. It needs to get into the weeds of detail and make certain that people are protected.

Ms. PINGREE, you make reference to small business, some 13 million people, nearly one-third of America's uninsured, are employed by small and medium-size businesses, fewer than 100 employees. That is a huge number. People say to me, if we do this insurance benefit, shouldn't people be working? I say they are working; they are not getting insurance coverage.

About 15 years ago, 61 percent of our small businesses and medium-sized businesses offered employer-based health care coverage. Today that number has dropped to some 38 percent.

So the signs are there. The patterns are being developed. We cannot continue with the status quo. It is unaffordable and not sustainable.

Ms. PINGREE of Maine. Thank you for allowing me to join you.

Mr. TONKO. Mr. CONNOLLY.

Mr. CONNOLLY of Virginia. Adding to what you just said, Mr. TONKO, if we do nothing over the next 10 years, the cost to small business for health care in America will climb to $2.4 trillion. And that means that 38 percent that currently provide health care coverage will drop to something like 30 percent or below.

Mr. TONKO. And I am reminded with that statistic that the $13,385 on average for a policy will grow to something greater than $29,000. Unacceptable outcomes, and it will drive business into unprofitable situations. And it will wreak damage and pain and suffering onto our Nation and onto its families. So there has to be reform here. Absolutely there has to be reform.

When you look at it from our senior citizens' perspective, knowing there have been injustices allowed, the creation of a doughnut hole where constantly, we have talked about this, you hear from your senior citizens as constituents, where they reach in a few months the threshold where they are in that doughnut hole and they are paying out of pocket for necessary pharmaceuticals, it is unacceptable.

Mr. CONNOLLY of Virginia. It is unacceptable. Of course, an awful lot of fear was engendered by misinformation spread over the summer about what would and would not happen to Medicare. No current Medicare benefits will be in any way negatively affected by any of the legislation that we are looking at. As a matter of fact, those benefits will be enhanced by the closing of the doughnut hole that you just referred to, Mr. TONKO. That is the hole that doesn't cover the price of prescription drugs at a certain expense range for senior citizens, meaning that their out-of-pocket cost for prescription drugs goes through the roof. They often have to make very difficult choices between food and drugs at the end of the month. We want to close that doughnut hole.

Mr. TONKO. Wouldn't you have expected the voice of advocacy out in the streets to scream and yell about that outcome when it happened just 5 or 6 years ago? But no one brought to the attention or carried any anger and expressed concern to the level that you hear today. And here is the situation we are attempting to correct, a wrong that was allowed to occur, and to close that doughnut hole to allow for more freedom and to have a sensible outcome.

At one of my health care forums in my district during this August recess, I heard from people who were not taking medications simply because of that doughnut hole. I heard from a couple again who testified at one of our forums that indicated for cardiopulmonary purposes the husband needed to take medication. It was a preexisting condition so it denied them insurance coverage, and they couldn't afford out of pocket to pay for the medications. So she cheerfully shared with us that he simply doesn't take it. It has put undue stress onto the family. It has caused economic hardship, and they are without insurance.

For those who would argue that that system should be maintained, I have

my insurance, you go find yours, we are all paying. As Representative PINGREE indicated, we are paying for that uncompensated care, and I believe that is to the tune of some $56 billion or $57 billion in this country. That is a huge savings that automatically flips over to a benefit if we do wise health care policy reform.

Mr. CONNOLLY of Virginia. You know, in addition, if you actually enumerated the benefit enhancement for our seniors, Medicare stays not only intact; it gets better. We close the doughnut hole, making it easier for seniors to be able to afford and to access the prescription medications that they need.

We eliminate copayments for routine, preventive medical care, including screenings, saving seniors hundreds of dollars a year.

We improve and increase reimbursement payments to doctors who serve Medicare patients, which is a complaint we often hear from our senior citizens, that because of reimbursement rates being inadequate, doctors put a cap on how many Medicare patients they will see. And in some cases they get out of business all together. Obviously, that is not a good thing for our senior population.

This bill addresses all three of those reforms, making Medicare benefits more generous to our senior citizens, protecting the benefit base they have got, and augmenting it. Unfortunately, some of the misinformation spread in the summer would suggest otherwise, creating needless fear and stress in our senior population which relies so heavily on an efficient and effective Medicare system.

Mr. TONKO. Right. And I think the sensitivities that we need to show to these various audiences are hampered when people are including in the discussion items that are simply not in the bill, or fabricating them in a way where they suggest that there are outcomes that would be very destructive.

So this has been a very unique effort because you are trying to share information with your constituents, which I think is valuable. They can constructively build this package with us. And at the same time, you have to dispel the myths and rumors and the misinformation so we can stay on that page of fact not fiction and do what is best for Americans, for all ratepayers and for all sectors of our economy.

We earlier talked about small businesses. When you think of the benefits that come if they can have better bargaining leverage as small businesses, there is a benefit there. Our larger companies and industries haven't seen the growth in premiums that our small businesses have. They are some 18 percent greater than the larger business community.

So what we need to do here is provide that benefit by pooling these resources, allowing for better leverage in bargaining for health care premiums to stay lower. Just with the report today that was issued, we had a growth in the last 10 years, New York State alone, they did a State by State measure, and 105 percent growth in premiums and a 44 percent growth in wages over a 10-year span.

Now, Representative CONNOLLY, I think we can all agree that is not a pattern that we can allow to continue because eventually the well runs dry, people become sicker, and the profit column is swelling for an industry that is standing between choices that should be made between a doctor and a patient.

Mr. CONNOLLY of Virginia. Absolutely. I think the numbers you just cited for New York State actually are higher than the national average, and there are regional disparities here in terms of the growth of cost. But what we do know, based on the Kaiser Family Foundation study is that the average increase in insurance premiums over the last decade was 138 percent, far outstripping the rate of inflation and far outstripping, as you point out, the growth in wages and income. As a matter of fact, that was negative.

So there is no lodestone to measure what is happening in health care; but we do know that it is fast outstripping the ability of people's income to support, and it is far and away above the rate of any inflation index, and it is going to be pushing itself beyond the index of affordability in the not-so-distant future if we don't do something in the way of health care reform.

I need to leave the floor, but I want to thank my colleague for his leadership and for providing us a forum for a civil discussion about such an important topic.

Mr. TONKO. Thank you, Representative CONNOLLY, for being a strong voice in this Chamber so as to move us all along that path of progressive reform, for an industry that is representative of every one of $6 in the American economy. If it goes unchecked, in the short span of 30 years, it will be one in $3. That does not make strong sense. It is a situation that will be a train wreck just waiting to happen.

Mr. CONNOLLY of Virginia. It is not sustainable. I thank my colleague.

Mr. TONKO. We thank you for joining us this evening.

As we look at the progress that we can make here, it is important for us to move forward with fact not fiction, for us to instill reforms in the insurance area that allows for catastrophic illness to be addressed so that it does not prejudice against American families that require health care insurance.

We need to move forward so as to provide portability for our American families, especially at a time when we profess that there will be career changes, job changes many times over in the work lifetime of countless individuals in this country, where if you lose a job, you shouldn't be denied your health care. Some 14,000 Americans per day are losing their health care. That is unacceptable in this Nation of plenty.

We can have a better plan. We need to make certain that wellness and prevention are underscored as very valuable, important tools in the kit that speak to the soundness of holding down costs. We do that by not allowing for copayments in that regard. We need to cap those situations that could be catastrophic by making certain that no more than $5,000 or $10,000 per family, some reasonable measure be there, to restrict the payments that are demanded because so many families face bankruptcy.

□ 2015

I know that if our health care measure were approved as represented before the House here, some 1,200 families in my congressional district alone would escape the woes of bankruptcy because of medical expenses.

These are issues that face America each and every day. The business community has been paying stiffly for this sort of lack of reform. Some 40 percent of our business community is reported spending more than 10 percent of their payroll on health care costs. That is a pattern that is only growing worse with time.

And our seniors have been treated unfairly, with concepts like a Medicare part D doughnut hole, situations that find them in a very few weeks into any calendar year paying dearly for pharmaceutical needs that are a life-and-death choice for them. They shouldn't limit or fractionalize what they're taking. They shouldn't avoid the pharmaceutical needs that have been required of them by the medical community.

Those are situations that need to be responded through in this debate that hopefully will be factual, that will be fair, that will be based on soundness rather than fear tactics; those that might divide this Nation unnecessarily, that may impact the chance to really reform a situation that for decades has been talked about.

I applaud the President when he said he wants to be the last President to attempt this effort and fail. He wants to achieve success for the Nation. For decades we have had many an administration push for reform but it has failed because I think there are those who resist change simply to resist it rather than open up to the discussion and the dialogue and the debate in honest measure that needs to be had so as to move forward in progressive format.

Madam Speaker, we of the freshman class thank you this evening for the time allotted. I now yield back the remainder of my time and appreciate the opportunity to discuss what I believe is a critically important issue, that of health care and insurance reform here in America.

ACORN

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

Mr. GOHMERT. Thank you, Madam Speaker. I do appreciate the time.

There's so much going on and we've heard so much about community organizations, actually in the last year as we heard then-candidate and Senator Obama talking about community organizations being the way to go. I think it's wonderful—community organizations. I'm a member of a number of community organizations. None of them pay me, though. We do the things we do in the community organizations I've ever been a part of because we care about the community. We have jobs, we work, and then on our own time, without being compensated, we try to help others. We do it through church. We do it through all kinds of civic organizations.

So this whole thing of community organizations has been a bit of an anathema to me, an enigma, a riddle within a riddle; a community organization of volunteers who get paid to do some kind of organization. It's a strange thing.

As we've heard more and more about this group ACORN and the vast amount of money that it has been receiving from taxpayers, it becomes even more of an interesting enigma. Getting taxpayer dollars from the government, over 50 million, from people who are working and also being part of community organizations and churches and charitable institutions and helping their communities, they're working and they're paying taxes and they're also organizing and doing charitable work, and then come to find out their tax dollars are paying a group which has many, many other aspects to it to go around and basically try to undo the type of things they've been doing. It's really a strange phenomenon, ACORN. And from one acorn, we know that many nuts can grow.

As we think about and anticipate the work being done by ACORN, we find out, well, they go out and help people to know what their rights are and sign up for different benefits. I have seen my good friend from Iowa (Mr. KING) show the photograph he took down in New Orleans that had a big 2008 Obama sign in there. Well, wait. Charitable organizations, they're not supposed to be involved in politics. In fact, any other group seems to have the Federal Government come down rather strongly against them if they start engaging in politics. But apparently that applies to others and not ACORN.

I've also been amazed, Madam Speaker, the responses of some within ACORN saying, You set us up. You came in.

Yeah, they came in with a camera and began to ask could they get help to set up a prostitution ring of underage children with illegal immigrants coming in. At some point you would think people of morality, people of ethics who were organizing communities for the good and the uprightness, the righteousness, the goodness, the morality, the really growth within the community would have immediately said, Do you not understand what prostitution does to children? Do you not understand that it robs them of their childhood? Do you not understand how abusive that is to female children and how that destroys their adulthood as women? Do you not understand that you're a parasite if you're living off of young children in a prostitution ring? Or women for that matter. You're a pimp; you ought to be disgusted with yourself, because we certainly are.

We saw none of that in any of the videos. The reaction seemed to be the same: Well, how can we help you to get over and to make money as a parasite? It's like this was a parasitic organization trying to help someone else also be a parasite.

The outrage should not have been to anyone who exposed that kind of mentality within all these different organizations that are a part of ACORN but the outrage should have been, How could this be? How could a group like this be getting hard-earned tax dollars?

I'm pretty sure that most people around the country who have jobs and are struggling would like to have their own money back. I imagine they would like to have that $53 million back if they had known that it was going to be for folks who helped other groups and other individuals conduct illegal activity.

But there was no remorse. You see the video and you wonder, Where is the outrage? You're community organizers and you've got no outrage? Do you have no soul? Well, of course they do, but they don't show it. Is there no still small voice that speaks and says, This is wrong? They're talking about prostitution among children. They're talking about things that are completely against what we believe in in America; everyone fulfilling their great potential and becoming all that they possibly could be. Very tragic. Very tragic.

But then again, we've seen lots of slings and arrows hurled at one Member who was sitting right back here in the House who yelled, You lie. That was inappropriate. That violates the rule. But when you take it in context, the individual that came into this House, as an invited guest into the people's House, had just said that critics of the President's plan were not engaged in, quote, honest debate; that we were using, quote, scare tactics. He said that many of those who were hosting him here were making, quote, bogus claims; that we were making wild claims; that we were engaged in, quote, demagoguery; engaged in distortion, acrimony.

The President said we were cynical and irresponsible in the manner in which we were criticizing his plan. He said that facts and reason were thrown overboard. He said we were robbing the country of opportunity; we were killing the President's good bill. And he actually used the L word right here on the floor just a couple of sentences before the L word was used by our friend JOE WILSON. The President said, It's a lie plain and simple.

When you set that tone, you come into somebody else's house as an invited guest and you set that tone, what does that tell the people around you? You think it's okay to talk like that, to accuse your critics of being like that. You set the groundwork of making it okay to say those kind of things about people who happen to disagree with you.

We've seen the footage of the President telling members of ACORN, You're going to have a place in my administration; you're going to have a stake; you're going to get to participate. There has been plenty of involvement with ACORN. It was not like it was a new entity to the President as it was to many of us.

And so you have to wonder a bit about judgment. If that's the judgment of whom you want to be the stakeholder, of whom you want to give you advice and help you in the administration, then you have to wonder, Well, is that the same kind of judgment being used to pick people who are czars, who have no accountability to anyone but you? Because that seems to be kind of where ACORN was.

□ 2030

So we've got over 30 czars, and they fall into the same category as this lack of accountability. I don't care what group you are, Madam Speaker. I don't care where it is or what's involved when there is no accountability. We know from the Old Testament that the only man in the entire Bible to have been said to have had a heart after God's own was King David and that, when he had no accountability, the man who had the heart after God's own could commit horrible offenses.

Well, you have an organization like ACORN, and there is just complete unaccountability. There's not only unaccountability. We're going to give you all kinds of power. We're going to make you the stakeholder in this administration. We're going to let you organize America to fit your own image. Well, that's a little scary, but when there's no accountability, that's where all of this goes.

So I am pleased to see friends who are also wishing to address this topic. I'll recognize them in a moment.

I see a sign: ''ACORN Goes Nuts.'' As I just pointed out, from one acorn, we know many nuts can grow.

With that, I would like to yield to my friend from Texas (Mr. CARTER), Judge CARTER.

Mr. CARTER. I thank my fellow judge and friend from Texas, first off, for being here to start this, because I was across town, and was fighting the traffic to get back. I apologize for not being here on time, but sometimes things don't cooperate around here like they should.

We're starting off by talking about—and I think you've probably told people

we're again addressing what we've been addressing every week now for probably 12 or 14 weeks. It's very simple that the rule of law must prevail in this country. That means that we have to have rules both of this House, of this Nation and of our States. We have to abide by those rules. The failure to abide by those rules has to have consequences. So we've been talking a lot about internal things that go on with the Ethics Committee and so forth here in the Congress. Now, tonight, we're talking about some things that are in the news that, once again, are under the subject of the rule of law. It puts a bright light on an issue that we really need to be concerned about, and that is the issue with ACORN.

I think, probably, an awful lot of people have seen this video, what we have right here. I know, if they watch Fox News, they've seen the video, but I think now it's being shown on other stations. It's of these actors who pretended to be a pimp and a prostitute, who went to ACORN and asked for their advice on housing and taxes. They were basically given a hand on how to do things—on how to do fraudulent activities, on how not to get caught, on how to beat the system, on how to be able to run a child prostitution ring, and on how not to claim those people as dependents because you don't want people to know about them—all kinds of things like that, things from an agency which is supposed to be there to help people, an agency which is supposed to be law-abiding, which has received $50 million worth of American taxpayer money to help fund that organization, and which is standing in line right now, based upon bills that have already been passed through this House, to pick up another $8 billion—with a ''b''—as a potential that could go into ACORN's hands as community organizers.

This shocking event happened not just at one place but in Baltimore, Washington, D.C., New York, San Bernardino, and San Diego. They all have videos showing this.

Mr. GOHMERT. If my friend would yield for just a moment.

Mr. CARTER. Of course I will yield.

Mr. GOHMERT. With regard to the $8 billion that is discussed for which ACORN may be eligible, actually, if you look at H.R. 3200, which is the health care bill that is out here in the House, there is a provision that requires that the Secretary provides information about the Federal plan and also signs people up for the Federal health care plan. That provision is in there, and I haven't been able to find any kind of limit on how much may be available. It's typical ACORN-type language because it says basically that the Secretary may hire other entities to assist in providing information and in signing people up.

Of course, in the House version, we know there was no enforcement mechanism. If it's ACORN that's paid, it could be $100 billion. We don't know how much would be allocated under that provision to hire people to go out, to spread information and to sign people up. We know there was no provision for them to check on whether the people they were signing up were actually lawfully here. Yet, for what amounts could be spent under H.R. 3200 for ACORN to get them to go out, to provide information and to sign people up without checking their legal statuses, it could make $8 billion pale with that amount.

I yield back.

Mr. CARTER. Reclaiming my time, the only thing is that the $8 billion right now was in the stimulus bill and in some of the other bills, and it's available to be played with right now; whereas, H.R. 3200 has yet to pass this House. We anticipate it might. If there's a party line vote, it might pass this House. You're right. There is additional funding in that bill.

As we talk about this scandal, which is a scandal that has broken on national news, let me point out that the Committee on Oversight and Government Reform of this House found that ACORN had committed the following offenses: voter fraud, tax evasion, obstruction of justice, aiding and abetting, embezzlement, investment fraud, use of taxpayer funding for partisan political activity, and Department of Labor violations.

Now, these are all things that have been raised by the Oversight Committee, the named ''Oversight Committee'' of this Congress. So, as we've talked about these various issues that involve the rule of law, what we want to do and what, I think, is necessary for this Nation to do is to—you know, a lot goes on in the dark, but when you put sunshine—sunlight—on an issue, you get to see a clear picture, and that's what we're about here. We're about putting sunshine on the issue so you can see a clear picture. This clear picture is awful. This country and anyone who stands up for this group of people should really be having second thoughts.

So here are some other issues that are listed, and we'll go into these, but I see my friend VIRGINIA FOXX is here.

Would the lady like to claim a little bit of our time?

Ms. FOXX. Well, I would.

I want to thank my two colleagues from Texas for beginning this hour, and I am glad to talk a little bit about this.

I think what you're bringing up in terms of the Committee on Oversight is extremely important in terms of what it has found out. I have found that people have been a little bit fooled in the last week about actions having been taken in the Congress, and I thought I might highlight that issue a little bit.

I know I heard several times on the news last week that the House has voted not to continue to fund ACORN, that the Senate has voted not to continue to fund ACORN and that Congress has voted not to continue to fund ACORN. So I think it's important that we explain exactly what happened last week because people don't have the full picture.

What really happened last week was our friend over in the Senate, Senator COBURN from Oklahoma, put an amendment on the Transportation and HUD appropriations bill. That's what I understand. If I don't get this exactly straight, I hope you two will help me get it straight if my memory is not as good as I'd like it to be. He put an amendment on that bill, an appropriations bill, that said that ACORN would get no more funding through the HUD appropriations bill.

What happened in the House is that we were dealing with a bill which I found extremely offensive—the bill that would do away with banks being able to make loans to students who were going to college and setting up the Department of Education as a banker for students who want to borrow money. What we did was to put an amendment on that bill to say funding would no longer go to ACORN. That bill passed with a large vote, so there are people out there thinking, Okay. Great. We're defunding ACORN. What has actually happened is the defunding of ACORN in one particular category in the Senate and the defunding of ACORN, period, out of the House. Now what has to happen is we have to have language that's exactly the same in both Houses.

So what I explained to some people on the radio show that I was on was, yes, it's an easy thing for Members of the House to vote to defund ACORN. They know that bill is going to go over to the Senate. They know that it's probably not going to be in the Senate version of that bill. If the Senate were to pass a bill related to loans for college students, it would most likely be very different from the bill that passed in the House. The two bills would go to conference. In the conference, very conveniently, the section on ACORN would simply disappear. As I explain to people, that happens all the time. The folks in charge over here let something pass, knowing full well it's never going to become law.

So those who thought that ACORN was going to be cut out of its continued funding from the Congress think that based on the news accounts from last week, but I think it's important that people know that that isn't the case. If they're interested in stopping funding to ACORN, what they need to do is to write their Members of Congress and say, ''I want you to vote to defund ACORN, and I want you to find a vehicle to do that,'' because we can pass lots of bills over here. Then people can go home and brag about it and say, ''I voted to defund ACORN,'' and then it never happens, and they're given credit for it, knowing full well it's never going to pass in a bill that would go to the President for his signature. So I think it's important.

I also want to say that I think ACORN is a symptom of the problems

with the way Congress is now operating. The Federal Government was established to provide for the defense of this Nation, and that's what we are here for. What has happened, particularly since the mid-1960s, is, I guess, many Members of Congress, to justify their being here, thought that the Federal taxpayers were providing a giant piggy bank to the Members of Congress. They thought we could take their money and could spend it any way we wanted to. We've gotten way off target.

One of the reasons that ACORN can do what it has been doing for the last 15 years is that there is such inadequate oversight, because we're simply funding too many different kinds of projects. We need to pull this Congress from where it is now—funding lots of things we have no business funding—back to the essential job of the Congress, which is to focus on national defense. I know it won't be done in this session of Congress because there are too many people of a different philosophy than of the three of us, but I'm hoping that after the 2010 election that we will find more people of like mind with us who will understand the reason we have a Congress and who will say to their Members, You need to focus on national defense. If there are programs like ACORN, community organizations which need to be funded, let's let the local and State governments do that.

With that, I yield back to my colleague from Texas.

□ 2045

Mr. CARTER. Well, I thank the gentlelady for giving a good explanation.

Leader BOEHNER, Leader JOHN BOEHNER, the minority leader of the House has asked NANCY PELOSI for a stand-alone bill that will clearly define no funds go to ACORN from any source. That's going to be difficult.

Ms. FOXX. It's my understanding there is a stand-alone bill. It is up to the Speaker now to call that bill up from committee and then up for a vote; is that correct?

Mr. CARTER. That's correct. There is a stand-alone bill, and he is calling on the Speaker to call it up. If the Speaker doesn't call it up, he is going to ask for a discharge petition so that we can force it to be called up for a vote. If we maintain the vote we got before, then we will have evidence that now this Congress overwhelmingly says ACORN is through.

Although I think you have given a very adequate description of the politics that may be involved in this issue, let's go back to right and wrong, and, unfortunately, you can vote to make things sound like they look right when, in reality, the results come out wrong. I think that's a perfect point.

Ms. FOXX. Would the gentleman explain a discharge petition? I think that would be helpful.

Mr. CARTER. Yes. If you get enough votes to pass the bill that says I want this bill voted on, any Member can file a discharge petition asking that that bill be voted on. If he gets enough people to sign his discharge petition that it would pass, by the signatures on the discharge petition, then it will be called up against the ruling of the majority party.

Ms. FOXX. Would it be safe to say that the true measure of whether somebody wants to defund ACORN is whether he or she signs that discharge petition?

Mr. CARTER. That is true.

Ms. FOXX. Not whether he or she voted for the Republican motion last week.

Mr. CARTER. That's absolutely correct. That is a good point.

Mr. GOHMERT. It would be typical here in Washington also to have public outcry and say we just fixed the problem. We are not going to let ACORN be funded with your hard-earned tax dollars anymore where they go spend it as we have been finding out how it's been spent, when, apparently, there may be a couple hundred related agencies or groups to ACORN.

It's not enough. Now know, if you are treating ants that are just killing everything in your yard, it's not enough to just go take care of the ants in one area; they move right over to another area. And that's what you have got with ACORN. There are so many fingers reaching out into so many other pots, it's going to take a full oversight and lots of investigation to get to the bottom of just how many organizations are tied to this and where all the money has gone.

Now, it's one thing to say, oh, no, we will do an internal audit, which now they have come around to finally saying they will do, but that's not good enough when you are using taxpayer dollars. It's never a good time to do that, but especially now when taxpayers need their tax money more than at any time in decades.

It's not enough to just say we are going to defund ACORN. They can just go right into another entity that they are already related to, still continue to get billions or tens or hundreds of millions of dollars.

It's going to take a full investigation into all the different fingers that reach out there, and what are they doing? I mean, we have seen video on a number of ACORN offices. We have seen the charges brought of a criminal nature against, as a friend from Texas said, voter fraud, tax evasion, obstruction of justice, aiding and abetting, embezzling, investment fraud, use of taxpayer funding for partisan political activity, Department of Labor violation.

We know about those with ACORN, but what about all the groups they are related to? What have they done, and how much money have they got? Those are all things that need to be investigated. We need to get to the bottom of it. Before my friends came in, I was pointing out I have been a community organizer. I have been a part of community organizations that helped to organize community and take people food and help them, take them to voter registration, do all kinds of things to reach out and help, to visit in the hospitals, to just do ministering stuff. But we never had the government pay us to do that. It was all voluntary stuff because we deeply cared about the community.

There is something to be said when the motivation is a paycheck from somebody that's out there working and helping the community and yet their tax dollars are being taken away from them. It would be called theft, except we passed a law to legalize that theft of taking their money away from them, even though they don't want to give it up, and then giving it to groups like ACORN that are going in an entirely different direction and actually working at great odds with the very things that people are volunteering to do with their own time.

Mr. CARTER. Just look at this chart right here. Colorado, vote fraud, multiple counts with convictions. Florida, vote fraud, case pending. Michigan, vote fraud, multiple counts with convictions. Minnesota, vote fraud, multiple counts with convictions. Missouri, vote, mail fraud, identity theft, multiple counts with convictions. Nevada, vote fraud, multiple counts pending. Ohio, vote fraud, multiple counts with convictions. Pennsylvania, vote fraud, multiple counts with convictions. Washington, vote fraud, multiple counts with convictions.

So not only are there allegations of fraud, identity theft and other things, there are people who have been convicted by a court of those offenses. Realize that American taxpayer dollars go to fund every one of those organizations. There are, by the stimulus package and other things we have created, there are multiple grant applications out there in this spider web that Congressman GOHMERT has so adequately described where there are all these offshoots, all these 501(c)(3)s out there that are nonprofits, with nonprofit status, and yet they can push up the money to the mother ship, if you will.

It's a real issue. It's an issue that, quite frankly, a team of very capable people at the Justice Department should be looking into, busting up as much of it as they can. But our job, from what we are trying to do here tonight, is let people see what's there. It's bad. It's awful.

Ms. FOXX. I wanted to point out one more way that the public could hold their Member accountable. We have heard a lot about the issue of accountability, particularly from the President, yet we have seen almost nothing in terms of real accountability measures being put out there.

But as our colleague from Texas pointed out, Leader BOEHNER has said if the Speaker does not bring up the stand-alone bill that he has introduced, he is going to file a discharge petition.

Well, getting to the point of filing a discharge petition takes a long time

and, again, many people will go home and say to their constituents, well, I voted to defund ACORN, but they know full well that that provision in that bill will be dropped out in the Senate or in the conference.

But, Leader BOEHNER has introduced H.R. 3571. It's entitled the Defund ACORN Act. If people want to know how their Member really feels about this, then they should ask that Member to sign on as a cosponsor to H.R. 3571. Then, if H.R. 3571 doesn't get taken up to vote on it on the floor, then they should sign the discharge petition.

Many people have the understanding that all you have to do is have 218 people sign on to a bill and then it automatically comes up for a vote. I have had to explain that to a lot of people that it's completely in the control of the Speaker whether a bill comes to a committee or comes to the floor for a vote. I have been on lots of bills that have had over 300 people as cosponsors and the bills never come up for a vote.

So I would say to any of the public who are watching us tonight, if you want to know, again, how your Member really feels about ACORN, then do that.

But, of course, we understand that much of the—I don't want to call them mainstream media anymore, because I don't think they are the mainstream media. I think the three dominant networks plus one of the cable networks, many of the people who watch that, those channels, don't know anything about ACORN because those media outlets have not been talking about ACORN.

So we have a real problem in this country with selective reporting of things that are transgressions by our colleagues across the aisle. I know that we have lots of data on that. We want everybody to be treated fairly, and we know that many times when there are shortcomings on the part of our colleagues that it never gets reported in the national media except for one or two newspapers or one or two TV stations or radio stations.

Thankfully, more and more people are paying attention to those, so we are getting the news out. And I just wanted to point that out that if somebody is watching and they want to know if their Member is serious about doing something about ACORN and they voted for the bill the other day, then they should ask them to sign on to H.R. 3571 introduced by JOHN BOEHNER, and already cosponsored by, I think, most of us, and also if a discharge petition comes up, to sign the discharge petition.

Mr. CARTER. Let me point out one thing. You made a very good point, Congressman GOHMERT, when you said this internal audit thing isn't going to get it done. That's right. Let's just look at what Government Reform has discovered with the discovery they have done.

First, ACORN has evaded taxes, obstructed justice, engaged in self-dealing and aided and abetted the coverup of embezzlement by Dan Rathke, the brother of ACORN founder Wade Rathke.

Second, ACORN has committed investment fraud to deprive the public of its right to honest services and engaged in racketeering enterprises affecting interstate commerce.

Third, ACORN has committed conspiracy to defraud the United States by using taxpayer funds for partisan political activities.

Fourth, ACORN has submitted false filings to the Internal Revenue Service, the IRS, and the Department of Labor in addition to violating the Fair Labor Standards Act, FLSA.

Fifth, ACORN falsified and concealed facts concerning an illegal transaction between related parties in violation of the Employee Retirement Income Security Act, ERISA.

Now, all those things, in addition to what we have discussed, and an internal audit has already been done once with no information released. Basically they look at their own books and say, We are just fine.

We should have a full external audit of the books at ACORN and, quite frankly, I believe the Justice Department or this House should be involved in subpoenaing all the records of all the entities that are involved in this, and we should lay this picture out on the table, which brings us to another issue that I want to talk about.

ACORN, we can talk all day and all night, but there is a new thing out there that our colleague from Texas, RON PAUL, Congressman RON PAUL has brought out, and that is holding the Federal Reserve accountable; H.R. 1207, Congressman RON PAUL's bill that's pending before the Congress and trying to get the Federal Reserve audited.

Congress has given 700 billion in the Bush TARP, 787 billion in the Obama stimulus funds to the Fed. Congress and the taxpayers have no way to independently verify how those funds have been used. The American public wants to know what is happening with that money. The American public doesn't want any more double standards.

Quite frankly, this is a bipartisan bill, because, quite frankly, RON PAUL points out that 1207 is sponsored by Congressman PAUL but has 290 cosponsors already. Obviously there are Democrats and Republicans on this bill. There is going to be a full hearing on this on Friday.

And I think people back home want to know, in fact, I got asked that the whole time I was home in August, and which I, if you recall, had said that on the floor of this House more than once, Where's our money? Where is it? What's happening to it?

The stimulus isn't being spent at a rate we were told it would stimulate the economy. Special projects are being funded. Where's our money?

□ 2100

And, then, what we forget is the Treasury and the Fed can independently pour more money into the economy. And I don't even know the number, but it could approach trillions of dollars.

Mr. GOHMERT. If the gentleman will yield.

Mr. CARTER. I yield back.

Mr. GOHMERT. The question, Where is our money, is extremely important. And another question is, What have you committed us to? We ought to able to know that. You know, the Constitution says that the Congress will be the one who holds the purse strings. They felt like with two Houses that was a good check and balance to holding the purse strings. This many people would be that envious and that careful. That was what they thought.

But I love what our friend Newt Gingrich has said: if transparency is good enough for the CIA, it ought to be good enough for Federal Reserve. Even more so, of course. But the Federal Reserve is committing money, and we don't even know the full extent that they're committing it to. And this isn't like in the earliest days with Alexander Hamilton—and I just recently finished a biography on Hamilton. When they were trying to get the banks going in America in the earliest days, guys like Hamilton were broke, yet you see nowadays we've got Goldman Sachs had their biggest profit in history in the second quarter.

We don't know all the ties there. We know that, apparently, our Treasury Secretary has said it's okay to have someone overseeing the spending of the TARP money as applied to Goldman Sachs, who happens to own Goldman Sachs stock, and he will waive the conflict there. But it's like ACORN: there's so many little fingers going in all these different directions.

We need full transparency. And, goodness sakes, if this government, if this Congress cannot force the Federal Reserve to come clean and be fully accountable, then we're in a lot bigger trouble than most anybody suspects right now.

But I believe my colleagues are cosponsors. I will let them speak for themselves, and yield such time as they may need.

Ms. FOXX. Let me point out, again—and our colleague from Texas has a chart, and I will turn it over to him in a second—but the bill calling for an audit of the Federal Reserve, as you have indicated, Mr. GOHMERT, has 290 cosponsors. That's more than enough to pass that bill. Yet Speaker PELOSI has gone very slowly on holding hearings.

I hope very much that there will be that full committee hearing on Friday. I know that Chairman FRANK has offered to hear the bill; and I hope that will happen, because that's what we need.

It's obvious that a lot of people in this country are very concerned about the role of the Federal Reserve. We're at a stage in this country where we owe more money than we have ever owed in the history of this country.

Our deficit is going to hit almost $2 trillion by the end of this month. Our long-term debt is just so large, it's almost inconceivable to think of. Our unfunded liabilities from Medicare, Medicaid, Social Security, and what this Congress continues to do, in the control of the Democrats, is spend, spend, spend. Almost every bill that comes up before us is something that will authorize or appropriate money. And they passed the largest budget that has ever been passed in the history of the country.

It's really scary because people can't understand where this is leading. I know that Chairman Bernanke said he would not monetize debt, yet that's exactly what he's doing. The way that things are going in a circle around here, we're borrowing money from ourselves day after day after day, and it is high time that we had a very, very good audit of the Federal Reserve. And I am in very strong support of H.R. 1207, and I'd like to yield to my colleague, Judge CARTER.

Mr. CARTER. Well, what our chart here shows, since 1913 the U.S. dollar has lost 95 percent of its purchasing power. The Federal Reserve has many privileges of government agencies, but many benefits of private organizations.

H.R. 1207 would open the Fed operations to enhanced scrutiny. The Federal Reserve Transparency Act would achieve much-needed transparency of the Federal Reserve. Under H.R. 1207, we would audit the Federal Reserve system and the Federal Reserve banks by the end of 2010. The Comptroller General would submit a report to Congress within 90 days. The report would include recommendations for legislative or administrative action.

On July 30, RON PAUL asked, Why are Wall Street and the Fed so hysterically opposed to H.R. 1207? Just what information are they so anxious to keep secret? Only an audit of the Federal Reserve will answer this question.

When you really get down to it, when it's our money and they have the ability to dump money into our economy by printing it, then with—with the help of the Treasury—then what's so unreasonable for asking for an audit? I think that's a perfect point.

I'll yield back to Judge GOHMERT.

Mr. GOHMERT. I appreciate the point, because you would think it's such a matter of common sense but, as people know, sense is not so common around this place.

It was in fact in a hearing months ago that the Federal Reserve, in an effort to get the economy going, may have pledged as much as $9 trillion to get us going. That's what motivated me to inquire how much money will be paid in for the whole year of 2008 in individual income tax. And I found out the projection was around $1.21 trillion.

When we heard it was trillions that the Federal Reserve and the Treasury was committing us to to get things going in the economy, and we're going to receive $1.21 trillion in income tax, individual income tax for the year, I thought, Wow.

Instead of having two guys over Treasury and the Federal Reserve just obligating, signing this country's life away through all this money here and there, what if they just said, You know what? If you earned this money, instead of paying tax, you're going to get it all back? You talk about making the economy explode.

You don't need a guy over a Federal agency trying to figure out what to do with trillions of dollars we don't have. If you gave the American public their own money back, you would see the economy explode.

Moody's did an independent study that indicated that would increase the GDP more than anything else in one year. Yet we're still playing games months later trying to find out what the Federal Reserve and the Treasury Secretary have committed us to in the way of debt, just to try to, on their whims, get us going.

Now, we know it's made some people rich, like Goldman Sachs, since this big devastation of the economy occurred. But rank-and-file Americans have not found that to be such.

I yield back to my friend from Texas.

Mr. CARTER. Thank you. I thank the gentleman for yielding. And as we talk about all this, we don't want to forget what the President told us when we started out in his new administration: I campaigned on changing Washington and bottom-up politics. I don't want to send a message to the American people that there are two sets of standards, one for the powerful people and one for ordinary folks who are working every day and paying their taxes.

And that's what this group—basically, we have taken the President's charge, and that's what we're doing every first night of the week, talking about helping the President do what he said he wanted to do and what he said he wanted to do in his administration: show that there's no special treatment for one who is a Member of Congress and one who is Secretary of the Treasury versus one who lives in east Texas or one who lives in North Carolina. They all should be treated the same, which brings us to the fox watching the henhouse.

Mr. GOHMERT. If I might, before you go to that poster, reclaiming my time just momentarily, because we've talked about it, I know what you're about to bring up.

On Friday, I met with a gentleman in my district named Mr.—and he said I could use his name—Mr. de la Torre. He said de la Torre is Spanish for ''of the tower.'' And he's proud of his name; he's proud of his heritage.

He has a sheet metal fabrication business and employs four full-time employees and four part-time employees. And when the economy hit so hard and devastated everybody, he did not want to let his employees go because they were good, hard workers. But he could get no loan. He had no money in his account, and nobody would loan him money.

And so being as honest and forthright as he was, he notified the Treasury that, I don't have any money. Nobody will loan me money. I don't want to drop these employees. I want to keep them employed, but I'm going to be late making my quarterly payment.

What the Treasury, the IRS, let him know is, That's too bad. We're coming after you. We want penalty and we want interest. And this man, who was able to keep his employees, his four full-time, his four part-time employees, still employed, but he was just late on his payment. The credit froze up. He couldn't get a loan. He couldn't get a line of credit. He didn't have the money. But he was honest and forthright. And what happened in return? They're after him. They have come after him, and they're threatening to seize anything he's got. That will put him out of business and put his employees out of business.

With that set-up, I would yield to my friend to talk about special treatment for special people that apparently did not include Mr. de la Torre.

Mr. CARTER. Obviously, it didn't include Mr. de la Torre. And Mr. de la Torre was not treated the way the Secretary of the Treasury was treated.

I've been talking about others, but I want to go back to the Secretary of the Treasury, Mr. Geithner. The fox is watching the henhouse. He's the guy who's supposed to be watching over our money. Let's see what he didn't do.

He didn't pay Social Security and Medicare taxes for several years. The IRS audited Mr. Geithner in 2003 and 2004, finding he owed taxes and interest totaling $17,230. The IRS waived any penalties on Mr. Geithner. Could it have been because he was in the nomination process for Secretary of the Treasury? I think maybe so. I think so. It certainly wasn't your friend, Mr. de la Torre.

In 2008, they found he owed $25,960. He used his child's time at an overnight camp in 2001, 2004, and 2005 for tax deductions. Sleep-away camps don't qualify.

Recently, he filed $4,334 in additional taxes and $1,232 in interest for infractions including a retirement plan early withdrawal penalty, an improper small business deduction, and the expense of utility costs that went for personal use.

Now, this is the guy that's in charge of our IRS. He is the Treasurer of the United States.

Now we talked about the Rangel rule, where Mr. RANGEL didn't pay his taxes and got no penalties and no interest assessed, which I find extremely curious. Now we ought to look at the Geithner rule. Mr. Geithner had interest assessed, but no penalties.

Now, what makes Mr. Geithner more special than Mr. de la Torre, which Mr. Geithner had to be found out by the IRS? Mr. De la Torre went to the IRS

and said, Work with me. I have a going business. I have issues. I will get my money and I will pay you. And they said, Sorry, Charlie.

□ 2115

Now what's wrong with this picture? What should an average person back in their living room, back home, if they're watching this, think, that we've got special treatment for a man who comes from Goldman Sachs—is that where he came from?

Mr. GOHMERT. Well, he didn't. But he had been the former Chair of the Federal Reserve, which is an elected position by the bankers of that area.

Mr. CARTER. He originally was in Goldman Sachs, wasn't he? I think everybody who has been Treasurer for the last, I don't know, 20 years have been Goldman Sachs people. There's something interesting there, something we ought to look into.

Anyway, I want to know why Mr. de la Torre can't write ''Geithner Rule'' across his tax return and ask them to treat him this way, to let him be assessed with no penalties and interest which would drive him into the poorhouse. This is the kind of question I think the American people want to ask. I think they want to know, because the man they elected President said that he wasn't going to have a world where men and women of power got treated differently than ordinary citizens. That's why we are here. We're here fighting a good fight for what President Obama had promised this Nation would be the agenda of this administration. I think it's time to step up to the plate and start swinging because these fastballs are getting thrown at us. They are coming in high, hard and inside, and we've got to deal with them. With that, I will yield back to Mr. GOHMERT.

Mr. GOHMERT. Well, in conclusion, I think there's nothing that says it better than President Obama did back on February 3, 2009: ''I don't want to send a message to the American people that there are two sets of standards—one for powerful people, and one for ordinary folks who are working every day and paying their taxes.''

Well, unfortunately that is exactly the message that's being sent as the Federal Government and the cronies that have surrounded this administration—they're getting away with all kinds of stuff, getting away with not paying taxes, not paying penalties. They're not producing jobs. They're killing jobs. Mr. de la Torre has a regal heritage. He was proud of that. He is a man of integrity. He wants to do what's right. Those are the kinds of people that make America great, and that is who deserves special treatment, not those who are parasites on the system.

THE 30-SOMETHING WORKING GROUP'S HEALTH CARE AND ENERGY HOUR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes.

Mr. RYAN of Ohio. Mr. Speaker, I appreciate the opportunity to be here. I will be joined shortly by a colleague of mine from Ohio (Mr. BOCCIERI) and maybe several others to talk about a variety of issues that I think are pressing the country right now and that we want to inform our constituents about and speak to the House of Representatives about. You know, I think it's important for us—and I think every time I've been on the floor in the past year or two, I follow some of our Republican colleagues, and I feel the need to just kind of clarify the record as to how we ended up getting to the spot we're at now.

I realize that in a democracy like this, we always have the opportunity to criticize each other, and I think that the beautiful thing about this democracy is that, you know, we do have the opportunity to come to the floor of the House of Representatives and speak directly to the American people, live on TV, live to all of our other colleagues, and speak in a way that is pretty straightforward. That's a beautiful thing about this country. But if we look at where we are today, and if we look at where we were just 7 or 8 months ago, our economy was on the brink of collapse. Unemployment rates were climbing at unprecedented rates, where we were losing 600,000, 700,000 jobs a month. The stock market had crashed. The housing market had crashed. Our budget deficit just ballooned. And all of this was because of the policies, Mr. Speaker, that we had in this country from 2000 to 2008.

And if it weren't for an election in 2006, we would have went further over the cliff. Those are the facts of the matter, and the facts of the matter are that during that time, the House, the Senate, the White House were all controlled by Republicans. And we got the Milton Friedman, supply-side, Ronald Reagan, cut taxes for the wealthiest 1 percent of the people in the country and hope that health care would get fixed, energy would get fixed, and the economy would get fixed, and then people would get jobs at some point.

Well, it's important for all of us to recognize that we don't have to go to some theoretical schoolbook to figure out if the supply side Republican neoconservative domestic and foreign policy program works. It has been implemented, and it has been an absolute failure on all accounts, by all measures. Our friends on the Republican side now who say, Oh, my God, this health care bill that the Democrats are trying to push is going to cost $800 billion, $900 billion over 10 years. But it's important for us to recognize that it was the Bush tax cuts, that went to primarily the top 1 percent of the people in the country, that cost $2.5 trillion over 10 years. So don't come to us about a health care bill that costs $800 billion or $900 billion, that would end up saving the country a bunch of money in the long run, end up fixing the health care problem, because you were the ones and they were the ones, Mr. Speaker, who were walking in lockstep, following George Bush right over the cliff, $2.5 trillion in tax cuts, primarily to the top 1 percent over 10 years, bankrupted the country.

Now all of a sudden everybody's concerned about the budget deficit. All of a sudden, everyone's concerned about borrowing money from China. What we're saying is, the investments that we are going to make are going to stop health care projections from growing at 9 percent a year and try to bring some justice to the system so that average people can afford health care, so that average people don't get sick and then try to go get health care and an insurance company says, We can't cover you. You have cancer. But my cancer's fixed, the patient says. But it hasn't been gone for 10 years, so we can't cover you.

Or when we attempt to change the energy policy in this country—which my friend Mr. BOCCIERI has become an expert on because of his position in the military and his recognition of this as a national security issue—when we send $750 billion a year from the United States of America to Middle Eastern countries and foreign countries to buy oil—countries who don't traditionally support our views, our values or our Democratic principles—we send this every year to them, money that goes out of our economy into these OPEC countries. Then a couple of years ago, Mr. BOCCIERI, we spent $115 billion or $120 billion out of our defense bill to escort Exxon-Mobil ships and big oil ships, coming into and out of the Persian Gulf.

So all these tea baggers who want to stand up like they're the most patriotic people in the United States of America are saying, We shouldn't change our energy policy, We should just continue sending $115 billion a year out of our defense budget to escort these big oil ships in and out of the Persian Gulf. Is that pro-American? I don't believe it is. Is it pro-American to allow health care to grow at 9 percent when our GDP grows at 3 percent so that insurance companies can make money hand over fist and deny American citizens coverage?

I'm going to ask you a question: Where are the family values there, Mr. Speaker? That we want the government out. The only entity left to protect people who are getting screwed to the wall by the insurance companies is the government. We need to make rules to make sure that these people, these insurance companies stop hurting people. They're hurting people.

Now I'm sorry, but we had to listen all August about all this nonsense that's going on. In Ohio's 17th Congressional District, we will have 1,600 families go bankrupt next year if we do absolutely nothing about health care. Now I'm sorry. That's not right. And if

we have to act and maybe take on the insurance companies, then so be it. Let's clean this up, what's happened in this Congress and with this new President over the last 7 or 8 months, let's clean this whole thing up.

We've taken on the big oil companies. We're taking on the big insurance companies. We're taking on the big pharmaceutical companies. Today we extended unemployment benefits for another 13 weeks so that average people who can't find a job will have a little peace of mind for 13 more weeks. That's what we've been doing. Our policies have been clear, Mr. BOCCIERI. We're not hiding behind them. We're trying to reduce our dependency on foreign oil, bring that investment back to the United States, take money out of the hands of the insurance companies, bring it back to the average people so that they have better health care, and transform our country, get us ready to go.

We recognize that there are going to be some powerful interests that aren't going to be for this. But tough. Tough. You can't make money on the backs of human beings, of American citizens, and think it's okay because it's not. And we are going to do something about it. You can scream and yell. I want to just ask one question. These people talk about, where's our liberty, where's our freedom? Well, first of all, we're giving you more choice in your health care. But where's our liberty? Where's the liberty and where's the freedom of the United States citizen that's sick and can't get health care? How free of a citizen are you? You're not free at all because you're sick. You're in your home. You're in a hospital. You're in a nursing home. There's no freedom there. So you can talk freedom all you want.

I stood at the Canfield Fair, the biggest fair in Ohio, for 4 hours. For 4 hours I talked to every single person that came by that wanted to chat, and I had two people in 4 hours tell me they were against health care reform. Some wanted some clarification, some wanted to know exactly what was going on. But the people were for it. If we pass this, the people are going to recognize that we wanted the reform, the people voted for the reform, and the people got the reform.

I yield to my friend from Canton, home of the Football Hall of Fame, the National First Ladies' Library.

Mr. BOCCIERI. There's no question. Congressman RYAN has been a mainstay for supporting those types of projects throughout Ohio in his position on the Appropriations Committee. Congressman RYAN and I both came up together in the legislature. We cut our teeth together in the State capital, and now we're in Washington, trying to fight for our part of Ohio, to move our State and to move our country forward.

The gentleman from Niles is correct that the two largest issues that confound our economy, confound our Nation and really threaten our long-term competitiveness as a Nation are energy and health care. Energy and the fact that we bring more oil to the United States than any other country: 66.4 percent of our oil is imported from overseas, 40 percent comes from the Middle East alone. I talk to my friends who are still serving in the military in the Persian Gulf right now, and we often chat. I remind them of what we did as a country, the Greatest Generation, back in 1944 when we bombed the remaining Ploesti oil fields and we effectively cut off the German supply of oil. And they quickly transitioned to a synthetic fuel which is a derivative of coal.

Ohio has a lot of coal. And we know that right now, the single-largest user of energy in the United States is the Department of Defense. This is a matter of national security, and this Congress stood up and took bold initiative to take on the big powerful special interest groups that always challenge us and act as barriers to passing good, sound public policy. It is about time we put America first, and it's about time we put the American people first, and we put the special interests on the back burner, because we can no longer continue to operate the way we've been doing.

We've seen what happens when we have an administration that really doesn't reflect on the amount of money that we're spending and the amount of money we're borrowing from overseas interests, doesn't reflect on the amount of oil and the amount of energy that we bring in from different countries. This is about putting America first. The gentleman is right; health care is affecting our long-term competitiveness as a Nation. I can't go to any small business in the 16th Congressional District of Ohio or any large business, for that matter, and every governmental agency from the most local to the most Federal, has said the fastest-growing line item of their expenditure sheet is health care costs.

□ 2130

We know we spent $2.5 trillion every year on health care. There was an article, Congressman RYAN, that came out at the beginning of this year in the spring, and it said that one-third of that $2.5 trillion never reaches the doctors or patients. It's lost somewhere in the administration of the system, in the delivery of health care. So we're losing almost a trillion dollars in inefficient practices. And when you start peeling back that onion, really, quite frankly, where the fingers meet the onion, when you start peeling back that onion, you find out that insurance companies have over 15 percent administrative costs, administrative costs of 15 percent.

I went back and spoke to some of my doctors, and it may shock some of the folks who are listening tonight, but I've got to tell you they said the most efficient payer out there is Medicare. Medicare, with 3 percent, 3 percent overhead costs.

There was a study that came out last year, Congressman RYAN and Mr. Speaker, that said that $84 billion is spent every year to block, deny, and screen people from seeing their doctor by the insurance companies, when it will only cost $77 billion to cover all those uninsured and underinsured people in our country. It would actually be cheaper. Keep the $77 billion, insure everybody, make sure that they have access. Let's help reduce our costs in the long run. That is sound public policy.

Now I agree with what Congressman RYAN has said when he stood at his county fair in his district, that folks are concerned about the fact that this is going to be some encroachment on their own health care policy. Look, government has the role of setting the goalposts, of setting the out-of-bounds markers, of letting the free market act in between, but act as a good referee. When someone goes out of bounds, you throw the flag. And we ought to throw the flag right now, because we have citizens in this country who are being denied access to health care because they were sick before they got a new job, and to me, that makes absolutely no sense.

Mr. RYAN of Ohio. Reclaiming my time, I think it's important because we tell our seniors and they hear that there are going to be all of these cuts in Medicare. There's going to be savings in Medicare. There's actually going to be an increase in the benefits.

I want to say two things, one about part D, which is the drug program. Right now if you qualify for Medicare and then you get part D up to like about $2,700, you're covered, and then coverage for your prescription drugs completely falls off and then it picks back up at $5,000 or so. I got a letter from a doctor in Warren or Howland that said, I have a patient. She used up all her $2,700. She now fell into the doughnut hole, so they had to change the drug that she had. I think it was diabetes. It was a diabetes drug. They had to change the prescription. They changed it after she got into the doughnut hole because they had to go to a cheaper drug. There was a reaction because of the change. They changed it again, changed it again. She ends up in the hospital.

So what we're trying to say is by filling in this doughnut hole and paying just in this one instance, this woman, covering her for another thousand dollars or two would have saved the Medicare program thousands of dollars because she went from not qualifying anymore for part D, falling into the doughnut hole, to into the hospital.

Now, let's use, as my grandmother used to say, our ''medulla abingatta,'' the Italian version. But let's use our brains. This makes no sense what we're doing here. It makes no sense and it's hurtful to the patient and it wastes money.

But one of the main ways how we're going to save money and start to bend

the cost curve on Medicare is in areas especially like ours in northeast Ohio, Pennsylvania, Indiana, Michigan, the older industrial States, we have people 50, 55 years old and they lose their job. So they lose their health care or they just lost their health care and they keep their job. We had a lady on one of our telephone town halls who kept her job and lost her health care, 60 years old.

So when you're 60 or 55, you start saying, I don't know if I can really get insurance or afford it, so I'm going to wait this sucker out. I'm going to wait until I get into Medicare because they'll pay for it and then I'll be good. I can maybe get a supplemental, but most of it will be covered. So we have a population of Americans who are getting into the Medicare program sicker than they need to be and sometimes chronically, which is really driving up the cost of Medicare.

So what we're saying is we're paying for these people anyway because they're going into the Medicare program. But if we want to save money, wouldn't it be smarter to make sure that these people have some basic health care before they get into Medicare, because it will save us money because they'll get preventative care. They may not have cancer as bad. They may catch breast cancer early or cervical cancer early or prostate cancer early as opposed to letting it develop and then getting dumped into the Medicare program and costing everybody a bunch of money. This is basic ounce of prevention is worth a pound of cure.

Mr. BOCCIERI. The gentleman is correct. I've seen more and more constituents coming into our office suggesting that they had health care insurance, that they had good private insurance, but when they got into that age group of 62 to 65, seemingly they were pushed off and pushed into the Medicare system, the government-run program, if you will, the Medicare system.

To me, I think your insurance policy is something that you and your employer pay into for all these years, and then all of a sudden when you get to the age of where our seniors are when you're going to have to rely more and more on a very good health insurance program that you're going to be using it more because you may become ill or have to use it to see your doctor more often, this is the time when they push you into the Medicare program. Now, you should have some ownership of that policy. It should amount to something, as an annuity, or you should have some ownership like a whole life policy.

But more than that, we ought to focus on what the guideposts are in this public policy debate on where we go with health care, Congressman RYAN. And I have always talked about, when I cross my district, the six Ps of health care. The first P is to make sure that all people have access to health care insurance. All people have access to health care insurance.

I don't know if you know this, but in 2004 our Secretary of Health and Human Services, Tommy Thompson, flew to Iraq with one of many billion dollar checks in hand to make sure that every man, woman, and child in Iraq had universal health care coverage. So while Americans are sending their tax money to Washington so that we can send it to Iraq to make sure that when Iraqis get sick they can see their doctor, and I have constituents showing up in my district who say they can't see their doctor because of being denied because of a preexisting condition, something's got to change. We need to have this debate, Congressman RYAN, and that's why all people need to have access to affordable health care coverage.

The second P is to make sure we have portability in our system. That factory worker in Canton, Ohio, that gets a pink slip, their health care effectively ends when they get that pink slip because they cannot afford the COBRA premiums, oftentimes as much as their own salary, to pay for coverage while they're unemployed or looking for another job. So they oftentimes go without health care. But if they were a diabetic and got rehired at another factory or another company, well, guess what. They're not going to have access to health care because they have a preexisting condition now. And when they have to show up at the hospital emergency room because they had no health care insurance in that time when they were unemployed or looking for new work, they cost all of us in the system five times more, and that's why we need portability and we need to end this practice of preexisting conditions.

Mr. RYAN of Ohio. Can I make a point on your second P there?

When you talk to people, when you talk to educators that are talking to our kids that are going to high school, going to college, guidance counselors, what they tell these kids today is that you are going to have seven, eight, nine, ten different jobs throughout the course of your life. You need to have skills that are mobile because it's not going to be like the 1960s where you're going to go to a General Motors factory or you're going to go to Youngstown Sheet and Tube and you're going to work there for 40 years, get a retirement and you're done. It's over. You work for one employer your whole life. Our educators are telling our kids how many different jobs they're going to have to have.

So does it make any sense to have a health care system that locks people into their employment because they have a spouse or they have a condition that some insurance company, some jerk that a doctor calls up to try to get coverage and the person at the insurance company says, Nope, sorry, we don't cover that? Well, it's in my policy. Sorry, we don't cover that. You are preventing people from going out and starting businesses because they're afraid they can't get any health care coverage. You're locking people into work that they may not like or enjoy when they have another opportunity elsewhere but they know they can't move because of this.

The health care system needs to reflect the dynamism of the economy, and it doesn't now. So it's stifling creativity at a time where we need people to be out creating jobs and creating work.

Mr. BOCCIERI. That's correct. So making sure that all people have access to health insurance, making sure that we end this discriminatory practice of preexisting conditions, and making sure that we have portability in our system so that workers can take their health care from job to job to job without any interruptions or without any distortions in their coverage.

The forth P is to make sure that physicians, physicians, not bean counters or bureaucrats, are making the calls for health care.

I had a woman show up in my office. She was crying. She was a middle class worker, showed that she had this condition and the doctor said that she needed to get an MRI. She knew she was going to have to pay some out-of-pocket expenses, so she went to her health care provider, her private insurance company, and they said, No, we don't want you to get an MRI. We want you to do therapy. So she went and did therapy, went back to her doctor with the results, and the doctor said, No, we need an MRI. She went back to her insurance company, and they said, No, you're going to do an X-ray, not an MRI.

Now, to me, Congressman RYAN, that sounds like rationing of health care. Rationing of health care. Some bean counter at an insurance company somewhere is telling this person in my district what type of health care she can get. One out of every five individuals that asks to get some sort of health care coverage or some treatment is being denied by an insurance company, and that needs to be corrected. We don't need bean counters or bureaucrats deciding who is going to get health care. Physicians need to make that call.

The fifth P is about prevention. And Congressman RYAN was a stellar, stellar athlete back in his day, could throw the football a mile.

Mr. RYAN of Ohio. Keep talking.

Mr. BOCCIERI. He was a good athlete. And we know that prevention is worth so much. For every $1 that we spend on prevention, we can get, on average, and this is a conservative estimate, $3 in return. Prevention, living right, eating right, exercise, diet, and nutrition to help correct these chronic diseases like diabetes, heart disease, and asthma that costs 75 cents out of every health care dollar that we spend, prevention should be a big part of this discussion.

Am I right?

Mr. RYAN of Ohio. Exactly. And right now we spend four cents of every

health care dollar on prevention when we know that's the big saver.

But there's a point that we all need to remember. We are fighting for the public option and whatever. Some people are for it, some aren't. I don't know if it will be in. Who knows. But we have to remember that if we have everybody covered and everybody is going to be covered by primarily private insurance, then the whole dynamic of the system changes. So we say to the insurance companies, as you said, and I like that analogy that we set the ground rules basically. And States regulate insurance now, so we're going to say, Here's the goal line. Here's the end zone. Here are the goalposts. Here are the rules. And the rules that we want to change are that you can't be denied because you have a preexisting condition. If you have diabetes, heart disease, the insurance company has still got to cover you. There will be a cap on how much you can spend a year so you're not going to go bankrupt over a health care crisis.

□ 2145

But the dynamic that changes when every single person can have health care insurance and the insurance companies have to cover you where they can't shake you any more, because now the insurance companies are spending money saying let me see what you've got, and I shouldn't have called somebody a jerk because they are just trying to make a living, and so I apologize for that. But you call up and the game now is the insurance company tells you, sorry, you have a preexisting condition. They spend money hiring bureaucrats within their organization to deny people coverage.

But this all changes if now I am the insurance company and I have to cover you. So now all of a sudden it is in my interest to make you well. So I'm going to spend money and time and energy and effort working with your employer, creating incentives for you to go work out, stop smoking, do things that are going to reduce your stress level, because I know stress is a killer. I am going to do things from an insurance company perspective to make you healthier. That is something that we have failed to talk about.

Once everybody is covered and we all get married to our insurance company and they can't get rid of us, their incentive changes from denying you coverage and getting rid of you to making you healthy. That is part of this whole preventive thing that you are talking about.

Mr. BOCCIERI. That is a good distinction, Mr. RYAN.

Mr. Speaker, when you enact a policy that helps people live healthier, live longer with screenings—and I had someone in my district argue with me, that is going to cost money over the long run, enacting provisions that are going to require people to be screened. I argued with them that I believe if we let that go to a point where they have prostate cancer or some chronic disease that could have been prevented with early intervention, that is costing more money at the back end. That is not what this should be about. This should be about catching diseases early. It will help spawn research, in my opinion.

The last ''P'' is probably the most significant, Mr. Speaker. I believe this is where perhaps some of my colleagues and I disagree. I will tell you that the last ''P'' is, How do we pay for this? How do we pay for this? We know, as Congressman RYAN said, there is a cost of doing nothing and then there is a cost of doing something. The cost of doing something should be enacting a public policy that takes money out of the system. We spend more than any industrialized country on health care, $2.5 trillion. It is almost 20 percent of our gross national product, more than any industrialized country. And yet we have nearly a trillion dollars of inefficient, wasted, bloated bureaucracy from bean counters, and even the government can be to blame as well.

We have to find every efficiency we can within that system, draw that money out, and find a way to pay for these reforms. That's where I think the rubber meets the road in this debate, finding money within the system, taking every last dime out of an inefficient system and making it work for the American people, making it work for those people who go without health care insurance and worry every day, who are one accident, one medical emergency, one diagnosis away from complete, utter bankruptcy. And that has to change.

We have a responsibility to set the goal posts, to set the out-of-bound marker, let the free market operate in between, and throw the flag when we see a flagrant violation. And it is flagrant when we deny people health care because of a preexisting condition. It is flagrant when we don't allow people to take their health care from job to job. It is flagrant when we allow bean counters and bureaucrats to provide a prescription of health care rather than letting the physician do it. It is a flagrant foul when we don't enact some sort of prevention, some sort of ability that all people are going to have access to some preventive care; when we spend 4 cents out of every dollar on prevention, and then end up spending 75 cents out of every dollar on chronic diseases that can be managed like diabetes, asthma and heart disease. Those things can save us money with the right public policy.

This should be the framework of our debate as we go forward.

You know, Congressman RYAN, this is not a Democrat or a Republican issue or challenge. This is not a conservative or liberal challenge; this is an American challenge. And energy and health care deserve American solutions. So we are waiting for our friends on the other side of the aisle to come to the table and offer us solutions on how we fix this American problem.

We can do this. America is much stronger than the challenges that confront us. We find our strength in challenges. We do these things not because they are easy but because they are hard, as John Kennedy said. That is where America has always found her strength.

Mr. RYAN of Ohio. Part of this prevention component is training our physicians in a way, first and foremost, having policies, and part of the rules of the game need to be making sure that physicians don't have to practice defensive medicine. That is one thing. Another is to make sure that our physicians are trained. The average physicians spends 7 minutes with a patient. I think there are a lot of ways in which physicians can stop spending a lot of money on things that maybe they see as an opportunity that they need to cover their own rear ends, but also to spend some time and figure out that people have life-style issues that need to be changed. And that doctor and that patient should both be rewarded for improving their health.

That is in this bill to make sure that you are not just getting rewarded for the tests that you run and paid for the tests that you run, but you are getting paid for making sure that the patient is healthier, comes less often, and doesn't come back to the hospital. All of these are incentives built into the system.

But let's look at energy and health care in America in 2009.

I think it is important for us to recognize that it may be easy to go over, Mr. Speaker, and bury our heads in the sand; and if you look at what our friends did when they were in control here, they basically continued to subsidize Big Oil to the tune of a couple of years ago $117 billion to protect Persian Gulf ships coming in and out of the Persian Gulf. So our carriers and our battleships are protecting these oil ships coming in and out of the Persian Gulf. Our money. So let's look at this.

If we want to be competitive in the 21st century, we need to get that investment, that $750 billion that is going to these oil-producing countries, and get it back invested into coal, nuclear, drilling in America, oil shale, algae, the whole nine yards. Instead of the investment being somewhere else, we want the investment here. Instead of hiring oil workers in Saudi Arabia, we want them hiring coal workers in Ohio. And the technology in Ohio, the scrubbers and everything else getting manufactured in Ohio.

So you take the energy investment back into the United States. You take all of the venture capitalists that sit in my office and say that they want to put money into this and that, private money, you take the energy money, $180 billion that we are putting into coal in the energy bill that passed here, along with a health care bill that will reduce costs for small businesses and allow them to reinvest back into their business, you have the recipe and the

strategy for long-term economic growth.

I know that may be hard to believe; but some of our friends, who will remain nameless, supported policies that said if we cut taxes for the top 1 percent, that that will lead to long-term economic growth. That if we deregulate Wall Street, that will lead to long-term economic growth. And all those things did was lead to an economic collapse that if we didn't have the social programs from the Great Depression in place, that would have led to the Great Depression, the second Great Depression in the United States.

So, fortunately, we have moved off that track into a track of responsibility, sound fiscal policy, sound investments in the future, and a strategy to let businesses grow as we reduce their health care cost burden.

Mr. BOCCIERI. The gentleman is correct: the two largest issues that confound our United States economy are health care and energy. This Chamber took bold action in trying to craft, in attempting to craft, a national energy policy that makes sense for our country. Energy efficiencies.

You know, I had a hospital in my district, Mercy Hospital, that put some variable-speed fans in and carbon dioxide detectors. When you walk into a room, the lights will turn on when someone starts breathing. These types of efficiencies are saving them a million dollars a year, a million dollars every year. That is the type of efficiencies that we need with a national energy policy because we know that the cheapest energy is the energy that we never use.

We passed an energy policy that moves away from our dependence on foreign oil and focuses on creating alternative forms of energy and in the long term creates jobs here in our country and increases our national security.

One day we roll into a fuel station and have a choice between traditional gasoline, biofuels, ethanol, plug in our electric hybrid, or maybe drive by the gas station altogether because we have a fuel cell that allows us to get 100 miles to the gallon that was researched right in our part of Ohio. That is the type of choice and diversity that we need to make our country stronger.

Or how about investing in alternative forms of energy, like what is happening in the 16th district, not only fuel cells and electric plug-in hybrids; and at the Ohio State Ag Research and Development Center in Wayne County, we are researching these anaerobic digesters and making compressed natural gas out of our own waste and selling it back to the grid. This is the type of innovation that will make America stronger in the long term and increase our national security.

Congressman RYAN and I have talked about this often, the fact that 80 percent of the world's oil reserves are in the hands of governments and their respective national companies. Sixteen of the world's largest 20 companies are state owned. State owned. And when we import 66.4 percent of our oil from overseas, and 40 percent from the Middle East. We know that makes our country vulnerable, very vulnerable. Knowing that if we just put 27 percent of the vehicles on the road today, if they were these gas electric hybrids like the Toyota Prius or the Ford Escape, we could end our dependency on oil from the Middle East.

That is the type of energy policy we need; but yet we have big special interests here in Washington and around the country that are trying to prevent this from being enacted, a national energy policy that is about national security and creating jobs in our country, moving away from our dependence on foreign oil.

We know that the amounts of alternative energy our Nation is able to produce are only limited by the amount of energy we are willing to invest here in Washington and across the 50 States of our great country.

Now this bill, the American Clean Energy and Security Act, gets a lot of attention, but not for that name, Congressman RYAN, but for the name of cap-and-trade. Cap-and-trade.

We heard from two court cases at the end of last year the fact that the EPA was going to regulate emissions, and we decided in the House we were going to allow a free-market approach to handle this rather than have the United States EPA regulate emissions in this country. That is going to make our American businesses stronger, by allowing the Midwest innovation to drive this instead of our dependence on foreign oil. The innovation of America is going to drive our future progress in this realm.

But let's revisit what some of our colleagues have said about the cap-and-trade system, as they like to call this new energy solution that we are going to find for our country. It is about cap-and-trade, as JOHN MCCAIN has said. There will be incentives for people to reduce greenhouse gas emissions. It is a free-market approach. Let me repeat that, Congressman RYAN: it is a free-market approach. The Europeans are doing it. We did it in the case of addressing acid rain. If we do that, we will stimulate green technologies. There will be profit-making in the business arena. It won't cost the American taxpayer.

□ 2200

Joe Lieberman and I introduced a cap-and-trade proposal several years ago which would reduce greenhouse gases with a gradual reduction. We did the same thing with acid rain. This works. This really works. The Republican Presidential candidate last year introduced a cap-and-trade bill three times in the United States Congress because he believes it's a free market approach and that it won't cost the American taxpayers.

Mr. RYAN of Ohio. I had an interesting conversation with someone from Babcock the other day. They're in Barberton, Ohio. They're in your district, Congressman. They do a lot of defense work and a lot of work with the military.

I asked the guy, What portion of your employers work on these kinds of ''green'' technologies?

He said that half of their workers are employed, the engineers and other workers, on the issues of cleaning up the air—the scrubbers—the technology that goes into power plants and into other facilities to help clean some of the poison out of the air that was causing all kinds of health problems.

There are industries that pop up to clean the air. These are economic development opportunities. Now, that $750 billion that goes abroad will come back to the United States. The money will be invested into windmills, into solar panels, into batteries, into new autos, into all kinds of different things.

The other day, we were in Kent, at Alpha Micron. They're making a liquid crystal-based technology that is film on windows. It darkens when the sun comes out to keep the house cool in the summertime. They just opened up a manufacturing facility in Kent, Ohio. They have 45 people working there now. Once this product catches on, there will be hundreds of people working there, making this special liquid crystal technology film that will be going into the homes to conserve energy.

The economy will adapt. People will find ways to make money and to make profits off of these things. Yet, when you go to the gas tank, you might as well send the check to the OPEC countries. Now, let's be honest with each other. What we're saying is, when you stop at a gas station or whatever kind of station there's going to be in the next decade or two, we want that money staying in Ohio—in the Midwest, in America. So you send the $750 billion off. Then you pay your tax bill at the end of the year, and you send money to the Federal Government. Then you find out that the Defense Department is sending $120 billion of your tax dollars to escort oil ships that are going in and out of the Persian Gulf.

Does this make any sense to anybody? This makes no sense what we're doing here. We've got to stop it. Then we send subsidies to the oil companies so that they can keep going. This doesn't make any sense. I'm sorry. I don't know any other way to say it. We need to stop doing this. It's going to have some disruption, and everyone is going to have to figure this out, but we have smoothed this over for over 20 years, and no one is jamming this down anybody's throat.

These manufacturing facilities have all kinds of credits. We're holding harmless a lot of manufacturers, a lot of consumers. We'll see infinitesimal increases 10 years from now. It may be $100 a year, but the benefit is that $750 billion is going to come back to the United States and is going to get invested here. The Defense Department

won't be spending money escorting oil ships in and out of the Persian Gulf.

I mean let's stop this. This is insane. It doesn't make any sense. It's wasting all kinds of money. It's polluting the air. It's empowering countries that are on sand. Then they hate America, and we get tangled in all of these geopolitical problems that we don't need to be involved in. Let's invest the money back into the United States. I mean, do you want to talk about a pro-American position? There couldn't be a bigger one. You know that. You've been to Iraq four times, five times.

This young man has flown in and out of here. By ''young,'' I mean 5 years older than I, but he has flown in and out. He has flown soldiers back over here who have died while serving their country, and he's saying we can't keep doing this. JOHN MCCAIN, who served the country so nobly, said the same thing, that we can't keep doing this. Stop. That's what this is about.

It's about leadership. It's not about just going down the same road and about doing what's comfortable. That doesn't get you anywhere. This is about leading. There is going to be a transition; but at the end of the day, you're going to provide a safer country for your kids, a less entangled geopolitical situation for our country, and you're going to create jobs in the United States. This is a win-win-win.

Mr. BOCCIERI. Congressman, if you would yield, just yesterday, we had wonderful news in the 16th Congressional District. Rolls-Royce is anchoring its world headquarters for fuel-cell research in our part of Ohio. The robust research that they're doing on fuel cells is going to be anchored in our part of Ohio because we're beginning to take action where there was none previously. Let me just say this:

Quite frankly, I believe that we will be judged in next year's elections by two measures—whether we acted or whether we did not, by action or inaction. Teddy Roosevelt said that the worst thing you can do in a moment of decision is nothing, and we know that the status quo is unsustainable with an energy policy in this country which continues to empower petro dictators who hold America hostage by our importing 66.4 percent of oil from around the world. We're going to expand drilling in the United States here. We know that this will not be the answer to all of our energy woes here because we only have 3 percent of the world's oil reserves in the Northern Hemisphere, but we consume 24 percent of the world's oil, so we've got to find diversity. We've got to find a way to become diverse Americans in our energy consumption, which will be by investing in these alternative energies. Whether it's switchgrass or algae or whether it's ethanol or biofuels or whether it's fuel cells, we've got to make this transition now because it is about our national security.

So, next year, when we go before the voters, when we go before our citizens and our constituents, they are going to ask us: Did you act to make America stronger?

All of us know we have relatives and friends, and friends of mine, who are still serving over in the Middle East right now. We are there, fighting for countries that provide us a whole lot of oil. In fact, 40 percent of our oil comes from the Middle East. Like Rudolph Giuliani said last year, if 27 percent of the vehicles on the roads were gas-electric hybrids like the Toyota Prius or the Ford Escape, we could end our dependency on oil in the Middle East. That is a goal we should all strive towards.

Rudolph Giuliani said that we need to expand the use of hybrid vehicles and of clean coal—$324 million of research in clean coal in Ohio every year, Congressman RYAN, and in carbon sequestration. We have more coal reserves in the United States than we have oil reserves in Saudi Arabia. This should be a major national project. Let me echo that again in this Chamber. This should be a major national project. This is a matter of our national security. We've got to act, Congressman RYAN.

Now, I graduated with a baseball degree, and I minored in economics in college, but let me tell you this: In 2003, our former President said this about a Department of Defense study: The risk of abrupt climate change should be elevated beyond a scientific debate to a U.S. national security concern. The Department of Defense was saying this under our previous President.

He also said that the economic disruptions associated with global climate change are projected by the CIA and by other intelligence experts to place increased pressure on weak nations that may be unable to provide the basic needs and to maintain order for their citizens.

We've got our CIA saying this. We have our Department of Defense saying this. We've got every candidate running for President last year saying this is a matter of national security. What did we have? We had a vote along partisan lines.

National security is about America. It's not a Democrat or Republican challenge. It's not a conservative or a liberal challenge. It's about making America stronger. When we invest in ourselves, we will become stronger. This is about our future and about our children's future. It's about creating jobs here in Ohio, Congressman RYAN, like we did with Rolls-Royce and like we will do with so many others that are beginning this burgeoning industry.

□ 2210

Having a diversity of energy, we should all agree, is going to make our country stronger. And these two long-term challenges of health care and of energy should be national projects, national projects that make our country stronger and protect our national security in the long run.

Mr. RYAN of Ohio. The thing is, too, with this manufacturing, this green manufacturing, we have Thomas Steel in Warren, Ohio, is now making the specialty steel. About 300 steelworkers signed a contract with a solar panel company from Toledo, a very exciting proposition, because when the solar panel industry takes off, a local steel company in Warren, Ohio, with United Steelworkers of America that have good health care benefits and a decent pension are going to benefit from this.

And the more solar panels happen, the more steel they are going to buy from Warren, Ohio, the more steelworkers that are going to go to work. Ohio Star Forge on Mahoning Avenue, they make a bearing that goes into the windmill, 4,000 component parts. No, 8,000, 8,000 component parts that go in the windmill. That's what we do.

Does anyone else have a better idea how to revive manufacturing in the United States of America than to have us supplying 8,000 component parts and 400 tons of steel that go into a windmill? Does anyone have anything better? Cut taxes for the rich people and hope it trickles down? That's not a manufacturing policy in the United States of America.

But what we are doing here with the Volt at General Motors, with the new battery storage, the hybrids, we drove in a car the another day, Congressman INSLEE and ISRAEL and I, that went from California to Washington, D.C., on algae, on algae. Do you know how you grow the algae? You pump a bunch of CO_2 in it and it grows the algae.

So here you have an opportunity to learn, make cars that run on algae, grow the algae in places like Ohio that, unfortunately, or maybe fortunately, at some point, give off all this CO_2, grow the algae, put it in cars, and we have a clean economy, and it's a new economy.

And, let me tell you something, there is not a lot going on manufacturing-wise in the United States anymore. But if you take the $750 billion that we keep sending abroad to oil-producing countries and that money comes back to the United States, that's a heck of a lot of investment here to go into companies that are going to make these 8,000 component parts that are going to go into the windmills, that are going to make the 400 tons of steel that are going to go into the windmills and the cars and the solar panels and the biodiesel facilities. I haven't heard a better idea.

It's nice to be against everything, but does anyone have another idea on how to get 750 billion that's going right out of the country back here?

Come on, let's be smart. Let's keep our money in America. That's what this is all about. This is the most pro-American, pro-independence, pro-freedom, pro-liberty bill you could ever get your hands on because it directs investment into the United States of

America and puts Americans back to work.

You know, if you are refitting homes with insulation, with special roofing to capture rainwater, those are sheet metal workers. Those are carpenters. Those are building tradespeople that you and I live and work with every single day. Put them back to work. This is great.

I don't see it, other than being against it.

Mr. BOCCIERI. Well, they weren't against it last year. In fact, I point to my friend Mike Huckabee who suggested that a Nation that can't feed itself, a Nation that can't fuel itself, or a Nation that can't produce the weapons to fight for itself is a Nation forever enslaved. He also said that it's critical that for our own interests economically, and from a point on national security, that we commit to become energy independent and we commit to doing it within a decade.

We sent a man to the Moon in a decade. I think in 20 years we could become energy independent. I believe we can. We have to take responsibility in our own House before we can expect others to do the same in theirs. It goes back to his basic concept of leadership, that leaders don't ask others to do what they are unwilling to do themselves. That's why leaders who ran for the office of the Presidency last year believe that a strong national energy policy is about making America stronger, relying on the innovation in the Midwest rather than relying on Middle East oil. That makes America stronger.

In 1950, over half of the jobs in this country were in manufacturing. We are at 10 percent now because we exported our ability to produce and build things here. We are becoming the movers of wealth instead of the producers of wealth.

Let's invest in something that we have to use every day, and that's energy. Let's invest in our own future, produce things here. Let's build windmills here. Let's let Timken in Canton, Ohio, make the roller bearings for these huge wind turbines. Let's let SARE Plastics in Alliance build the moldings and cast moldings for these wind turbines. Let's let fuel cells be developed at Rolls Royce so that we can put them in our cars and have them recharge batteries and use the solar panels that are developed in our part of Ohio recharge the batteries that are being developed in Medina County in my congressional district.

Let's use that compressed natural gas now that we are using and researching at the Ohio State Agricultural Research Center in Wooster, Ohio. Let's use that compressed natural gas to turn our generators to heat and to produce electricity for our homes.

That's the type of innovation and diversity of energy that will make America stronger in the long run and focus, focus on our economic interests as a country.

As John Kennedy said, we do these things not because they are easy but because they are hard. Because they are hard. But we know that if we don't make this transition right now, decades later we will make America very, very vulnerable.

When I go back and answer to my constituents, when I go back and answer to the people, I want to tell them I stood with them, and I stood with making America strong.

INCREASE SOURCES OF ENERGY

The SPEAKER pro tempore (Mr. KRATOVIL). Under the Speaker's announced policy of January 6, 2009, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes.

Mr. PRICE of Georgia. Mr. Speaker, what a glorious evening it is to come to the floor to remind my colleagues about a little fact and about a little truth. I have heard so many things over the last 15 or 30 minutes, Mr. Speaker, I am not quite certain where to begin.

But I guess I would begin by imploring my colleagues on the other side of the aisle to talk to the Speaker. Goodness gracious, talk to the Speaker. When they talk about expand drilling, oh, they could talk to the President as well, expand drilling. You betcha, Mr. Speaker, you betcha that that's what we want to do is expand drilling.

When they talk about clean coal technology and advancing clean coal technology, you betcha, Mr. Speaker. The problem is, the Speaker of the House and the President of the United States don't support it. That's the problem.

I would encourage them to talk to their own leadership because the principles and the policies that they have just espoused over the last 15 to 30 minutes are as strong as we have on our side of the aisle, the Republican side of the aisle, espoused over the last number of years. I would encourage them to talk to their leadership. I would point out, Mr. Speaker, that one of the things that was said is absolutely correct, and these aren't Democrat problems and these aren't Republican problems. They are American problems.

To that end, I want to talk about what America has been concerned about. Mr. Speaker, if you think about what happened in August in this Nation, all across this Nation, it was a remarkable outpouring, a remarkable outpouring of concern, yes, and of fear, yes, and of anger about the direction in which the American people see their Nation headed.

What they said, I believe, in town hall after town hall and meeting after meeting after meeting was, Washington, you are not listening. You are just not listening. We thought that we were electing change in November of 2008, and, in fact, we have elected change as a Nation.

□ 2220

The problem is the change that's being instituted by my friends on the other side of the aisle and the Speaker and the President are not the change that the American people wanted. That's the problem.

So they come out to these meetings and they come out to talk to their Representatives, if even they will meet with them. So many of my friends on the other side of the aisle refused to hold town hall meetings. But they come out to these meetings and they say, Please, please listen to us. Listen to what we're telling you. Your policies are killing us. They're killing us from an economic standpoint, too many taxes. You're spending our children and our grandchildren's money. You just can't do that. We can't do that at home. You can't do that at the Federal level.

And so what they want are solutions. And my friend on the other side of the aisle earlier talked about solutions. And I'm going to talk a lot—a lot—about solutions this evening, because even this evening my two grand colleagues from Ohio reiterated this fabrication, this falsehood. Oh, yes, Mr. Speaker, something that isn't absolutely the truth when they say that Republicans have no solutions; they don't bring any solutions to the table.

Well, we're going to talk about tonight a couple of solutions just in the area of energy and health policy. And if you, Mr. Speaker, would like to go look at our solutions, they're on our Web site. I'm privileged to chair the Republican Study Committee, the largest caucus in the House of Representatives, that puts solutions on the table for every single American challenge that we face, solutions that embrace fundamental American principles that are optimistic and forward thinking and upbeat and realize that the reason we're the greatest Nation in the history of the world is because we have followed fundamental American principles.

So you can Google Republican Study Committee or go to RSC.price.house.gov—RSC.price.house.gov—and look at our solutions. Look at our solutions for an economy that we've seen a nonstimulus bill that is driving more individuals into unemployment, that is losing 4 million jobs just in this year alone.

Look at our solutions, which is the contrast to a budget that was passed by this House of Representatives that spends money that we don't have, borrowed from the Chinese Government; money that makes us $1 trillion in debt year after year after year after year. And the American people are fed up with it, Mr. Speaker.

Look at our solutions that say that the way to be able to utilize American resources responsibly so that we solve the energy challenges that we have, there's a way to do that that makes it so that the government isn't put in charge and also so that we aren't taxing the American people to death.

Mr. Speaker, look at the solutions at RSC.price.house.gov for the health care

challenges that we face that we will be talking about a little more this evening.

I want to start with the health care issues because one of the things that drove me into public service after 20 years of practicing medicine—Mr. Speaker, I took care of folks who had broken bones and battered bodies as an orthopedic surgeon for over 20 years. I took care of them the best way I knew how and the best training that I was able to avail myself of, and I took care of them in a way that oftentimes led me to believe that the State government and the Federal Government were impacting the ability of myself and my staff in an adverse way—in an adverse way, not a positive way—in an adverse way to be able to care for those patients.

So my friends on the other side of the aisle, the presentation that we just saw, Mr. Speaker, the gentleman had six Ps. I only caught five of them. But they were: People, portability, preexisting conditions, physicians, and prevention.

Mr. Speaker, I would suggest that none of those—none of those challenges that the gentleman from Ohio described—none of them are improved by the intervention of the Federal Government. Not one. Not one.

So when I talk about principles in the area of health care, which is what I think we need to be talking about here in the United States House of Representatives and the Congress of the United States and by the President, we ought to be talking about principles of health care so that we create a system that is responsive to patients. That's the goal. Correct, Mr. Speaker? Responsive to patients.

When we talk about principles, most of us have the top three. Most Americans have the top three principles. They're affordability. You ought to be able to afford the system that we create. Accessibility. You ought to be able to get into the system if you're a patient. And quality. You want the highest quality of care in the world, which is in fact what we have right now.

I add three more principles to those: affordability, accessibility and quality. I add three. One is responsiveness. You have got to be able to have a system that's responding to people, which is so often not the case in other nations where they have systems that are taken over by the government.

The second is innovation. We are a Nation that has allowed for the greatest amount of innovation in the world—in the world—in the area of health care. That has resulted in the highest quality of care for all of our citizens, for every single American. So we want a system that creates and incentivizes innovation.

Third and finally, choices. The American people want choices when it comes to health care. They want to be able to choose their doctor; they want to be able to choose where they're treated. They want to able to choose when they're treated and how they're treated. And that ought to be their right. That ought to be their right.

So principles of health care—affordability, accessibility, quality, responsiveness, innovation, choices. Those six principles, Mr. Speaker. And you may have some others, the people listening may have some others.

I would suggest to you, Mr. Speaker, that those six principles, and the ones that were outlined by my friend from Ohio just a little bit earlier this evening, that none of those principles are improved by the intervention of the Federal Government. Think about it. Accessibility to the system. The Federal Government runs basically four specific medical programs: Medicare, Medicaid, the VA Health Service, and the Indian Health Service.

Accessibility. All of those systems have some kind of rationing of care. You don't have to take my word for it. Talk to anybody who works in those systems. When I worked in the VA Medical Center in Atlanta, we would get to a point every single quarter when they would say, I'm sorry, you can't perform any more total joint surgeries this quarter. And it wasn't because we'd run out of total joints; it wasn't because we'd run out of prostheses. It wasn't because we'd run out of patients for whom the indication was to provide them with a total joint.

No, Mr. Speaker, it was because we had run out of money. And that's because when you get a government-run system, what happens is that the decisions are controlled by money; they're not controlled by patients and by quality. Accessibility is limited in every one of those.

For example, the Mayo Clinic, one of the finest health care providers in the Nation, in Jacksonville, Florida, is limiting the number of Medicare patients that it sees. Limiting the number of Medicare patients that it sees. Why? Not because they forgot how to take care of seniors. No, it's because the system is broken and flawed.

That's what happens with a government system, is that it limits accessibility. When veterans in our veterans health care system call up for an appointment, are they given the appointment in the way that happens in a personal or a private setting? No, because accessibility is limited in a government health care system, not just in the United States, but in every other system in the world that is run by the government. It's limited. Accessibility is limited.

So affordability is compromised; accessibility is compromised. Quality is compromised because of those first two. Responsiveness and innovation, certainly not consistent with anything that the Federal Government does with responsiveness and innovation. No, we know that responsiveness is in the private personal sector. We know that innovation is in the private personal sector, not in the governmental sector. Certainly, the government tries to catch up. And sometimes it does with relative efficiency. But it doesn't do so initially because there's nothing, nothing in the Federal Government that demands that you have responsiveness and innovation.

And then the final principle of choices. The Federal Government and choices are inconsistent with each other because the Federal Government defines what individuals ought to do, defines what individuals must do, and determines basically what is available to people. And if it's available in something that doesn't mean anything to folks by and large, it doesn't really make a whole lot of difference.

But in the area of health care, in the area of medicine, in the area of personal decisions that make it so that you are able to care for you and your family in the most personal and effective way, the government has no place in those decisions.

□ 2230

The government has no place in those decisions, Mr. Speaker, none. And they ought not. So our friends on the other side of the aisle say, Oh, no, the government is the only entity that can provide the balance to this equation. Mr. Speaker, you know that the balance in this equation in the area of health care means that individuals will not receive the kind of care that they desire, not receive the kind of care that they and their families choose for themselves. They'll receive the kind of care that the government chooses for them, but they won't receive the kind of care that they and their families desire.

In the fall of 2009, nothing could be more important here in Washington and here in the United States Congress as we try to talk productively about this issue that is of such incredible importance to the American people. One of the greatest concerns that I have is that at least half, and maybe more—at least half of the Members of Congress have been shut out of this debate. I mentioned that I'm privileged to Chair the Republican Study Committee, the largest caucus in the House of Representatives. We have attempted to solicit and take the President at his word when he said, If you have an idea, if you'd like to discuss the issues that we have before us in the area of health care, come on down to the White House. My door's open. Right, Mr. Speaker? That's what he said. My door's open. Come on down, and we'll go over the bill line by line.

Well, Mr. Speaker, this may come as a surprise to some folks, but we, the Republican Study Committee, have been asking for a meeting with the President of the United States since the week he was sworn into office. And the response every single week has been, Well, thank you very much. This is an incredibly important issue. There are nine Members of our conference who are physicians, like I am, who have significant passion about the

issue of health care and the reason that we ought not put the government in charge. Our friends on the other side of the aisle say cavalierly, Well, you just ought to let the government compete for this.

The fact of the matter is, Mr. Speaker, if the government competes for it, it drives over 100 million individuals, over 100 million Americans from personal, private health insurance that they choose, that they select for themselves and their families. It drives them, it shoves them, it forces them into the government program. Mr. Speaker, that's not what you want, or at least that's not what you say you want. That's not what my colleagues on the other side of the aisle say they want, by and large. But that's the system that we're going to have if, in fact, the Speaker of the House and the President have their way.

So we've got some incredibly important issues to discuss here in the United States House of Representatives. I'm joined this evening by a great friend and colleague, the gentlelady from North Carolina (Ms. FOXX) who has been front and center on the health care issue and on the energy issue. I know that she has been frustrated by much of the information we have heard this evening, especially in the area of energy policy, because we have been fighting tooth-and-nail to make certain that we could put forward an all-of-the-above energy strategy. My friends on the other side of the aisle earlier this evening talked about the lack of solutions that we have. So I'm pleased to yield to my friend from North Carolina, VIRGINIA FOXX, for her comments on energy or whatever else she would like to chat about this evening.

Ms. FOXX. Well, I thank you, Dr. PRICE, for beginning this hour and bringing an extraordinarily comprehensive and cogent discussion to the health care issue. I did hear more of our colleagues who were here in the previous hour talking about energy than health care. But I did hear them say if we were to adopt the health care proposals—and I assume that they mean H.R. 3200—that that would bring long-term economic growth to this country. And I thought that I must be living in either Never-Never Land or Wonderland or someplace other than in the United States of America and serving in the United States Congress, because having the government take over health care in this country is a formula, in my opinion, for harming economic growth in this country, not creating economic growth. I think that the American people have caught on to that.

I want to say that the thing that kept running through my mind as I was listening to them—and let me say here that many folks wonder why we often are here speaking to an empty Chamber. But we're usually in our offices, listening to what's going on in the Chamber, along with about 800,000 other people in the country. So we do listen to each other, and sometimes it is very frustrating to hear what's being said, because I believe, in many cases, the American people are being misled by the comments that are being said. We don't expect to see long-term economic growth from health care. One of the best things, I think, that has happened this entire summer is that the American people have been paying closer attention to what's being proposed in the Congress.

H.R. 3200 has been looked at by the public, and they understand that what we have been saying about the bill is more accurate than what our colleagues have been saying about the bill. I have read the bill. I know you have read the bill, and I want to encourage more and more Americans to read it because I don't think that the time has passed for our considering that bill. I think that, or something similar to it, is going to be dealt with on the floor of the House.

But what I wish is that more Americans had paid closer attention to the bill that our colleagues call cap-and-trade, and which we call cap-and-tax, because I think if the American people had paid as much attention to that as they have to the health care bill, they would have been up in arms earlier this year. Most of them don't realize that, again, what our colleagues were saying is just the opposite of what they do in legislation.

Last summer we were here talking about the problems with energy. Gas prices were skyrocketing. And as you pointed out, we stood for an all-of-the-above energy policy in this country. We want to be able to use the resources that are available to us in this country. I believe the Good Lord gave us the resources in this country to take care of our energy needs. But our colleagues on the other side of the aisle—and let's say it—the Democrats are in control of this Congress. It's very important that people understand that our colleagues who were speaking a while ago were speaking of the folks in charge who are of their party. They make it seem like they're not in control, that they can't make the things happen that they're talking about. But they are in control. Every day they make us more and more dependent on that foreign oil that they say they don't want us to be dependent on.

We have seen here how they have shut down accessibility to shale and oil and the Outer Continental Shelf. Over and over and over again, they stymie every opportunity that we have to increase the sources of energy in this country.

Mr. PRICE of Georgia. Will the gentlelady yield?

Ms. FOXX. Absolutely.

Mr. PRICE of Georgia. I appreciate those comments because I was stunned as I was sitting here, listening to the gentleman from Ohio say—and I wrote it down just because I was so astounded—say that we ought to increase our use of ''coal, nuclear and oil shale.'' He said that, and in fact, that is exactly the opposite thing that his party has done; isn't that the truth?

Ms. FOXX. It is absolutely the truth. In fact, in the cap-and-trade bill, that they call it—we call it cap-and-tax—what it will do is it will make us more dependent. It stops the use of coal in this country. We have much more coal resources available to us than Saudi Arabia has oil resources, and we know that. But they seem to hate coal and want to do everything that they possibly can to diminish the use of it.

There are no plans for creating nuclear energy, increased nuclear energy. Yet we know if we're going to maintain our standard of living in this country, we need to be building in the next 30 years 30 to 50 nuclear power plants. We also know that since World War II, France has gotten 85 percent of their electricity from nuclear power, and they have never had one tiny problem as a result of that. But the radical environmentalists in this country seem determined to create blackouts in this country. They don't want coal. They don't want us to drill for oil. They don't want nuclear. They're even protesting now putting in solar panels out in the Mojave Desert. They don't want wind farms.

Solar and wind are not the solutions to our energy needs, and we know that. President Obama said he would double the use of alternative energies, meaning wind and solar, and yet President Bush did that in the last 18 months of his administration. We went from 1.5 percent to 3 percent. Well, President Bush did that in 18 months. President Obama has said that he would double it during his first term. Well, going from 3 percent to 6 percent, given how the technology is growing, isn't a very big leap.

□ 2240

But we also know that we can only absorb in our current electric grid only 10 percent of solar and wind. Beyond 10 percent we put our wonderful system of energy in great jeopardy because we simply don't have the grid to handle it, and we can handle up to 10 percent, as I understand it from listening to the experts. But even that, for us to absorb 10 percent of wind and solar, which are undependable, and that's the main reason we can't absorb more than 10 percent, would take $3 trillion to redo our grid. They never say anything about that cost. And to be able to put in cap-and-tax would be enormously expensive to the average American consumer. We know that it's probably going to increase energy costs between $1,700 and $3,000 for the average American family. They never mention that when they're talking about what they want to do in terms of alternative energy.

I think it's very important, again, that we call the attention of the American people to that bill. I'm sorry I forgot to write down the number of the bill, but if people, again, would pay

some attention to that bill and read it, as they have H.R. 3200, I think they'd find that we are telling the truth about it and that rather than expanding domestic energy sources, it's going to contract domestic energy sources because of all the rules and regulations and the costs of them. I think it's a cruel hoax being put out to the American people along with what they have been saying about health care also.

I want to switch back to that subject because you are an expert in both of these areas, but you're really such an expert in the health care area. I want to take it down, though, to, I think, a conversation that everybody can understand.

When I was growing up in western North Carolina in the 1950s, my family was extraordinarily poor. I mean dirt poor, as we used to say. And yet we could afford health care. I had chronic asthma and allergies and often had to get health care treatment, and my family could pay for that. The costs were very low. And I began to think a few years ago, now, what has happened since I was a child living out in the country, a very rural area, the poorest county in North Carolina, and yet we had a small hospital, we had doctors there who would treat us, and we could pay cash and meet our obligations? What has happened since that time in the mid 1960s Medicare was created, Medicaid was created? Government policies encouraged companies to provide health insurance for their employees because they could tax deduct it but individuals could not. So the rules changed dramatically.

I know also that we have wonderful technology. We have many, many more specialists in our country, and our health care has gotten better and better in this country. And I get really furious when I hear these statistics from our colleagues that want to say that we are 35th in the level of health care that we provide. Well, why is it that everybody comes to our country to get health care and why is it that our average lifespan is now 80 years old and people are living such vibrant lives right up almost until death, most people are? It's because we have created government-run health care in Medicare and Medicaid and in the other areas that you talked about and third-party payer. We have taken away the sense of responsibility from Americans for how much things cost. And everybody thinks, well, if insurance is going to pay for it, it's not costing me anything. I'll utilize it to the full.

But I make the analogy we all have to buy car insurance because as we drive our cars, there is the chance we will harm someone else, so we all have to have liability insurance. But our car insurance does not pay to change our oil or put new tires on the car, and yet we have come to accept that.

The same thing with homeowner's insurance. We buy homeowner's insurance because it's the practical thing to do. But if our roof gets a leak in it, we don't turn that in to the insurance company. We fix the roof because we know if we don't fix the roof, pretty soon the ceiling is going to be leaking, then the floor is going to be damaged.

So we assume that responsibility for our cars and our homes, and yet over the years, this insidious growth of government and third-party payer through insurance have taken away the sense of responsibility that we have for taking care of our own bodies and taking care of our own health. And the more we involve the government, the worse it's going to be. We don't need government-run health care in this country. We need to follow the principles that you outlined, and I think you did a beautiful job.

The other thing I want to say is we keep hearing that Republicans have no alternatives. Our alternatives fit exactly the principles that you outlined, and I just want to mention a couple of bills here.

H.R. 2520, the Patient's Choice Act by Mr. RYAN from Wisconsin. The Patient's Choice Act would transform health care in America by strengthening the relationship between the patient and the doctor by using the forces of choice and competition rather than rationing and restrictions. It seeks to ensure universal affordable health care for all Americans.

And then there's the bill that you introduced, which you, I don't think, have spoken of, but it's H.R. 3400, and we want to make sure people understand the difference: The Empowering Patients First Act to increase patients' control over their health care decisions by offering more choices and the highest quality available.

We have comprehensive bills out there that do what needs to be done, but the Speaker refuses to pay attention to those, as you said, and the President refuses to pay attention to them. They are determined to control every aspect of our lives, and taking over health care gives them the wonderful opportunity to do that.

I want to thank you again for leading this hour tonight and getting us on the right track on these issues.

Mr. PRICE of Georgia. Thank you ever so much, my dear friend from North Carolina, Ms. FOXX, who outlines very specific and clear and cogent discussion points in the area both of energy policy and in health care policy.

I think one of the important takeaways that I would offer in the area of energy policy is that we have been talking about and desirous of what we call an all-of-the-above energy solution that our friends on the other side talk about but, in fact, they have never voted for or introduced policy legislation that would accomplish that. And by ''all of the above,'' we mean sincerely that America has been blessed with incredible resources, remarkable resources, and that we ought to be able to utilize them in a very environmentally responsible and sound way.

What does that mean? That means that offshore from the United States, there are resources that we can utilize. Onshore there are oil resources that we ought to be able to utilize: oil shale technology that allows us to gain the fossil fuels from oil shale; shale out west, to be able to use that and supply the American people with appropriate resources in the area of oil; clean coal technology, which my friend from North Carolina discussed and our friends on the other side talk about but, in fact, they vote against every time it comes up; and then nuclear technology.

We ought to be able to use increasing nuclear resources to be able to provide energy for the American people. And we ought to be able to do so not just because it's the right thing to do for our Nation, not just because it's available to us and the good Lord has blessed us with this remarkable knowledge and expertise and resource base, but because in so doing, we make it so that we're not helping people across the world who don't like us. There are people that we are supporting to a huge degree, the Government of Venezuela, which is headed by an individual that has absolute animosity for the United States. There are governments in the Middle East that we are sending literally hundreds of billions of dollars to that are not fond of the United States or our government or our people.

□ 2250

We ought not be utilizing American resources, American tax money, American labor, and ingenuity to fund folks who don't care for us. That is just wrong. If it were the only option available, that would be one thing, but it is not. There are wonderful resources that we have, but we are blocked by the Democrats in charge and the majority party. And that is wrong.

The President has said over and over again that he doesn't believe that we ought to utilize our resources in this way. As the gentlelady from North Carolina says, he wants to double wind and solar energy. That is fine. That is great. But it will be ultimately 6 to 8 percent of the energy utilization of this Nation. That is not going to get us over the hurdle. It is not going to get us where we need to be.

So on the one hand, we need to conserve more. Absolutely. We need to utilize American resources for Americans. That is a responsible thing to do. That is a common sense thing to do. One would think if one was elected to the United States House of Representatives or the Senate that one would have that as a responsible feature of their policy, to utilize American resources for Americans. And we ought to be able to incentivize the creation of the new form of energy without the government picking winners and losers. That is a responsible energy policy. That is an all-of-the-above energy policy. That is an energy policy that we have been clamoring for for years, literally, and

have been blocked at every single turn by our friends on the other side of the aisle in their beholden nature to folks who would not allow us to use American resources.

I want to talk a little more about the issue of health care because it is driving the entire debate here in Washington today.

I have talked about principles in health care: accessibility, affordability, quality, responsiveness, innovation, and choices, and that none of those principles are improved by the intervention of the Federal Government.

I don't think there is a single American who sincerely believes that they are improved by more imposition of rules from Washington. So if you believe that, if we believe that, then the President would have us believe there are only two alternatives, that it is either the government in charge or it is the insurance companies in charge.

Well, Mr. Speaker, that is a false choice. That is a false premise. In fact, it is not just the government in charge or the insurance companies in charge; in fact there is a better way. There is the right way. There is the correct way, and that is to put patients and their families in charge.

How do you do that, to put patients and their families in charge so that accessibility, affordability, quality, responsiveness, innovation, and choices are all improved? In fact, all of the principles in health care are improved if the patients are in charge. In fact, the system moves in the direction that it ought to move, and the direction that our health care system ought to move isn't the direction I, as a physician or Member of Congress believe it ought to move; it isn't the direction that you believe it ought to move; it isn't the direction in which our collective intelligence here in the House believes it ought to move. The direction that it ought to move in is the direction that patients want it to move. The only way to do that is to allow patients to control the system.

Mr. Speaker, the bill that will do that is H.R. 3400. You can go to the Web site for the Republican Study Committee, rsc.price.house.gov. Look it up. It is right there. There is a side-by-side with H.R. 3200, which is Speaker PELOSI and the Democrats in charge here in the House, their monstrosity, a 1,000-plus-page bill. Or there is a responsible way to do it, H.R. 3400.

Now what does H.R. 3400 do? Well, it does five big things very specifically, in addition to a lot of other things, but five big things.

One is that it gets Americans insured. It is imperative that we make certain that those individuals who are unable or appear to have the lack of resources to be able to finance health coverage for themselves or their family have the wherewithal to do that. How do you do that as a good conservative? Well, you make it so for every single American it makes financial sense to be insured. Americans are bright people. They are making financial decisions right now not to be insured. So we devise a system, create the rules of a system that will respond to patients that will make it so each and every American citizen sits down at the end of the day and when they are doing their budget, they realize that it makes more sense for them financially to be insured than not.

You do that through a series of tax deductions, tax credits, refundable tax credits, advanceable refundable tax credits, tax equity for the purchase of insurance so that individuals are able to purchase insurance with pretax dollars, just like businesses, instead of post-tax dollars. So you get folks insured.

Secondly, you have to solve the challenges of the health insurance system right now. There are wonderful things about our health care system, but there also some things that are flawed. Those flawed things we ought to solve, and they are relatively easy to solve.

For example, the two main issues, portability, you ought not lose your insurance if you change your job or you lose your job. It ought not be the case. Preexisting injury or illness. If you happen to have a diagnosis that results in a major calamitous event for you or your family from a medical standpoint, or you have an injury that results in a major expenditure, you ought not be priced out of the market. You ought not lose your insurance. That is wrong.

So how do you solve that? Well, you make it so that individuals own and control their insurance policy so they can take it with them if they lose their job or they change their job. In addition to that, you make it so Americans can pool together with millions of other people for the purchase of insurance. So you get the purchasing power of millions even if you are one individual or a small group or small business or small employer in that market to purchase health insurance. So you solve those challenges. You get people insured, and you solve the insurance challenge.

Third is to make absolute certain that it is patients and their families and doctors who are making medical decisions. Not government bureaucrats, not insurance bureaucrats, not anybody else.

Medical decisions are some of the most personal decisions we ever make in our lives for ourselves and for our family. We ought to have the right, we do have the right, but we ought to be able to exercise the right of making those decisions ourselves.

It is a sad commentary, Mr. Speaker, right now in America that in order to get that accomplished you have to write that into law. That is a sad commentary, but it is where we find ourselves right now. So H.R. 3400 says that, that nobody else in the Federal Government or the insurance industry will be able to make decisions as it relates to the provision of medical services and care for individuals or members of their family.

Fourth, we solve the issue of lawsuit abuse. Lawsuit abuse, the lottery mentality that we have created in our society that makes it so that individuals believe if they just hit the right note, if they just are able to find the right cause of action against a physician or hospital, they might make millions. That results in the practice of defensive medicine. And the practice of defensive medicine are those tests and examinations that your doctor performs or orders in order to make certain, make absolute certain to as much scientific certainty as one can that the diagnosis or procedure he or she proposes for a patient and then carries out is backed up by all of the knowledge and evidence that is available to them so that if they find themselves in a court of law at some point they can look at the judge and jury and say look, I did every one of these things to make certain what I proposed to do and what I did was appropriate for this patient. And the judge and the jury nod their head and say, yes, he or she did.

It doesn't make any difference whether the first two of those things were what was necessary to perform the diagnosis or cure the patient, the next 15 or 16 were redundant; but that is the practice of defensive medicine. Hundreds of billions of dollars each year, and it is not necessarily that it harms the patient, because it doesn't; but it makes it so that the system spends so much more money than it has to in order to provide the care that it currently provides because of the lawsuit abuse that we have.

Mr. Speaker, so we can have everybody insured. We can solve the insurance challenges. We can make certain that medical decisions are made in their rightful place, that is, between patients and families and doctors; and we can solve the whole issue of lawsuit abuse.

And the fifth item in H.R. 3400 is that we can do all of those things that would solve 99 percent-plus of the challenges that we face in health care, all of those things we can solve without raising taxes one penny. Not one penny.

□ 2300

So, Mr. Speaker, when we look at 3400 and when we compare it to the bill that has been passed through three committees here in the House of Representatives by the Democrats in charge, a $1.3 trillion monstrosity, a 1,000-plus-page monstrosity that results in an $800 billion tax increase and a $500 billion slash to Medicare programs—when you look at that, that's why the American people are confounded, they're confused. They don't understand what's going on because they know that that's not the solution. They know that the majority party—the Democrats in charge, the Democrats in power—are taking us down a path that is not consistent with what they believe.

They cry out, clamor, and have said over August and earlier this month, Why aren't you listening to us? Why aren't you listening to us?

So that is why the opportunity that we have in this Chamber and in the Senate, right down the hall here in the Capitol, to solve the challenges that we face in positive ways that make fundamental American principles come to the table is so wonderful. We've got a great opportunity. In fact, we're ignoring that right now because of the leadership that we have—because of the lack of leadership from this Speaker and from this Congress to allow to be put in place the positive solutions that are available to us as a Nation.

My friend from North Carolina is kind enough to stick around and to remain here for these discussions. I'm happy to yield to her.

Ms. FOXX. Well, I thought that it might be useful to throw out a few other statistics tonight. I haven't had a chance to read this entire article, but the Weekly Standard, September 21, has an interesting article in it by Fred Barnes, entitled ''An Unnecessary Operation.'' It has some very interesting statistics in it, some of which we have talked about before. I think it's important to point out, he says here in this article, that 89 percent of Americans, in a June 2008 ABC News-USA Today-Kaiser Family Foundation survey, said they were satisfied with their health care.

Most Americans think that we're trying to do too much in our government. One area that they're very happy with is their health care, and I think that it's important that we point that out.

As you say, there are things that do need to be done. There is no question. Republicans understand we need to make modifications in people's accessibility to health care, in its portability—those principles that you laid out earlier. We want to do that, and we have ways to do that, as you say, without it costing a dime to the American people. That's what we should be focusing on. With 89 percent of Americans being satisfied with their health care, let us make minor adjustments to the health care system.

Let me point out some other statistics that, I think, are very, very important. These go against those people who decry what an awful health care system we have in this country, which really infuriates me because, again, we know that people are coming here—thousands of them. In here, I think they say 400,000 people a year come from other countries to get medical care. Let's talk a little bit about those.

The two very major innovations in health care are the MRI and the CT. The statistics on this are absolutely astounding in terms of the numbers of machines. The United States has 27 MRI machines per million Americans. Canada and Britain have 6 per million. We have 27. The United States has 34 CT scanners per million. Canada has 12 per million. Britain has 8 per million.

Now, we know just on the face of it, with that many fewer machines, it's going to take a lot longer to have access to those machines. Right now, American patients pay out-of-pocket expenses of 12.6 percent. It's much higher in other countries, including the countries that have government-run health care.

Then we can talk a little bit about mortality. I mean, again, you've laid out the arguments for why we should make the kinds of changes you've recommended and that Republicans have recommended, but let's talk a little bit about survival rates:

For all cancer, 66.3 percent of American men and 63.9 percent of American women survive. In Europe, it's only 47.3 percent of men and 55.8 percent of women who survive after 5 years. These are statistically significant numbers. Let's talk about breast cancer. There is a 90.1 percent survival rate for Americans and a 79 percent survival rate for Europeans. I mean, not only do we have the least expensive health care in this country and the most available health care in this country, but we also have much, much greater survival rates in this country.

Why do we want to mess up that system by implementing what Speaker PELOSI and President Obama have recommended? That is simply going to go against the Hippocratic oath.

I was thinking about that earlier. I know physicians say, above all else, they should do no harm. You know, I really think that that needs to be added to our oath when we come here and swear our allegiance to the Constitution. I think it's entirely appropriate for us to do that, but I really think we should add something like the Hippocratic oath, which says to do no harm, because what the Democrats want to do, who are in charge of this government right now—of the Congress as well as of the executive branch—is to actually bring harm to the American people. They will be violating all of those principles which you laid out earlier, and we're going to be reducing life spans and survival rates if we go to a government-run plan. It's unnecessary except that it is part of the philosophy of the liberal Left.

Their idea is that the government knows best. For those of us who are conservatives and who are mostly Republicans, our idea is that it's not the government that knows best. We should leave people as free as possible, and we should operate as we have for over 200 years in our society and in our country, which is with a capitalistic operation. We have a Judeo-Christian bedrock. Our rule of law and our capitalistic system have allowed us to have the most successful society that has ever existed in the world.

Yet these folks want the government to take over. They want the government to run automobile companies and to become banks for student loans. Everything should be run by the government, in their minds, while we say let's perfect the situations that we have. We can certainly improve what we do in almost every area, and we should focus on those things instead of turning upside down and reversing the things that we do well.

So I want to thank you very much for leading this hour and for focusing on these two issues, energy and health care, which are so important to Americans, and for helping to set straight some of the things that our colleagues said, particularly in the previous hour, but they're things which they say almost every day. Let's call them to task on those issues.

Thank you, Dr. PRICE, Congressman PRICE, for the leadership you've given to the RSC and particularly to this issue of health care.

Mr. PRICE of Georgia. Thank you so much, my friend from North Carolina, Congresswoman FOXX, for your wonderful expertise and comments.

You alluded to significant misinformation on this issue, and there is a lot of misinformation out there. It's no wonder that the American people find themselves somewhat confused.

One of the problems that I have found is that one of the greatest purveyors of misinformation happens to be the President of the United States, himself. Again, you don't have to just believe me. I have a letter from the American Academy of Orthopaedic Surgeons, responding to President Obama's remarks about amputations, remarks which some of you may recall. The President has insisted on saying that physicians make financial decisions, and that's why they do things in treating patients, which is abhorrent to members of the medical profession. The oath that they take, as you said, Ms. FOXX, is, first, to do no harm.

□ 2310

The President, as you recall, Mr. Speaker, said sometime about 6 to 8 weeks ago that we have a system that doesn't allow or doesn't incentivize the treatment of a diabetic limb disease and then rewards by providing 30 or 40 or $50,000 in compensation for surgeons to take off a limb, amputate a limb.

Mr. Speaker, I was struck by that, because when I first heard it I was astounded. In fact, what it showed me was that the President has no clue about what it means to take care of patients and the incentives that go into caring for patients, not a clue.

I was so heartened when I read a letter from Dr. Joseph D. Zuckerman, who is the president of the American Academy of Orthopaedic Surgeons, that I would submit for the RECORD, dated August 13, 2009, in which he said to the President:

''Dear Mr. President:

''On behalf of the American Academy of Orthopaedic Surgeons (AAOS), I am writing to express our profound disappointment with your recent comments regarding the value of surgery and blurring the realities of physician reimbursements. The AAOS represents

more than 17,000 U.S. board-certified orthopaedic surgeons who provide essential services to patients every day. As you yourself have said, 'Where we do disagree, let's disagree over things that are real, not these wild misrepresentations that bear no resemblance to anything that's actually been proposed.' In that spirit, we would like to bring some clarity to your comments and underscore the value that orthopaedic surgeons bring to Americans every day of every year.

''First, surgeons are not reimbursed by Medicare, nor by any provider for that matter, for foot amputations at rates anywhere close to $50,000, $40,000 or even $30,000. Medicare reimbursements to physicians for foot amputations range from approximately $700 to $1,200, which includes the follow-up care the surgeon provides the patient [for] up to 90 days after the operation. Moreover, orthopaedic surgeons are actively involved in the preventive care that you mentioned. We are a specialty that focuses on limb preservation whenever possible and when it is in the best interests of the patient. Our approach to amputation follows the same careful, thoughtful approach, always with the patient's best interest as the primary focus.

''It is also a mischaracterization to suggest that physicians are reimbursed 'immediately.' The AAOS itself, along with numerous other organizations, has testified in congressional hearings investigating the delays in reimbursement by Medicare and other payers that create additional administrative burdens making it more difficult to provide access to care for patients.

''As you continue to pursue your health care reform agenda, we implore you to disengage from hyperbole,'' and it goes on.

[From AAOS Now, Sept. 2009]

AUGUST 13, 2009.

AAOS RESPONDS TO OBAMA'S AMPUTATION REMARKS

President BARACK OBAMA,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: On behalf of the American Academy of Orthopaedic Surgeons (AAOS), I am writing to express our profound disappointment with your recent comments regarding the value of surgery and blurring the realities of physician reimbursements. The AAOS represents more than 17,000 U.S. board-certified orthopaedic surgeons who provide essential services to patients every day. As you yourself have said, ''Where we do disagree, let's disagree over things that are real, not these wild misrepresentations that bear no resemblance to anything that's actually been proposed.'' In that spirit, we would like to bring some clarity to your comments and underscore the value that orthopaedic surgeons bring to Americans every day of every year.

First, surgeons are not reimbursed by Medicare, nor by any provider for that matter, for foot amputations at rates anywhere close to $50,000, $40,000, or even $30,000. Medicare reimbursements to physicians for foot amputations range from approximately $700 to $1,200, which includes the follow-up care the surgeon provides to the patient [for] up to 90 days after the operation. Moreover, orthopaedic surgeons are actively involved in the preventive care you mention. We are a specialty that focuses on limb preservation whenever possible and when it is in the best interests of the patient. Our approach to amputation follows the same careful, thoughtful approach, always with the patient's best interest as the primary focus.

It is also a mischaracterization to suggest that physicians are reimbursed ''immediately.'' The AAOS itself, along with numerous other organizations, has testified in Congressional hearings investigating the delays in reimbursement by Medicare and other payers that create additional administrative burdens making it more difficult to provide access to care for patients.

As you continue to pursue your health care reform agenda, we implore you to disengage from hyperbole and acknowledge that health care delivery can only be improved by recognizing that health care is a system in which orthopaedic surgeons play a crucial role. With $849 billion of our national economy impacted by musculoskeletal conditions, orthopaedic surgeons provide care that improves lives and puts peoplg back to work. Pediatric orthopaedic surgeons provide life-altering care to our nation's children and play an invaluable role in ensuring Medicaid patients have access to needed services. Military and civilian orthopaedic surgeons provide care to our service women and men, which preserves limbs and has improved survival rates over past conflicts. Orthopaedic trauma surgeons perform limb- and life-saving procedures and help to ensure that our communities have the medical services that we all deserve. Total hip and knee replacement surgeries are now two of the most successful operations in medicine through a predictable reduction in pain, restoration of function, and return of patients to both work and activities of daily living. And we are working every day to ensure that medicine provides Americans with disabilities the quality of life to which they are entitled.

The AAOS is committed to improving the American health care delivery system and increasing health care coverage. The most expedient way to accomplish your goal is to ensure that the debate is based in fact and reflects the value of the services that all physicians, including orthopaedic surgeons, provide. We request a meeting with you and your staff at your earliest convenience to discuss these important issues.

Sincerely,

JOSEPH D. ZUCKERMAN, MD,
President, American Academy of Orthopaedic Surgeons.

Mr. Speaker, it is remarkable that the leader of this Nation continues to suggest, as do our friends on the other side of the aisle and the majority party, that the quality of health care that's provided in this Nation is not of the highest quality in the world. In fact, it is.

If you look at disease-specific criteria, whether it's cancer or heart disease or diabetes or trauma or virtually any disease you can think of, Americans have the highest quality of care related to that specific diagnosis than anywhere in the world. It's why my friend from North Carolina said that when people are injured or have a disease from somewhere else in the world, they come, they flock to the United States by the hundreds of thousands to get care. And in this whole discussion about health care, to denigrate the care that's provided by compassionate and caring physicians and other providers around this Nation does a disservice to the debate and it makes it so that we are not talking about real things, about real things that affect real people.

So I implore the President, I call on the President, I call on the Speaker, I call on my friends on the other side of the aisle to know of which you speak when you are talking about health care, to make certain that when you are talking about issues that relate to accessibility for patients and affordability for patients and quality of care and responsiveness of a system and innovation in a system and choices that patients must have in order to gain the highest quality of care and the care that's most appropriate for them and their families.

Because, Mr. Speaker, as you may know, and as I hope the President now recognizes, that a given diagnosis in one patient doesn't necessarily mean that the same diagnosis in another patient is followed up with the same treatment, because no two people are the same. It's what this whole debate ignores. No two American citizens, no two individuals in this world, given the same diagnosis, regardless of that diagnosis, are absolutely the same, and the treatment that those individuals ought to receive ought to be determined by patients, those patients, and their families and caring and compassionate physicians.

This notion by the Secretary of Health and Human Services, by the President of the United States, by the Speaker of this House and by members of the majority party that somehow you could come up with some algorithm that if you just answer the questions correctly and march through the maze that the American people will be better served, Mr. Speaker, you know that's not true and I know that's not true.

When we come to this House, when we come to the United States Senate and we recognize that there are challenges that we face in the health care arena, we ought to come together as Americans and solve this challenge in a way that respects those principles of health care and respects the fundamental American principles that have allowed us to become the greatest nation in the history of mankind.

I look forward to that debate. I look forward to that discussion, and I look forward to being able to vote and have all Members of this body vote on a bill that will reform our health care system in a positive and productive way.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MEEK of Florida (at the request of Mr. HOYER) for today on account of business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

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

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

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

Mr. POE of Texas, for 5 minutes, September 25 and 29.

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today, September 23 and 24.

Mr. JONES, for 5 minutes, today, September 25 and 29.

Mr. FORBES, for 5 minutes, September 23.

Mr. BURTON of Indiana, for 5 minutes, September 25.

Mr. INGLIS, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today, September 23, 24 and 25.

Mr. SMITH of Nebraska, for 5 minutes, September 24.

Mr. BISHOP of Utah, for 5 minutes, September 23 and 24.

Mr. FRANKS of Arizona, for 5 minutes, September 23 and 24.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 11 o'clock and 16 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 23, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

3629. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Thomas Harbor, Charlotte Amalie, U.S.V.I. [COTP San Juan 07-079] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3630. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Thomas Harbor, Charlotte Amalie, U.S.V.I. [Docket No.: COTP San Juan 07-098] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3631. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Christiansted Harbor, Christiansted, U.S.V.I. [Docket No.: COTP San Juan 07-108] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3632. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Captain of the Port San Juan Tropical Cyclone Safety Zone [COTP San Juan 07-190] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3633. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zones: San Juan Harbor and Rio Grande, Puerto Rico [COTP San Juan 07-193] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3634. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Croix Coral Reef Swim, Buck Island Channel, USVI [Docket No.: COTP San Juan 07-219] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3635. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bahia de Guanica, Guanica, PR [Docket No.: COTP San Juan 07-250] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3636. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Sag Harbor Volunteer Ambulance Corp. Fireworks, Havens Beach, Sag Harbor, NY [CGD01-07-107] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3637. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Pier 67, Edgewater Hotel, Elliott Bay, Washington [CGD13-07-044] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3638. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bellevue, KY, Ohio River Mile 469.2 to 470.2 [Docket No.: COTP Ohio Valley 07-024] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3639. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tennessee River Mile Marker 255.5 to 256.5, Tuscumbia, AL [Docket No.: COTP Ohio Valley-07-027] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3640. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Pier 59/Seattle Aquarium and Pier 58, Elliott Bay, Washington [CGD13-07-045] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3641. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Clinch River Mile Marker 0.5 to Mile Marker 1.5, Kingston, TN [Docket No.: COTP Ohio Valley-07-028] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3642. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile 307.5 to 309.1, Huntington, WV [Docket No.: COTP Ohio Valley-07-029] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3643. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Pier 70/Waterfront Seafood Grill Restaurant, Elliott Bay, Washington [CGD13-07-046] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3644. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cumberland River Mile Marker 125.4 to 126.6, Clarksville, TN [Docket No.: COTP Ohio Valley-07-030] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3645. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Budd Inlet, West Bay, Olympia, Washington [CGD13-07-047] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3646. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile Marker 262.8 to Mile Marker 268.5, Point Pleasant, WV [Docket No.: COTP Ohio Valley-07-031] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3647. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Temporary Safety Zone; New Sauvie Island Bridge Arch Transfer Safety Zone, Terminal 2, Willamette River, Portland, Oregon [CGD13-07-050] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3648. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Warsaw, KY, Ohio River Mile 527.5 to 528.5 [Docket No.: COTP Ohio Valley 07-032] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3649. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Temporary Safety Zone; New Sauvie Island Bridge Arch Transfer Safety Zone, Terminal 2, Willamette River, Portland, Oregon [CGD13-07-050] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3650. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Port Everglades, Fort Lauderdale, Florida [COTP Miami 07-202] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3651. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Weather-Forced Closure of the Tillamook Bay Bar and Entrance [CGD13-07-058] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3652. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Oracle Air Show Demonstration, San Francisco Bay, CA [COTP San Francisco Bay 07-045] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3653. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Weather-Forced Closure of Quillayute River, Washington Coastal Bar [CGD13-07-059] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3654. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Butterfly Restaurant Fireworks Display, San Francisco, CA [COTP San Francisco Bay 07-046] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3655. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Weather-Forced Closure of the Columbia River Bar and Tillamook Bay Bar and Entrances [CGD13-08-001] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3656. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Paradise Cup Shoot Out, Franks Tract, CA [COTP San Francisco Bay 07-048] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3657. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Motor Vessel COSCO BUSAN, in San Francisco Bay, California [COTP San Francisco Bay 07-052] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3658. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ford Ironman 70.3 California Triathlon, Oceanside Harbor, CA [COTP San Diego 07-014] (RIN: 1625-00AA) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3659. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Jet Jam Performance Weekend Jet Ski Races, Lake Havasu, AZ [COTP San Diego 07-017] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3660. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; North San Diego Bay, San Diego, CA [COTP San Diego 07-051] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3661. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Miles 791.0 to 795.0, Evansville, IN [Docket No.: COPT Ohio Valley 07-021] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3662. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mission Bay, CA [COTP San Diego 07-052] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3663. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mission Bay, San Diego, CA [COTP San Diego 07-351] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3664. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River Mile Marker 82.3 to 83.3, Grand Tower, IL [Docket No.: COTP Ohio Valley-07-037] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3665. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi Mile Marker 54.0 to 54.8, Cape Girardeau, MO [Docket No.: COTP Ohio Valley-07-038] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3666. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cumberland River Mile Marker 190.6 to 191.1, Nashville, TN [Docket No.: COTP Ohio Valley-07-039] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3667. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tennessee River, Mile Markers 324.0 to 324.5, Huntsville, AL [Docket No.: COTP Ohio Valley-07-040] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3668. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cumberland River Mile Marker 126 to 127, Clarksville, TN [COTP Ohio Valley-07-041] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3669. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Kanwaha River Mile Marker 58.0 to 59.0, Charleston, WV [Docket No.: COTP Ohio Valley-07-043] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3670. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Weather-Forced Restriction of all vessel traffic on the Gray's Harbor, Washington Bar and entrance [CGD13-08-002] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3671. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tennessee River Mile Marker 471 to 476, Chattanooga, TN [Docket No.: COTP Ohio Valley-07-044] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3672. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Kennebunkport, ME Presidental Visit [CGD01-07-089] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3673. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile 931 to 935, Ledbetter, KY [COTP Ohio Valley-07-056] (RIN 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3674. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Kennebunkport, ME, Presidential Visit [CGD01-07-089] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3675. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: St. Peter's Fiesta Fireworks — Gloucester, Massachusetts [CGD01-07-090] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3676. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Point O'Woods Fire Department Fireworks, Great South Bay, Point O'Woods, NY [CGD01-07-106] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3677. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River Mile Marker 951 to 953, Cairo, IL [Docket No.: COTP Ohio Valley-07-035] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3678. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River Mile Marker 0.5 to 2.0, Cairo, IL [Docket No.: COTP Ohio Valley-07-036] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3679. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Christmas Boat Parade Fireworks, Patchogue Bay, Patchogue, NY [CGD01-07-160] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3680. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Christmas Boat Parade Fireworks, Patchogue River, Patchogue, NY [CGD01-07-159] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3681. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Salem Haunted Happenings, Salem, MA [Docket No.: CGD01-07-154] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3682. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone: Thames River Channel, New London, Connecticut [CGD01-07-149] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3683. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Gillette Castle Celebration Fireworks, Connecticut River, East Haddam, CT [CGD01-07-147] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3684. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Thames River Channel, New London, Connecticut [CGD01-07-146] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3685. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Marine Events on the Colorado River, between Davis Dam (Bullhead City, Arizona) and Headgate Dam (Parker, Arizona) [COTP San Diego 07-006] (RIN: 1625-AA08) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3686. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile Marker 602.0 to 603.5; Louisville, KY [Docket No.: COTP Ohio Valley 07-033] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3687. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile 496.8 to 497.8, Aurora, IN [Docket No.: COTP Ohio Valley-07-034] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3688. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 600 yards off North West shore of Lake Palourde, IVO Lake End Park Morgan City, LA [COTP Morgan City-07-005] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3689. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Morgan City-Port Allen Alternate Route, Mile Marker 14 to Mile Marker 16, bank to bank, Belle River, LA [COTP Morgan City-07-006] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3690. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 200 yards east to 200 yards west of the Lewis Street Swing Brige at MM52.5 Bayou Teche, New Iberia, Louisiana, bank to bank [COTP Morgan City-07-007] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3691. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway MM58.5 to MM59.5 WHL, bank to bank [COTP Morgan City-07-011] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3692. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River, Miles 604.4-605.0, Louisville, KY [COTP Ohio Valley 07-010] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3693. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile Marker 307.8 to 308.8, Huntington, WV [COTP Ohio Valley-07-011] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3694. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile Marker 182.5 to 183.5, Parkersburg, West Virginia [Docket No.: COTP Ohio Valley-07-013] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3695. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Kanwaha River Mile 46.1 to 57.1, Saint Albans, WV [Docket No.: COTP Ohio Valley-07-014] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3696. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cumberland River Mile Marker 126 to 127, Clarksville, TN [COTP Ohio Valley-07-015] (RIN: 1625-AA00) received September 11, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3697. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile Marker 943 to 944, Metropolis, IL [Docket No.: COTP Ohio Valley-07-016] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3698. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile 321.6 to 323.3, Ashland, KY [Docket No.: COTP Ohio Valley-07-017] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3699. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile 316.6 to 317.6, Big Sandy River Mile 0.0 to 0.5, South Point, OH [Docket No.: COTP Ohio Valley-07-018] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3700. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile 265.2 to 266.2, Kanawha River Mile 0.0 to 0.5, Point Pleasant, WV [Docket No.: COTP Ohio Valley-07-019] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3701. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile 355.5 to 356.5, Portsmouth, OH [Docket No.: COTP Ohio Valley-07-020] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3702. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ohio River Mile 171.3 to 172.6, Marietta, OH [Docket No.: COTP Ohio Valley-07-022] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3703. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cincinnati, OH, Ohio River Mile 461 to 470 [Docket No.: COTP Ohio Valley 07-023] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3704. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fox Wedding Fireworks, Boston, MA [CGD01-07-144] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3705. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fox Wedding Fireworks, Boston, MA [CGD01-07-144] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3706. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: The Event Store Fireworks, Southold Bay, Southold, NY [CGD01-07-143] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3707. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: NY Islanders Kick-Off Celebration Fireworks, Bayville, NY [CGD01-07-142] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3708. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Redstone Wedding Fireworks, Revere, MA [CGD01-07-131] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3709. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Celebrate Revere Fireworks, Revere, MA [CGD01-07-128] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3710. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Search and Rescue Operations, Quinnipiac River [CGD01-07-125] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3711. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Blynman Canal Bridge over the Blynman Canal, Gloucester, Massachusets [CGD01-07-124] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3712. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Friends of John Rouse Fireworks, East Beach, Port Jefferson, NY [CGD01-07-122] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3713. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Kennebunkport, ME Presidential Visit [CGD01-07-119] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3714. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Yankee Homecoming Fireworks, Newburyport, MA [CGD01-07-117] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3715. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Portland Harbor, Maine, The Zone Living Urban/Epic Triathlon [CGD01-07-114] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. CARDOZA: Committee on Rules. House Resolution 760. Resolution providing for consideration of the bill (H.R. 324) to establish the Santa Cruz Valley National Heritage Area, and for other purposes (Rept. 111–263). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. AUSTRIA (for himself, Mrs. BACHMANN, Mr. BURTON of Indiana, Mr. LEE of New York, Mr. KINGSTON, Mr. MANZULLO, Mr. NEUGEBAUER, Mr. BILBRAY, Mrs. BLACKBURN, Mr. LAMBORN, Mr. PITTS, Mr. HENSARLING, Mr. SCALISE, Mr. MARCHANT, Ms. FALLIN, Mr. AKIN, Mrs. LUMMIS, Mr. GINGREY of Georgia, Mr. POSEY, Mr. TIBERI, Mr. THOMPSON of Pennsylvania, Mr. CHAFFETZ, Mr. SOUDER, Mr. FLEMING, Mr. SESSIONS, Mr. TIAHRT, Mr. MORAN of Kansas, and Mr. CASSIDY):

H.R. 3610. A bill to amend the Internal Revenue Code of 1986 to improve access to health care by allowing a deduction for the health insurance costs of individuals, expanding health savings accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. BROUN of Georgia (for himself, Mr. BOREN, Mrs. MYRICK, Mr. GARRETT of New Jersey, Mr. LINDER, and Mr. TAYLOR):

H.R. 3611. A bill to restrict the diplomatic travel of officials and representatives of state sponsors of terrorism, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BROUN of Georgia (for himself, Mr. WESTMORELAND, Mr. DEAL of Georgia, and Mr. KINGSTON):

H.R. 3612. A bill to amend the Internal Revenue Code of 1986 to waive the 10 percent penalty with respect to early retirement distributions for certain unemployed individuals; to the Committee on Ways and Means.

By Mr. NEUGEBAUER:

H.R. 3613. A bill to amend the Ethics in Government Act of 1978 to modify financial disclosure filing requirements for certain employees of the Executive Office of the President; to the Committee on Oversight and Government Reform.

By Ms. VELÁZQUEZ:

H.R. 3614. A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business.

By Mr. SCHRADER (for himself, Mr. NUNES, Mr. KIND, Mr. BUCHANAN, Mrs. BLACKBURN, Mr. BRIGHT, Mrs. KIRKPATRICK of Arizona, Mrs. HALVORSON, Mr. MANZULLO, Mrs. MCMORRIS RODGERS, Mr. SCHAUER, Mr. WESTMORELAND, Mr. BOOZMAN, Mr. CARNEY, Mr. HALL of New York, Mr. HIMES, Ms. KOSMAS, Ms. MARKEY of Colorado, Mr. PAUL, Mr. SCHOCK, Mr. MINNICK, Mr. PERRIELLO, and Mr. NYE):

H.R. 3615. A bill to amend the Internal Revenue Code of 1986 to provide a standard home office deduction; to the Committee on Ways and Means.

By Ms. FALLIN:

H.R. 3616. A bill to expedite the exploration and development of oil and gas from Federal lands, and for other purposes; to the Committee on Natural Resources.

By Mr. OBERSTAR (for himself, Mr. RANGEL, Mr. DEFAZIO, Mr. LEWIS of Georgia, and Mr. NEAL of Massachusetts):

H.R. 3617. A bill to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Natural Resources, and Science and Technology, 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. OBERSTAR (for himself, Mr. MICA, Mr. CUMMINGS, and Mr. LOBIONDO):

H.R. 3618. A bill to provide for implementation of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science and Technology, 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. OBERSTAR (for himself and Mr. CUMMINGS):

H.R. 3619. A bill to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ALEXANDER:

H.R. 3620. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for employing members of the Ready Reserve and National Guard and veterans recently separated from the Armed Forces; to the Committee on Ways and Means.

By Mr. ALTMIRE:

H.R. 3621. A bill to require employees at a call center who either initiate or receive telephone calls to disclose the physical location of such employees; to the Committee on Energy and Commerce.

By Mr. BRIGHT:

H.R. 3622. A bill to amend the Internal Revenue Code of 1986 to allow a credit for the construction of pond establishments for the purposes of non-commercial recreational fishing and conservation of water-based wildlife habitats; to the Committee on Ways and Means.

By Mr. DAVIS of Alabama:

H.R. 3623. A bill to amend the Food, Conservation, and Energy Act of 2008 to provide funding for successful claimants following a determination on the merits of Pigford claims related to racial discrimination by the Department of Agriculture; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, 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. ISRAEL:

H.R. 3624. A bill to amend the Federal Food, Drug, and Cosmetic Act to ban the use of the arsenic compound known as roxarsone as a food additive; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York (for herself and Mr. PLATTS):

H.R. 3625. A bill to provide for the Secretary of Education to study and report on the marketing of foods and beverages in elementary and secondary schools; to the Committee on Education and Labor.

By Mrs. MCCARTHY of New York (for herself and Mrs. MALONEY):

H.R. 3626. A bill to amend section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) to promote and support breastfeeding; to the Committee on Education and Labor.

By Mr. PERRIELLO:

H.R. 3627. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for the cost of teleworking equipment and expenses in rural and small town America; to the Committee on Ways and Means.

By Mr. POE of Texas:

H.R. 3628. A bill to create a cause of action and allow standing in Federal courts against a country that denies or unreasonably delays the repatriation of a national ordered removed from the United States to such country who later commits a crime of violence in the United States, to withhold foreign assistance from each country that denies or unreasonably delays the repatriation of nationals of such country who have been ordered removed from the United States, to prohibit the issuance of visas to nationals of such country, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, 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. RODRIGUEZ (for himself and Mr. GRIJALVA):

H.R. 3629. A bill to require the Secretary of Homeland Security to develop and implement a mitigation plan to address the ecological impacts of border security measures and activities, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of South Carolina (for himself, Mr. WILSON of South Carolina, Mr. SPRATT, Mr. CLYBURN, Mr. BARRETT of South Carolina, and Mr. INGLIS):

H. Con. Res. 187. Concurrent resolution remembering the 20th anniversary of Hurricane Hugo, which struck Charleston, South Carolina on September 21 through September 22, 1989; to the Committee on Oversight and Government Reform.

By Mr. MCMAHON (for himself and Mr. HEINRICH):

H. Con. Res. 188. Concurrent resolution recognizing the 75th anniversary of the National Conference of State Liquor Administrators; to the Committee on the Judiciary.

By Ms. SCHWARTZ (for herself and Mr. HINCHEY):

H. Con. Res. 189. Concurrent resolution encouraging the Government of Iran to grant consular access by the Government of Switzerland to Joshua Fattal, Shane Bauer, and Sarah Shourd, and to allow the 3 young people to reunite with their families in the United States at the soonest possible opportunity; to the Committee on Foreign Affairs.

By Mr. CAMP (for himself and Mr. KILDEE):

H. Res. 759. A resolution expressing condolences to the family of Jim Pouillon on his passing; to the Committee on the Judiciary.

By Mr. MCGOVERN (for himself, Mr. WOLF, Mr. CROWLEY, Mr. SMITH of New Jersey, Mr. DELAHUNT, Mr. FLAKE, Ms. WATSON, Mr. ROHRABACHER, Mr. SIRES, Mr. DREIER, Mr. CONNOLLY of Virginia, Mrs. EMERSON, Mr. SHERMAN, Mr. MCMAHON, Mr. GENE GREEN of Texas, Ms. BERKLEY, Mr. MILLER of North Carolina, Mr. SCOTT of Georgia, Ms. WOOLSEY, Mr. ELLISON, Mr. KLEIN of Florida, Mrs. CAPPS, Mr. OLVER, Mr. COURTNEY, Mr. HARE, Mr. NEAL of Massachusetts, Mr. COSTELLO, Mr. NADLER of New York, Ms. EDWARDS of Maryland, Ms. SLAUGHTER, Mr. TIERNEY, Mr. ARCURI, Mr. LYNCH, and Mr. PASTOR of Arizona):

H. Res. 761. A resolution remembering and commemorating the lives and work of Jesuit Fathers Ignacio Ellacuria, Ignacio Martin-Baro, Segundo Montes, Amando Lopez, Juan Ramon Moreno, Joaquin Lopez y Lopez, and housekeeper Julia Elba Ramos and her daughter Celina Mariset Ramos on the occasion of the 20th anniversary of their deaths at the University of Central America Jose Simeon Canas located in San Salvador, El Salvador on November 16, 1989; to the Committee on Foreign Affairs.

By Mr. HINCHEY (for himself, Mr. SERRANO, Mr. MASSA, Ms. SLAUGHTER, Mr. HALL of New York, Mr. ENGEL, Mr. MURPHY of New York, and Mr. TONKO):

H. Res. 762. A resolution honoring the Hudson River School painters for their contributions to the United States; to the Committee on Oversight and Government Reform.

By Mr. POE of Texas (for himself, Ms. ROS-LEHTINEN, Mr. FRANKS of Arizona, and Mr. INGLIS):

H. Res. 763. A resolution expressing the sense of the House of Representatives that the United Nations resolutions on the ''defamation of religions'' are incompatible with the fundamental freedoms of individuals to freely exercise and peacefully express their religious beliefs; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

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

H.R. 122: Mr. AUSTRIA and Mr. MORAN of Kansas.

H.R. 147: Mr. CONNOLLY of Virginia, Mr. SMITH of New Jersey, and Mr. HEINRICH.

H.R. 197: Mr. MCCLINTOCK.

H.R. 208: Mr. GINGREY of Georgia, Mrs. MCMORRIS RODGERS, Mr. COSTELLO, Mr. LEE of New York, Mr. PUTNAM, Mr. JONES, Mr. MACK, Mr. LYNCH, Mrs. HALVORSON, and Mr. REHBERG.

H.R. 213: Mr. SNYDER.

H.R. 272: Mr. TIBERI.

H.R. 275: Mr. KLINE of Minnesota and Mr. JORDAN of Ohio.

H.R. 303: Mr. DRIEHAUS, Mr. PETERSON, and Mr. LANGEVIN.

H.R. 305: Mr. FILNER.

H.R. 333: Mr. DRIEHAUS, Mrs. MCMORRIS RODGERS, and Mr. KENNEDY.

H.R. 391: Mr. BRADY of Texas, Mr. DANIEL E. LUNGREN of California, and Mr. BLUNT.

H.R. 422: Mr. FRANKS of Arizona, Mr. WOLF, and Mr. PAYNE.

H.R. 471: Mr. CARNEY, Mr. VISCLOSKY, Mr. HARE, Mr. DOYLE, and Mr. WOLF.

H.R. 571: Mr. MCMAHON and Mrs. MYRICK.

H.R. 621: Mr. ROE of Tennessee.

H.R. 649: Mr. JONES.

H.R. 678: Mr. MCGOVERN.

H.R. 690: Mr. HIMES and Mr. AUSTRIA.

H.R. 734: Mr. TEAGUE and Mr. BOREN.

H.R. 795: Mr. AL GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. RUSH, and Ms. RICHARDSON.

H.R. 811: Mr. PETERSON.

H.R. 816: Mr. DAVIS of Tennessee, Mr. ROE of Tennessee, Mr. PIERLUISI, Mr. PUTNAM, Mr. BOCCIERI, Mr. LANGEVIN, Mr. LOBIONDO, Mr. HONDA, Mr. SHUSTER, Mr. INGLIS, Mr. PETERSON, Mrs. DAHLKEMPER, Ms. SCHAKOWSKY, and Mr. ADERHOLT.

H.R. 847: Mr. SIRES and Mr. LIPINSKI.

H.R. 855: Ms. SPEIER and Mr. WILSON of South Carolina.

H.R. 868: Mr. PATRICK J. MURPHY of Pennsylvania, Ms. BERKLEY, Mrs. MCCARTHY of New York, and Mr. YARMUTH.

H.R. 930: Mr. BAIRD.

H.R. 953: Mr. MAFFEI, Mr. NYE, and Ms. MARKEY of Colorado.

H.R. 1017: Mr. HIMES.

H.R. 1074: Mr. MCCLINTOCK and Mr. SHUSTER.

H.R. 1079: Ms. SCHAKOWSKY and Mr. PITTS.

H.R. 1086: Mr. WILSON of South Carolina.

H.R. 1147: Mrs. DAVIS of California.

H.R. 1173: Mr. MCGOVERN.

H.R. 1182: Mr. REHBERG, Mr. RAHALL, Mr. ELLSWORTH, Mr. COSTELLO, Mr. KANJORSKI, Mrs. HALVORSON, and Mr. MARSHALL.

H.R. 1203: Ms. SCHWARTZ.

H.R. 1207: Mr. MILLER of North Carolina.

H.R. 1242: Mr. LYNCH and Mrs. BIGGERT.

H.R. 1245: Mr. LUCAS.

H.R. 1255: Mr. MORAN of Kansas.

H.R. 1269: Mr. CHAFFETZ.

H.R. 1283: Mr. FALEOMAVAEGA.

H.R. 1300: Mr. FORBES.

H.R. 1322: Ms. ZOE LOFGREN of California and Ms. SLAUGHTER.

H.R. 1326: Mr. MURPHY of Connecticut.

H.R. 1339: Mr. BURGESS and Mr. COBLE.

H.R. 1454: Ms. SLAUGHTER and Mr. MASSA.

H.R. 1456: Mr. GRIJALVA.

H.R. 1474: Mr. COHEN.

H.R. 1548: Mr. PETERS.

H.R. 1570: Mr. FRANK of Massachusetts.

H.R. 1587: Mrs. MYRICK.

H.R. 1588: Mr. CULBERSON.

H.R. 1590: Mr. MCMAHON, Mr. ROTHMAN of New Jersey, Mr. SESTAK, Mrs. MILLER of Michigan, Ms. SCHAKOWSKY, and Mr. LEVIN.

H.R. 1608: Mr. TONKO.

H.R. 1618: Mr. DOGGETT.

H.R. 1628: Mr. MCCLINTOCK.

H.R. 1646: Mr. KLEIN of Florida.

H.R. 1695: Mr. WITTMAN, Mrs. MCMORRIS RODGERS, Ms. TITUS, Mr. KANJORSKI, Mr. COSTELLO, and Mr. KENNEDY.

H.R. 1727: Mr. RADANOVICH.

H.R. 1806: Mr. MCMAHON.

H.R. 1826: Mr. CHANDLER.

H.R. 1831: Mr. DRIEHAUS, Mr. FARR, Mr. ADLER of New Jersey, Mr. SCOTT of Georgia, and Ms. KAPTUR.

H.R. 1835: Mr. KING of New York, Mr. HODES, and Mr. ISSA.

H.R. 1864: Mr. MACK and Mr. KENNEDY.

H.R. 1885: Mr. YOUNG of Alaska.

H.R. 1917: Mr. SESTAK.

H.R. 1924: Ms. BALDWIN.

H.R. 1964: Mr. BRADY of Pennsylvania.

H.R. 1969: Mr. AL GREEN of Texas.

H.R. 1977: Mrs. MCCARTHY of New York and Mr. SCALISE.

H.R. 1985: Ms. CASTOR of Florida.

H.R. 1993: Mr. SARBANES and Mr. HALL of New York.

H.R. 2002: Mr. COHEN.

H.R. 2006: Mrs. NAPOLITANO.

H.R. 2017: Mr. FOSTER and Mr. MCNERNEY.

H.R. 2054: Mr. ISRAEL.

H.R. 2061: Mr. MORAN of Kansas.

H.R. 2067: Ms. SLAUGHTER and Mr. CAPUANO.

H.R. 2084: Mr. MORAN of Virginia.

H.R. 2138: Mr. LEE of New York and Ms. SLAUGHTER.

H.R. 2140: Mr. ISRAEL.

H.R. 2149: Mr. FRANK of Massachusetts and Mr. SCOTT of Virginia.

H.R. 2170: Mr. REHBERG.

H.R. 2194: Mr. ETHERIDGE and Mr. HELLER.

H.R. 2214: Mr. WAXMAN.

H.R. 2254: Mr. LOBIONDO, Mr. SCHRADER, and Mr. COHEN.

H.R. 2269: Mr. GUTIERREZ.

H.R. 2296: Mr. DANIEL E. LUNGREN of California.

H.R. 2302: Mr. BISHOP of Georgia and Mr. DAVIS of Kentucky.

H.R. 2319: Mr. PETRI.

H.R. 2328: Mr. EHLERS.

H.R. 2329: Mr. CHILDERS, Mr. SKELTON, Mrs. MILLER of Michigan, Mr. PERRIELLO, and Mr. DAVIS of Kentucky.

H.R. 2365: Ms. SLAUGHTER.

H.R. 2393: Mr. SHULER.

H.R. 2408: Mr. TERRY.

H.R. 2413: Mr. YOUNG of Alaska, Mr. HIMES, and Ms. FUDGE.

H.R. 2429: Mr. SESTAK and Mr. CARNAHAN.

H.R. 2452: Mr. DEAL of Georgia, Mr. MARCHANT, Mrs. BACHMANN, Mr. BILBRAY, and Mr. BRALEY of Iowa.

H.R. 2476: Mr. BISHOP of Utah.

H.R. 2478: Mr. BAIRD, Mr. CARNAHAN, and Mr. PITTS.

H.R. 2499: Mr. NEAL of Massachusetts and Ms. HERSETH SANDLIN.

H.R. 2523: Mr. SABLAN.

H.R. 2555: Mr. ANDREWS.

H.R. 2567: Mr. WALZ and Ms. SUTTON.

H.R. 2573: Mr. WALZ.

H.R. 2575: Mr. CHAFFETZ.

H.R. 2626: Ms. MCCOLLUM.

H.R. 2695: Mr. ELLISON.

H.R. 2697: Mr. RYAN of Ohio and Ms. CHU.

H.R. 2708: Ms. CHU.

H.R. 2715: Mr. CALVERT.

H.R. 2733: Mr. ELLSWORTH and Mr. BURTON of Indiana.

H.R. 2736: Mr. ISRAEL, Mr. HODES, Mr. ALTMIRE, Mr. BOREN, and Ms. BERKLEY.

H.R. 2737: Mr. POSEY, Mr. MINNICK, Mrs. DAVIS of California, Mr. STUPAK, Mr. STEARNS, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. COHEN, Mrs. CAPITO, Mr. MAFFEI, Ms. BERKLEY, Mr. CAPUANO, Mr. TERRY, Mr. MCMAHON, Mr. SCHIFF, Mr. LOBIONDO, and Mr. ELLISON.

H.R. 2807: Ms. SCHAKOWSKY.

H.R. 2817: Mr. SCHIFF.

H.R. 2935: Mr. PITTS and Mr. DOYLE.

H.R. 2936: Mr. CARNEY and Mr. HOLDEN.

H.R. 2941: Mr. BAIRD, Mr. LIPINSKI, Ms. MATSUI, and Ms. ROYBAL-ALLARD.

H.R. 2964: Ms. WASSERMAN SCHULTZ.

H.R. 3012: Mr. RUSH and Mr. HEINRICH.

H.R. 3017: Mr. RYAN of Ohio, Mr. PIERLUISI, Mr. HINOJOSA, Mr. YARMUTH, Ms. CHU, Mr.

MEEKS of New York, Mr. DICKS, Ms. MOORE of Wisconsin, Mr. RUSH, Mr. AL GREEN of Texas, Mr. TOWNS, Ms. WATSON, Mr. BRALEY of Iowa, Mr. BAIRD, Mr. ARCURI, and Mr. DAVIS of Illinois.

H.R. 3042: Mr. COHEN and Mr. TONKO.

H.R. 3043: Mr. KENNEDY, Mr. JOHNSON of Georgia, Mr. HINOJOSA, and Mrs. MCCARTHY of New York.

H.R. 3070: Ms. JACKSON-LEE of Texas, Ms. FUDGE, Mr. DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DRIEHAUS, Mr. MEEKS of New York, Mr. ELLISON, Ms. BORDALLO, Mr. CUMMINGS, Ms. LEE of California, Mr. DOGGETT, Mr. MCGOVERN, Mr. BURTON of Indiana, Ms. KAPTUR, Mr. LEVIN, Mr. CARSON of Indiana, Mr. SERRANO, and Mr. WOLF.

H.R. 3085: Mr. COLE.

H.R. 3105: Mr. DANIEL E. LUNGREN of California and Mrs. BONO MACK.

H.R. 3141: Mr. TEAGUE.

H.R. 3206: Mr. OLVER, Ms. WATSON, and Mr. BAIRD.

H.R. 3226: Mr. FRELINGHUYSEN, Mr. DAVIS of Kentucky, Mr. LANCE, and Mrs. BIGGERT.

H.R. 3245: Mr. WAXMAN.

H.R. 3308: Mr. FORTENBERRY.

H.R. 3336: Mr. HOLDEN, Mr. WELCH, and Mr. DOGGETT.

H.R. 3339: Mr. GRIJALVA and Mr. INSLEE.

H.R. 3355: Mr. AL GREEN of Texas, Mr. PLATTS, and Mr. FOSTER.

H.R. 3365: Mr. HINOJOSA, Mr. MINNICK, Mr. BOUCHER, and Mr. BERMAN.

H.R. 3371: Mr. HIMES.

H.R. 3383: Mr. LEE of New York.

H.R. 3398: Mr. LARSEN of Washington.

H.R. 3400: Mr. TIAHRT.

H.R. 3454: Mr. THOMPSON of Mississippi.

H.R. 3485: Mr. HINCHEY and Mr. HALL of New York.

H.R. 3486: Mr. RAHALL, Mr. SARBANES, Mr. FILNER, Mr. HARE, Ms. KAPTUR, and Mr. LOBIONDO.

H.R. 3488: Mr. VAN HOLLEN and Ms. BALDWIN.

H.R. 3508: Mr. DENT, Mr. PITTS, and Mr. BURTON of Indiana.

H.R. 3522: Mr. WALZ.

H.R. 3524: Mr. FARR, Ms. ESHOO, and Mr. HEINRICH.

H.R. 3536: Mr. GRAYSON and Mr. WILSON of Ohio.

H.R. 3548: Mr. SIRES, Ms. HIRONO, Mr. WILSON of Ohio, Ms. WASSERMAN SCHULTZ, Ms. SUTTON, Ms. RICHARDSON, Mr. ACKERMAN, Mr. SERRANO, Mr. AL GREEN of Texas, Mr. ROGERS of Michigan, and Mr. SHERMAN.

H.R. 3554: Mr. RODRIGUEZ, Ms. KAPTUR, Mr. SMITH of Washington, and Mr. RAHALL.

H.R. 3569: Mr. SAM JOHNSON of Texas, Mr. REHBERG, Mr. CASSIDY, Mr. CULBERSON, Mrs. BLACKBURN, Mr. JONES, Mr. BONNER, Mrs. BACHMANN, Mr. WESTMORELAND, Mr. ROE of Tennessee, Mr. SULLIVAN, Mr. LANCE, Mr. ALEXANDER, Mr. SENSENBRENNER, and Mrs. BIGGERT.

H.R. 3571: Mr. FRELINGHUYSEN, Mr. SHADEGG, and Mr. SCHOCK.

H.R. 3572: Mr. GINGREY of Georgia.

H.R. 3584: Mr. CLEAVER and Mr. LIPINSKI.

H.R. 3586: Mr. PAULSEN.

H.R. 3597: Ms. SLAUGHTER and Mrs. MALONEY.

H.R. 3607: Mr. LEWIS of Georgia.

H.R. 3608: Ms. RICHARDSON, Mr. HONDA, Mr. BONNER, Mr. ABERCROMBIE, Mr. OBERSTAR, and Mr. LUCAS.

H.J. Res. 47: Mr. LAMBORN and Mr. LEE of New York.

H. Con. Res. 43: Ms. NORTON.

H. Con. Res. 52: Mr. SESTAK.

H. Con. Res. 74: Mr. WHITFIELD.

H. Con. Res. 149: Mr. FRANKS of Arizona.

H. Con. Res. 151: Ms. WOOLSEY, Mr. KLEIN of Florida, Mr. ELLISON, Ms. BERKLEY, Mr. SIRES, Mr. CAO, Ms. JACKSON-LEE of Texas, Mr. SCOTT of Georgia, Mr. ROSS, and Mr. GENE GREEN of Texas.

H. Con. Res. 158: Mr. JOHNSON of Georgia, Mr. MCINTYRE, and Mr. PRICE of North Carolina.

H. Con. Res. 160: Mr. BURGESS, Mr. KRATOVIL, and Mr. SULLIVAN. H. Con. Res. 163: Mr. ELLISON.

H. Con. Res. 170: Mr. WEXLER.

H. Con. Res. 177: Mr. POE of Texas, Mr. CAO, Mr. FILNER, Mr. MOORE of Kansas, Ms. BORDALLO, Ms. NORTON, Ms. MARKEY of Colorado, Mr. HOLDEN, Mr. COBLE, Mr. GERLACH, and Mr. SKELTON.

H. Con. Res. 181: Mr. LEE of New York and Mr. SCHAUER.

H. Con. Res. 186: Ms. SCHAKOWSKY.

H. Res. 16: Mr. GUTHRIE, Mr. CAMPBELL, Mr. GERLACH, Mrs. BACHMANN, Mr. MANZULLO, Mr. NEUGEBAUER, Mr. PUTNAM, Mr. CONAWAY, Mr. SHIMKUS, Mr. DAVIS of Kentucky, Mr. GARRETT of New Jersey, Mr. JONES, Mr. CASTLE, Mr. EHLERS, Mrs. BLACKBURN, Mr. LAMBORN, Mr. PAUL, Ms. JENKINS, Mr. BACHUS, Mrs. CAPITO, Mr. BARRETT of South Carolina, Mr. HENSARLING, Mr. KIRK, Mr. LEWIS of California, Mr. TIBERI, Mr. BURTON of Indiana, Mr. FORTENBERRY, Mr. WILSON of South Carolina, Mr. TERRY, Mr. TURNER, Mr. LEE of New York, Mr. MCCARTHY of California, Mr. GARY G. MILLER of California, Ms. MOORE of Wisconsin, Mr. MOORE of Kansas, Mr. HINOJOSA, Mr. HOLDEN, Mr. CLAY, Mr. DENT, Mr. CAPUANO, Mrs. MCCARTHY of New York, Ms. KOSMAS, Mr. SCOTT of Georgia, Mr. CARNEY, Mr. MURTHA, Mr. HIMES, Mr. CROWLEY, Mr. ALTMIRE, Mr. PETERS, Mr. SESSIONS, and Mr. KING of New York.

H. Res. 55: Mr. SMITH of Texas and Mr. WILSON of South Carolina.

H. Res. 111: Mr. HARPER and Mr. CLAY.

H. Res. 175: Mr. ENGEL and Mr. CAO.

H. Res. 200: Mr. COHEN.

H. Res. 209: Mr. SESTAK.

H. Res. 255: Mr. HASTINGS of Florida and Mr. TANNER.

H. Res. 291: Mr. NYE and Mr. BACA.

H. Res. 351: Mrs. KIRKPATRICK of Arizona.

H. Res. 414: Mrs. EMERSON.

H. Res. 441: Mr. DONNELLY of Indiana and Mr. HIMES.

H. Res. 491: Ms. SUTTON.

H. Res. 605: Mr. TOWNS.

H. Res. 613: Ms. SLAUGHTER.

H. Res. 615: Mr. BUCHANAN and Mr. THOMPSON of Pennsylvania.

H. Res. 630: Mr. WALZ, Mr. MEEKS of New York, and Mr. HARE.

H. Res. 666: Mr. DANIEL E. LUNGREN of California and Mr. CAO.

H. Res. 672: Mr. AL GREEN of Texas.

H. Res. 692: Mr. RYAN of Ohio, Mr. LEWIS of Georgia, Mr. BUTTERFIELD, Mr. BOSWELL, Ms. LEE of California, Ms. RICHARDSON, Mr. BARROW, Mr. DAVIS of Tennessee, Mr. POLIS, and Mr. ROSS.

H. Res. 693: Mr. GRIJALVA, Mr. FARR, Mr. MELANCON, Mr. CUELLAR, Mr. KUCINICH, Mr. KING of New York, Mr. PERLMUTTER, Mr. HASTINGS of Florida, Mr. INSLEE, Mr. MOORE of Kansas, Ms. WATERS, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, and Mr. BISHOP of New York.

H. Res. 704: Mrs. DAVIS of California, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CLEAVER, Mr. GENE GREEN of Texas, Mr. NYE, Mr. STARK, Mr. HALL of New York, Mr. TOWNS, and Mr. AL GREEN of Texas.

H. Res. 707: Mr. WAMP.

H. Res. 711: Mr. HONDA and Mr. SCHIFF.

H. Res. 715: Mr. MURPHY of Connecticut, Mr. GUTIERREZ, Mr. COHEN, Mr. SMITH of New Jersey, Mr. LIPINSKI, Mr. MASSA, Mr. RYAN of Ohio, and Mr. HALL of New York.

H. Res. 716: Ms. RICHARDSON.

H. Res. 717: Ms. WOOLSEY.

H. Res. 721: Mr. KINGSTON, Mr. INGLIS, and Mr. NUNES.

H. Res. 727: Mr. BAIRD, Mr. LEVIN, Ms. SHEA-PORTER, Mr. BISHOP of Georgia, and Mr. MURTHA.

H. Res. 729: Mrs. BACHMANN.

H. Res. 733: Mr. WOLF, Mr. LEE of New York, Mr. SHERMAN, Mr. MCMAHON, Mr. LYNCH, Ms. FALLIN, and Mr. LARSEN of Washington.

H. Res. 736: Mr. NYE, Ms. SCHWARTZ, Mr. JOHNSON of Georgia, Mrs. MCCARTHY of New York, Mr. KIRK, and Mr. MCGOVERN.

H. Res. 739: Mr. TANNER, Mr. GENE GREEN of Texas, Mr. MARSHALL, Mr. THOMPSON of Pennsylvania, Mr. POMEROY, Mr. ACKERMAN, and Mr. CARNAHAN.

H. Res. 740: Mr. SMITH of Nebraska, Mr. KIND, and Mr. SKELTON.

H. Res. 742: Mr. HOLDEN, Mr. MCINTYRE, Mr. TANNER, Mr. BOSWELL, and Mr. JONES.

H. Res. 743: Mr. CROWLEY, Ms. KOSMAS, Mr. HIMES, Mr. DELAHUNT, Mr. MAFFEI, Mrs. DAHLKEMPER, Ms. DEGETTE, Mr. WALZ, Mr. QUIGLEY, Mr. CARNEY, Mr. KENNEDY, Mr. ARCURI, Mr. ANDREWS, Mr. KILDEE, Mr. PATRICK J. MURPHY of Pennsylvania, Mrs. CAPPS, Mr. MCGOVERN, Mr. HOLDEN, and Mr. PAYNE.

H. Res. 748: Mrs. MCMORRIS RODGERS.

H. Res. 749: Mr. ROHRABACHER.

H. Res. 752: Mr. GEORGE MILLER of California, Mr. RAHALL, Mr. SCHOCK, Mr. JOHNSON of Illinois, and Mr. SHIMKUS.

H. Res. 754: Mr. COURTNEY, Mr. CONAWAY, Mr. SNYDER, Mr. MCKEON, Mr. LOBIONDO, Mr. MASSA, Mr. BARTLETT, Mr. ROONEY, Mr. KRATOVIL, Mr. DAVIS of Kentucky, Mr. AKIN, Mr. ROGERS of Alabama, Mr. PIERLUISI, Ms. CORRINE BROWN of Florida, Mr. CAO, Mr. LARSON of Connecticut, Mr. HIGGINS, Mr. YOUNG of Alaska, Mr. PAYNE, Mr. SESSIONS, Mr. SCALISE, Mr. TIAHRT, Mr. BOSWELL, Mrs. BLACKBURN, Mr. FILNER, Mr. WOLF, and Mr. TAYLOR.

H. Res. 758: Ms. WATSON and Mrs. NAPOLITANO.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. RAHALL

H.R. 324, the Santa Cruz Valley National Heritage Area Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of Rule XXI.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, TUESDAY, SEPTEMBER 22, 2009 *No. 134*

Senate

The Senate met at 10 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

PRAYER

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

Let us pray.

O God, we pray many prayers for many reasons, and we thank You for hearing us. Today, we ask You to give our Senators a spirit of wisdom that will save them from all false choices and will provide them with a straight path on which to walk without stumbling. Set a seal upon their lips so that no thoughtless words shall sting or harm another. May they meet today's tasks with courage and kindness, showing that they are Your children. Lord, empower them to see clearly the solutions they couldn't discover without Your help, as You remind them that all things are possible to those who believe in You. Help them to commit to You the challenges and decisions they will face, believing that You will enable them to serve with excellence.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROLAND W. BURRIS led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 22, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BURRIS 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. Mr. President, following leader remarks, there will be a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each. The Republicans will control the first half, the majority will control the final half-hour.

Following morning business, the Senate will resume consideration of H.R. 2996, the Interior appropriations bill. At 12 o'clock, the Senate will proceed to a vote in relation to the Feinstein amendment. The Senate will then recess from 12:30 to 2:15 p.m. for the weekly caucus luncheons.

The official Senate photograph of the 111th Congress is at 2:15 p.m. today. Senators should be seated at their desks in the Chamber promptly at 2:15.

Several things. No. 1, on the Interior appropriations bill, today is the day for Members to offer amendments. They had Thursday, yesterday, and today, so this is the time they should act because I am not sure what we will do after today, but we are not going to spend more time on this bill. We shouldn't, at least. I hope we don't have to because we have to get to the Defense appropriations bill at the earliest possible date.

As to the photograph, normally what we do is we come in and convene at 2:15 and recess until the photograph is completed, and that is what we will do today, more than likely.

I would also say that, as we speak, the Finance Committee has been involved in a markup of that important piece of legislation for 1 hour now. They started at 9 o'clock. They probably will only make opening statements this morning before the weekly caucus luncheons. After that, the amendment process will start.

There will be a decision made, hopefully within the next several days, as to how we will proceed on this legislation. It is my hope we will have a bill reported out of that committee that will be brought to the floor, and then my responsibility will be to meld that bill with the HELP bill so we can have a piece of legislation on the Senate floor in the near future.

This is an important step in the process. It is a step I am confident will bring results that will be favorable to the country. If we can't work this out—to do something within the committee structure—then we will be forced to do the reconciliation. Of course, that will be a last resort. I know a number of steps we can take before we do that, but a reconciliation bill is there for us. It was put there by the Budget Committee.

If we can't come up with a bipartisan bill with the help of a few Republicans, then we will have to go the route of reconciliation. On reconciliation, under the order, there is only 20 hours of debate. It would be a free amendment process, which would take some time. We have done reconciliation on many different issues in recent years. We have done it on a number of health care issues, including the Medicare legislation. But it remains to be seen as to whether we will have to do reconciliation. I am confident and hopeful we won't have to do that but only time will tell.

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

I would also say, we have scheduled the recess for the Columbus Day week. The reason that is done is because if we don't have that break, there would be 11 weeks until Thanksgiving and that is difficult. The Senate has changed over the years. Many Senators' families are in places other than Washington and 11 weeks is difficult not to have a week you can go home. But whether we will be able to keep that whole week depends a lot on when we get to health care legislation. It is obvious that if we are in the middle of health care, we can't take a recess for 1 week. So we will see as time goes on.

We have CBO scoring and that will take a little bit of time and there are always difficulties that arise when you have a major piece of legislation such as this. But the schedule is as we have outlined it. We have given all interested parties the days that there will be no votes, and we do have that week scheduled now for a recess, but when that was done, we did it indicating it may not come to be. It is according to what happens with the schedule.

We have a number of must-do things, and hopefully some of those will be done before the end of the month. We have to make a decision on the highway bill, we have postal reform, and we have a continuing resolution because we won't be able to complete all the appropriations bills prior to the end of the month. So there are a lot of things to do, and we will do our best to get them all done.

RECOGNITION OF THE MINORITY LEADER

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

HEALTH CARE

Mr. MCCONNELL. Mr. President, today, the Senate Finance Committee will start to amend the health care proposal that its chairman, Senator BAUCUS, released last week. Before that work begins, I think it is important to remind Americans what this plan would mean for them.

Put simply, this plan calls for more and more government intrusion into the health care system and pays for it with $350 billion in new taxes and hundreds of billions of dollars in Medicare cuts. So in the name of cutting costs, this plan raises taxes on virtually every American who uses our health care system.

Here are some of the tax increases in this plan: If you have insurance, this plan taxes you in the form of a new tax on insurance companies, which will then be passed on to consumers.

If you don't have insurance, this plan taxes you, too, by saying that the consequence of not maintaining insurance is an excise tax that could run as high as $3,800 a year.

If you use a medical device—such as a hearing aid or an artificial heart—this plan taxes you, and it also includes new taxes on everything from MRIs to contact lenses.

If you need laboratory tests for prevention, screening or diagnosis, this plan taxes them too.

If you are an employer who can't afford to provide health insurance to your employees, this plan taxes you—a tax that businesses across the country have warned could kill more jobs in the middle of a recession.

If you, similar to tens of millions of other Americans, take prescription drugs, this plan taxes you too.

This plan also increases taxes on about 1 in 10 family insurance policies, according to one policy group, and this tax will extend to more and more plans over time.

In short, if you have health insurance or you don't, you are taxed. If you seek preventive care, you are taxed. If you need a medical device, well, that is taxed too. At a time when Americans are demanding lower health care costs, this plan would drive them even higher.

As I said earlier, this plan also contains hundreds of billions of dollars in Medicare cuts, which will hurt America's seniors. It contains $130 billion in cuts to Medicare Advantage, a program that gives 11 million seniors more choices and options when it comes to their health care. One Democratic Senator described these cuts as ''intolerable.''

The President recently said that seniors currently on Medicare Advantage would be able to get coverage that is ''just as good.'' Seniors, however, want to keep the insurance they already have.

This plan contains nearly $120 billion in Medicare cuts for hospitals that care for seniors—cuts that organizations such as the Kentucky Hospital Association have warned against because of the negative effect they would have on services to seniors in Kentucky and in other States.

This plan includes more than $40 billion in cuts to home health agencies that let seniors receive care in their homes rather than having to go into a nursing home. This plan contains $8 billion in cuts to hospice care, a service that provides dignity and comfort to seniors at the end of life.

Everyone agrees that Medicare needs reform but, instead of trying to address the problems at hand, this plan uses Medicare as a piggy bank to pay for new government programs that could very well have the same fiscal problems Medicare does.

Americans want reforms that make care more affordable and keep government out of health care decisions. They do not want a so-called reform that would actually make care more expensive and would put government bureaucrats in charge of health care decisions.

Americans have sent a clear message to lawmakers in Washington over the past months: No more trillion-dollar programs, no more debt, and no more taxes. This plan for health care fails all these tests. That is why it is so important for the Finance Committee to give this proposal serious and careful consideration. I have listed just a few of the things that concern people about this plan. With 564 amendments filed from both Democrats and Republicans, it is clear we need to slow down and take the time necessary to address the serious bipartisan concerns about the plan.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half.

The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senator from New Hampshire and I be permitted to engage in a colloquy.

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

STUDENT LOANS

Mr. ALEXANDER. Mr. President, I don't think we can say it too often—though some people may tire of hearing Republican Senators saying it—we have too much debt and too many Washington takeovers. Today, we want to talk about the latest Washington takeover, the latest huge addition to the national debt, which is the voluntary takeover of the Federal Family Education Loan Program.

Rather than describe the situation myself, let me go to the New York Times article, on September 14, to paint the picture.

> Between financial rescue missions and the economic stimulus program, government spending accounts for a bigger share of the nation's economy—26 percent—than at any time since World War II. The government is financing 9 out of 10 new mortgages in the United States. If you buy a car from General Motors, you are buying from a company that is 60 percent owned by the government. If you take out a car loan or run up your credit card, the chances are good that the government is financing both your debt and that of your bank. And if you buy life insurance from the American International Group, you will be buying from a company that is almost 80 percent federally owned. Mr. Obama plans to argue, [the Obama administration says], that these government intrusions will be temporary.

If that is true, then why is the Obama administration insisting and the Democrats in the Senate and the House are insisting that we take the Federal student loan program which works very well and turn it wholly into a government-run program; borrow a lot more money, maybe $500 billion or $600 billion over the next 5 or 6 years, and turn the Secretary of Education into a competitor for banker of the year instead of educator of the year?

Just the size of this undertaking is enough to stagger the imagination. There are 19 million new student loans every year. They are made through 2,000 lenders at 4,421 schools. At 1,600 schools, one out of four of the student loans, you can get the money directly from the Federal Government. But ever since I was U.S. Secretary of Education in the early 1990s, students have preferred their local institutions. Now the President comes along and says we are going to have a lot of savings, we are going to have $87 billion in savings over the next 10 years, so we should end the student loan program as we know it and turn it all over to the government and have people stand in line at the U.S. Department of Education each year to get 19 million loans.

The Senator from New Hampshire is the former chairman of the Budget Committee, the ranking member of the Budget Committee, perhaps the leading Senator in this body on budgetary matters. I would ask him this question: Is there really $87 billion in savings over the next 10 years which the President and the Democratic majorities should be able to spend?

Mr. GREGG. Let me first congratulate the Senator from Tennessee for bringing this matter to the attention of the Senate because if there were ever a shell game being played on the American people, this is it.

The administration has alleged they are going to save $87 billion. Then they have gone out with great zeal and enthusiasm and spent every cent of it—spent every cent of it. It turns out there is not $87 billion saved. CBO, when it looks at this and does so in a forthright way, using standard accounting procedures which we would use in most instances, determines the savings are closer to $47 billion.

Mr. ALEXANDER. If I may interrupt the Senator for a moment, you mean the Congressional Budget Office, whose Director is appointed by the Democratic majority, has said that instead of $87 billion in savings, it is $47 billion; is that correct?

Mr. GREGG. That is correct. But they are subject to very arcane rules. They came up with the $87 billion using the arcane rules. I asked them to look at this in an honest way, using standard accounting rules, the same rules used by the Congressional Budget Office for other credit events. They concluded that if we use those and were able to use those and were not bound by the arcane score-keeping rules—it is not their fault, they are bound by law to use a different standard here—the real savings is $47 billion. That is what they said. They said that using the proper accounting methods for looking at this, the true savings is $47 billion, which, of course, begs the question of, what are you going to use that for? They are going to spend $87 billion, so actually they are going to run up a deficit on this whole exercise of a lot of money on the taxpayers in the claim that they are saving money.

Mr. ALEXANDER. This $47 billion, just so I follow this, is the actual savings. Let me see if I can understand the figures a little better. The government's basic argument here is it can borrow money cheaper than banks can borrow money and then re-lend it to students, which is true. I think the government can borrow money at one-quarter of 1 percent. But the government is lending the money to students at about 6.8 percent depending on the loan. So even if it is $87 billion or $47 billion over 10 years, doesn't that mean the government is overcharging students who are getting student loans and then using that money for new programs?

Mr. GREGG. The Senator is going to the essence of what really drove this decision. This is not a decision about saving money, this is a decision about spending money. That may seem counterintuitive, but what you have to understand is that if the administration could get a score from CBO that says they are going to save $87 billion or they are going to save $47 billion, then they get to spend that money. So no money is being saved—none. The money is being spent on different programs.

What should have happened here, if they were going to have integrity about their proposals, is exactly what the Senator from Tennessee is basically suggesting, which is the whole $87 billion should have been saved. It should not have been spent, it should have been saved and added to reduce the debt.

There is no reason the government should be making $47 billion off our students any more than they should be making $87 billion off our students, if they are going to go solely to a Federal direct loan program.

Mr. ALEXANDER. These 19 million loans every year, we know who these people are. They are our sons and daughters. They are people in our families. Sometimes they have two jobs while they try to go to school. Maybe they have no job; they have gotten laid off and they are going back to school. They can get a student loan. But the government has borrowed the money at one-quarter of 1 percent and loaned it to them at nearly 7 percent and is taking that profit, whatever the amount is, and spending it on something else.

Mr. GREGG. The Senator from Tennessee is absolutely right. It truly is a cynical act because basically they are claiming savings when they are actually creating a capacity to spend more money, which they spend. This is Washington-speak at its worst. It reflects the attitude, really, of this administration, which is that they are not interested in controlling spending or reducing the debt. When they find $87 billion, which they claim they have—they actually only have $47 billion—they want to spend it as soon as they can, and they have. This spending has already occurred even though the program has not been put in place to save this money. They have already outlined how they are going to put this money out the door, not using it to reduce the debt.

But the Senator from Tennessee is right on a second point too. It should have been zero. In other words, there is no reason, if you are going to take this course of action and you are going to maintain intellectual integrity, that there should be any money being spent here. The full $47 billion should flow to the benefit of the students.

Mr. ALEXANDER. I am not ready to say there is $47 billion of savings. That assumes the U.S. Department of Education, which makes about a fourth of the current student loans in the country—which is 3 million loans a year, and it spends about $700 million a year on that—can make 18 or 19 million student loans a year from the same amount of administrative costs. That doesn't sound likely to me. If that is true, then even the $47 billion is a wrong number.

Mr. GREGG. No one is more expert in this area than the Senator from Tennessee, having served as one of the leading Governors on the issue of education when he was Governor of Tennessee and then going on to be the Secretary of Education. He understands how the Department of Education works. I certainly subscribe to his view. It does not smell right. Clearly, if they are going to increase their activities by this size, they are going to have a massive increase in cost.

Another question on which I would be interested in the thoughts of the Senator from Tennessee is, what happens to the students? I know some people get a little frustrated just trying to get their driver's licenses renewed in this country. Can you imagine having to go find the Department of Education and getting a student loan from that Department? I would be interested to get the Senator's thoughts on what kind of nightmare that is going to be for our students.

Mr. ALEXANDER. That is a pretty big nightmare. The Senator and I both worked on ways of simplifying the Free Application for Federal Student Aid or FAFSA. There are millions of individuals and families this year in America who have to get this government form, fill it out, and tell all about themselves in order to get a Pell grant or apply for a student loan, one way or the other. That is very complicated. I have been trying to imagine how the U.S. Department of Education, one of the smallest departments in the country, which has

in its higher education part of its division simply a mechanism for sending money out—Pell grants, paying bills—how it is going to make 19 million new loans a year.

In my State of Tennessee, the nonprofit provider of student loans, one of the 2,000 lenders that exist in the country to serve students in New Hampshire or everywhere—these are some of the things they do. They have five regional outreach counselors to canvass Tennessee to provide college and career planning; they made 443 presentations through college fairs; they worked 12,000 students to improve their understanding of college admissions and financial aid; they provided training to over 1,000 school counselors so they could work with students; they sent out 1.5 million financial aid brochures for Tennessee students. I cannot imagine the Department of Education having the capacity to do that.

I think the Senator is right. I think we are going to see long lines of very upset students, starting in January—because that is when they start filling out those forms—saying: What has happened here? I have to line up at the U.S. Department of Education to get my student loan, 19 million of us?

Mr. GREGG. I think the Senator from Tennessee has hit one of the core issues here, independent of the fact that this is just a scam to create more room to spend more money to spend on other programs, and it is scamming the students by hitting them with $47 billion of interest payments which they should not have to pay if this is followed. But the Senator has raised another valuable question here, which is obviously students were reasonably comfortable with the system the way it worked because 75 percent of the students had opted to pursue the private sector loan process. Granted it was a little more expensive for them—not dramatically by student; obviously cumulatively it was, but not dramatically by student. But I think they took that option because it was so much more convenient.

In our society, which is reasonably capitalistic—but becoming less so under this administration; obviously we are moving down the road toward a Socialist state—but independent of that, people often pay a little more for the convenience of it, for the convenience of having an efficiently delivered loan, for the convenience of knowing whom to talk to when you have a problem, for the convenience of basically being able to go get answers quickly to your questions. Essentially, that is what these higher education authorities created in every State. Tennessee has one. New Hampshire has one. They are really good people. They are, for the most part, except for their executive director, volunteers. Their purpose is to make sure students have very prompt access to student loans which are significant enough for them to pay for their education and that it is also done in a way that is convenient so they do not have to end up just getting lost in a massive bureaucracy. I suspect every congressional office is going to have to become a massive clearinghouse for student loan problems. We don't have that now. We have problems with a lot of programs and agencies, but student loans is not one of them.

It really is a big issue of the marketplace having voted with their feet, so to say. The students in this country voted to use the guaranteed loan system, pay a little bit more for the purposes of the convenience they were being given by having that sort of easy access and substantive information right at hand, versus going to the government and getting overwhelmed by a government bureaucracy which is often indifferent to consumer issues and is difficult to deal with.

Mr. ALEXANDER. I appreciate the comments of the Senator.

In President Obama's address to us on health care the other day, he said:

> My guiding principle is and always has been, the consumers do better when there is choice and competition. That is how the market works.

I guess he means except when we are talking about student loans.

Twenty years ago, we set up a system to give people a choice, and, as you said, they voted with their feet. This past year, 14 million students made a choice to be under the regular student loan program. They are at 4,000 campuses, went to 2,000 lenders, they got a lot of extra services, I assume, or they could have come to the Department of Education, which about 4.5 million students chose to do. The Senator has made it clear that the excuse for doing—but, well, let me say this.

I guess the Senator has heard many times the President and people on the other side of the aisle say: Well, we inherited this problem. The reason we own General Motors, or 60 percent of it, is because we inherited it from President Bush. Or: The reason we are dealing with the American International Group Insurance Company is because we inherited that problem. Or: The reason we had to take over the banks is we inherited that problem.

Well, this is a completely voluntary Washington takeover, if I am not mistaken.

Mr. GREGG. The Senator is once again correct. There is a macro issue of economics here. Although it is tangential to the Senator's primary concern, which is the very legitimate concern of: Why are we taking all of this money from students if we are going to do this type of program? And why are we spending all of this money even before we take it in? And why are we putting students through having to stand in line like at the DMV to get a loan?

There is a macro issue here, which is for the government to take over all of this debt means we are going to add $500 billion to $600 billion to the government ledger. We are now nowhere near that in the student loan area because we are not primarily responsible for the debt.

As a result, you are going to have some significant crowding out. It could easily aggravate our ability to borrow money for the purposes of financing these massive deficits the President wants to run, the trillion-dollar deficits every year for the next 10 years that are in the budget.

I do not think it will be a massive issue, but it will be a significant issue. It could affect the rate of interest which we have to pay as a government. It could affect other nations looking at us and saying: Do we have too much debt on our books?

Most of this debt will go into a revolving fund, and hopefully it will be repaid, as it is traditionally. But the initial debt will still have to be put on the books at some point.

Mr. ALEXANDER. Well, I thank the Senator. I think what we have seen is getting to be too familiar around here, an action by the administration, another Washington takeover, more debt, to the tune of $500 billion or $600 billion, more debt. You said on the $87 billion or $47 billion spending of money we do not really have.

Mr. GREGG. Well, the $87 billion is what has been spent. That is what they are going to spend.

Mr. ALEXANDER. They are going to spend the $87 billion. As you have eloquently said: There is no $87 billion. That adds to the debt.

Then there is the problem of 19 million students lining up at the Department of Education to get their student loans starting in January. Perhaps we need a piece of truth-in-lending legislation that would go on every student loan application that says: Congratulations. Your government is making you a student loan. We borrowed it at one-quarter of 1 percent, and we are going to loan it to you at 6.8 percent, and we are going to spend twice that much on new programs that we thought of while we take over the entire student loan program.

Mr. GREGG. I would say the Senator from Tennessee has hit on a very appropriate disclosure issue that should be on every one of those loans.

Mr. ALEXANDER. Unless the Senator from New Hampshire has further comments, I yield the floor.

Mr. GREGG. I appreciate the courtesy of the Senator from Tennessee.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. How much time is remaining?

The ACTING PRESIDENT pro tempore. There is 9½ minutes.

Mr. ALEXANDER. Please let me know when 1 minute remains.

NUCLEAR POWER

Mr. ALEXANDER. Mr. President, today President Obama told the countries of the world thatthe United States is ready to lead on climate change. But while he is reassuring world leaders, he has a lot of work to do with us in the Senate.

Only yesterday in The Wall Street Journal, John Bruton, the European Ambassador to the United States, chided the Senate, saying:

Is the US. Senate really expecting all the other countries to make a serious effort on climate change at the Copenhagen Conference in the absence of a clear commitment from the United States? Asking an international Conference to sit around looking out the window for months, while one chamber of the legislature of one country deals with its otherbusiness, is simply not a realistic political position.

Now I understand the Ambassador's frustration, but I hope he understands that the Senate has work to do other than deal with climate change and energy. Reforming health care involving one-sixth of our Nation's economy is not somethingthe Senate is going to do in a hurry.

On the matter of climate change, however, he is asking a legitimate question. An even better question might be this: ''How can the United States lecture other countries about climate change when we won't take advantage of the one technology that shows the most promise of dealing with it?'' I am talking, of course, about nuclear power, which produces 19 percent of all our electricity but 70 percent of our carbon-free electricity.

Coal-fired powerplants produce 36 percent of the carbon dioxide; the principal greenhouse gas that most scientists believe contributes to global warming. Of the top five countries that produce carbon, indeed that produce most of the carbon in the world, four, China, Russia, India and Japan, are committed to a bold program of expansion of nuclear power.

Only the United States is not. We are the country that invented nuclear power, and we have not started a new nuclear plant in 30 years even though the 104 reactors we built during the 1970s which produce 19 percent of all our electricity, and produce 70 percent of our carbon-free electricity.

So, if climate change is the inconvenient problem, as my fellow Tennessean Al Gore says, the other large carbon-emitting nations are posing a legitimate and truly inconvenient question: If we, they may say, are building dozens of carbon-free nuclear powerplants in an effort to deal with climate change, why are you lecturing us when you have not started a new plant in 30 years and yourPresident and everyone in his administration seems to become tongue-tied or get a stomach ache whenever someone mentions the idea of nuclear power.

Everyone, that is, except the one member of the administration who knows the most about nuclear power, Dr.Steven Chu, the Nobel Prize winning scientist who heads the Energy Department. We have heard many say that the Bushadministration did a poor job of listening to scientists. Well, then, perhaps it is fair for me to suggest that the Obamaadministration, including the President, might do more listening to their chief scientist, Dr. Chu.

In testimony before Congress, Dr. Chu has flatly said that nuclear powerplants are safe.

He has said that the used nuclear fuel from those plants,the nuclear waste, can be safely stored on site for 40–60 years while scientists engage in a mini-Manhattan Project like the one we had in World War II to find the best possible way to recycleused nuclear fuel. Most likely that will mean that the waste's massis reduced by 97 percent and it will only be radioactive for 300 years instead of 1 million, or that it will be continuously used over and over again so there is none of the plutonium that might be used to make bombs.

In an interview on National Public Radio the other day, Dr.Chu said that he would rather live down the river from a nuclear plant than other forms of producing energy. ''There's less pollution we know about that's very dangerous. The nuclear power plants' record in the United States is really very, very good,'' he said.

Our whole fleet of 104 reactors is up and running 90 percent of the time, which shows we know how to operate nuclear powerplants better and more safely than any other country. Even France does not run its reactors as well and they have got plenty of experience, they get 80 percent of their electricity from nuclear power.

But if we have learned to run reactors in this country, we stillcannot bring ourselves to build any new ones. We have been stuck at about 100 reactors for 20 years now. We built those 100 reactors from 1970 to 1990 at a time when we had never built any before yet now that we have got all that under our belt we cannot seem to get started on the new generation.

But while we have not been able to start a new plant in 30 years, the rest of the world is taking the technology we invented and using it to create cheap, reliable, carbon-free electricity from nuclear plants. There are 44 reactors under construction right this minute, most of them in Asia. Asia? Yes, without most Americans realizing it, the center of gravity of nuclear innovation has moved to the Far East. China has four reactors under construction and has announced plans for 130 more. Russia intends to build two reactors a year in order to replace the 30 percent of their electricity they get from natural gas so they can sell the gas to Europe at six times the price they get at home. Japan already gets 36 percent of its electricity from nuclear, almost twice what we get, and is building two more reactors. South Korea gets nearly 40 percent of its electricity from nuclear and is planning eight more reactors by 2015. They have even got their own design now, a 1400-megawatt next generation reactor that evolved out of something they borrowed from us. India is developing thorium reactors instead of uranium and has a design for a mini-reactor that they are going to market to developed countries.

Just look down the list of the ten top carbon-emitting countries as listed in yesterday's Wall Street Journal. I have already mentioned that of the top five, China, the U.S., Russia, India and Japan, we are the only one that does not have an active nuclear construction program. Of the next four, Germany, Canada, the U.K., and South Korea, only Germany claims they do not want nuclear, but they are buying significant amounts of nuclear electricity from France.

Then there is the number 10 carbon emitter, Iran. Now that is an interesting case. A few months ago, President Obama said it was OK for Iran to develop a civilian nuclear power program, he did not have any problem with that. But if it is alright for Iran to have a nuclear power program, why cannot we do the same thing over here?

Leading on climate change does not require passing a complicated cap-and-trade regime with renewable energy mandates that will impose a huge new tax on energy, stifle economic growth, and leave us with intermittent and unreliable alternative energy sources such as wind and solar. That is the wrong direction.

It is time to lead by example and not just words. It is time to embrace the one technology that truly has the possibility of powering a prosperous planet without ruining the environment or covering our treasured landscapes with energy sprawl. It is time to build 100 new nuclear plants in the next 20 years.

And the bonus is we will get plenty of so-called green jobs out of it, twice as many as building the 186,000 wind turbines that it would take to create an amount of electricity equal to 100 new nuclear plants. Building 100 new reactors is going to mean rebuilding a forgotten American infrastructure. We are going to have to build steel forges that can turn out these 600-ton reactor vessels, which is something we cannot do in this country right now. The Japanese and the Chinese and the Russians are all working on it, but we are not. We are going to need scientists, we are going to need construction workers, and we are going to need a whole new generation of nuclear engineers and technicians to replace the last generation that is getting ready to retire.

I ask unanimous consent for 1 additional minute.

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

But the prize we are going to get for it is stable, reliable, low-cost, as well as carbon-free electricity, that will once again allow us to manufacture things in this country again instead of shipping all those jobs overseas looking for cheap energy. We can put America back to work building a whole new infrastructure based on the greatest scientific discovery of the 20th century.

Then when our President visits the United Nations or Copenhagen, he might be able to lead on climate change and he might not receive so

many lectures from other countries that are busy building nuclear powerplants because they understand that if climate change is the inconvenient problem, nuclear power is the inconvenient but best and most environmentally beneficial solution.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Mr. CARDIN. I ask unanimous consent that I be permitted to speak for up to 10 minutes, followed by Senator DURBIN.

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

WATER INFRASTRUCTURE

Mr. CARDIN. I am happy that when morning business comes to an end we will resume consideration of the fiscal year 2010 Interior Appropriations bill.

I have come to the floor today to support the significant increase in funding for water infrastructure included in that legislation. We in Maryland have witnessed one more dramatic reminder that the water infrastructure of this country is in dire straits and in desperate need of new attention and greater investment.

This past Friday afternoon, water surged for hours from a broken 6-foot-wide water main in Dundalk, MD. The raging water covered streets, pouring water into basements of many homes in Baltimore County, causing significant property damage. The raging water washed out main roads in the area causing significant damage to the infrastructure of the community. Here we see the road being washed out by the water that flowed through this community.

This past Friday I was in Dundalk for the groundbreaking of a new housing development. This is a proud, historic community in Baltimore County. It was devastating, the damage that was done to this community as a result of infrastructure that failed. I would like to say this is an isolated episode but, unfortunately, this is not the first time in the past year we have witnessed instances such as this. Last December, a water main broke sending a 4-foot wall of water down a busy commuter road in Bethesda, MD, just outside of Washington. Here we see the headlines from the paper. Rescue workers were trying to rescue stranded drivers. This was River Road that turned into a river as a result of another water main break in Maryland. The water flowed with such force that Maryland State emergency workers had to rescue some drivers by boat and even by helicopter. Here we see a dramatic rescue. Fortunately, no one was injured, but we could have seen the loss of life.

We need to deal with infrastructure, the pipes of our Nation. While these incidents were perhaps some of the most dramatic, there have been hundreds of water main breaks, large and small, across Maryland over the last year alone, and we are likely to see more instances such as this in the future. According to the EPA's 2004 clean watershed needs survey, Maryland has nearly $6 billion in wastewater infrastructure needs alone. But Maryland is not unique in facing a crisis when it comes to water infrastructure. These episodes have been repeated throughout the Nation. Our water infrastructure is reaching a tipping point in many places, having long outlived its 50-year lifespan. The American Society of Civil Engineers rated both wastewater and drinking water systems a D minus, the lowest rating of any infrastructure category.

These problems are compounded by a growing population and more frequent cycles of floods and droughts affecting communities. The Environmental Protection Agency estimates an additional $6 billion per year will be needed to meet the Nation's wastewater infrastructure needs, and $5 billion will be needed for drinking water needs.

This is a matter of protecting the safety of people. This is an issue of preventing property damage. Many don't have insurance to cover it because they didn't think they lived in a flood-prone area. They didn't expect a water main to cause a flood in their homes. We need it to save water. We are wasting a lot of water. We need it to save energy because we transport water in an inefficient energy way.

The Interior appropriations bill, which we will be considering today, makes a significant investment in our Nation's water infrastructure. It contains $2.1 billion for improvements to wastewater infrastructure through the Clean Water State Revolving Fund. This amounts to $1.4 billion more than Congress appropriated in the last fiscal year. The bill also contains almost $1.4 billion for the Drinking Water State Revolving Fund. This is almost $600 million more than Congress appropriated last year. These funding levels come on top of $6 billion for water infrastructure that is going to States as part of the American Recovery and Reinvestment Act. Much of this new commitment is thanks to a new administration that has recognized the infrastructure crisis and is doing something about it. That commitment is echoed by my colleagues, Senators Feinstein and Alexander, who have included investments in the bill we are considering today. I thank them for their commitment, but new investment alone is not enough. That is why I have introduced, along with Senators Boxer, Inhofe, and Crapo, S. 1005, the Water Infrastructure Financing Act of 2009. This is a bipartisan effort, as it should be, to improve America's infrastructure.

The Water Infrastructure Financing Act of 2009 truly represents a watershed moment in the legislative history of the Clean Water Act and the Safe Drinking Water Act. First and foremost, the bill makes it possible for us to continue considerable investment in the Nation's aging infrastructure by significantly increasing authorizations for clean water and drinking water. The bill provides $20 billion for the Clean Water State Revolving Fund and nearly $15 billion for the Drinking Water State Revolving Fund over the next 5 years.

The bill goes further to develop new tools to address some of our pressing and growing water infrastructure needs. It allows new and important types of projects to qualify for funding, including efforts to secure wastewater and drinking water facilities and green infrastructure that is often more effective and less expensive than traditional infrastructure. The bill provides additional flexibility in the Clean Water State Revolving Fund to help poor communities by providing loan forgiveness and improving financing, an ability that is especially important as budget cuts make critical infrastructure investment beyond the reach of many communities.

The legislation creates nearly $2 billion in grant programs to make infrastructure upgrades that will reduce the number of combined and sanitary sewer overflows. These overflows are estimated to contribute 850 billion gallons of untreated sewage and storm water to the Nation's waterways every year. There is a new $60-million-per-year nationwide grant program to provide funding to States and municipalities to reduce lead in drinking water to protect our children. The bill also contains a new $50 billion nationwide grant program to address water quality issues associated with agriculture. The bill gives new incentives for water utilities to plan for the future so we don't face another crisis of failing infrastructure 20, 50, or 75 years down the road.

This legislation has the support of broad constituencies: utility construction contractors, engineers and manufacturers, labor organizations, environmental groups, the clean water agencies, regulators, academics, and local government.

The bill was reported out of the Environment and Public Works Committee by a voice vote, a strong bipartisan vote. Americans have the right to clean water flowing through their streams, rivers, and bays. We have the right to drinking water that is healthy.

While I proudly support H.R. 2996, the Department of Interior Appropriations Act of 2010, I hope the full Senate will have the opportunity to vote on the Water Infrastructure Financing Act of 2009 this year. If so, we will be keeping faith with the American people by providing the tools necessary to meet their basic human health and environmental needs. We will help provide water systems that can keep water running through the pipes rather than down the streets, as we saw in Dundalk this past weekend.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I commend the Senator from Maryland. The

issue he has spoken of is one we can address in every single State where aging infrastructure is taking its toll in terms of the public services each family and business expects. It is something we can use to our advantage by channeling the resources of this country into building and rebuilding infrastructure and creating much needed jobs.

I thank the Senator from Maryland. I am more than happy to support his efforts.

HEALTH CARE REFORM

Mr. DURBIN. Mr. President, I come to the floor to speak about an issue that looms over the Senate and the Capitol like no other. In the ebb and flow of the history of the Senate, many issues come and go, but few come before us with the importance of the issue of health care reform.

Earlier this month, the U.S. Census Bureau released data on the income, poverty, and health coverage of Americans. The number of Americans living without health insurance is staggering: 46.3 million people were uninsured last year. The issue of the uninsured is not a question of us versus them. The uninsured are everywhere in America. Most of the people without health insurance today are working or are in a family with someone who works.

Who are these people? They are not the poorest in America; we care for the poorest. We provide them health insurance known as Medicaid. They are not the fortunate ones such as myself or many others who have health insurance. They are folks who get up and go to work every day without the peace of mind of knowing that they have health insurance protection for themselves and their families. These are the people who made your bed and cleaned your hotel room this morning, the ones who fixed your breakfast and cleared the dishes off the table in the restaurant. They are watching your children and your grandchildren even as you go to work. They are taking care of your mom in an assisted living center and changing her bed linens. They include the realtor who helped you find your new home or sell the home. They include many veterans who served our country with pride and now find themselves in an unfortunate circumstance. In fact, 8 in 10 of the nonelderly uninsured live in families where the head of the family goes to work every single day. Not everyone who works for a large employer is lucky enough to have health coverage. Twenty-two percent of people in America working for firms with 500 or more employees are uninsured.

Here is another important part to understand. Many people without health insurance are not among the poorest. One-third of the families without health insurance are making more than $44,000 a year. Despite making a moderate income, these individuals either work for an employer who doesn't offer health coverage or they can't find coverage they can afford. For the average U.S. family who has coverage, the worker and employer together paid an extra $1,017 last year in health care premiums to compensate for the uninsured.

When the uninsured people reach a stage in life where they desperately need health care, they go to an emergency room. Hospitals don't turn them away; they treat them. Their expenses are not paid for. They are passed along to those with health insurance. It means those of us who pay health insurance premiums pay about $90 a month more to cover uncompensated care for the uninsured. That is a reality.

The lack of insurance is not only about dollars though; it is also about lives. A study released last week by the American Journal of Public Health revealed that nearly 45,000 annual deaths in America are associated with lack of health insurance. In other words, the myth that people without insurance ultimately get the same care as everyone else is not true. The uninsured in America are more likely to die. I will give two examples. Things are getting worse for these families. This figure linking ''uninsurance'' or lack of insurance with premature death is 2.5 times higher than an estimate from the Institute of Medicine for just 5 years ago. Deaths associated with lack of health insurance now exceed those caused by many common killers. The increase in the number of uninsured and our Nation's eroding medical safety net for the disadvantaged help explain the substantial increase we have seen in the number of deaths associated with the lack of health insurance. The simple fact is that the uninsured are more likely to go without needed care, and that lack of health care coverage takes its toll.

Is this what America has come to? We have too many people who are unable to get health care when they need it. My constituents know the story well. Let me cite a story about a woman from Chicago. To protect her identity, I will call her Monica. Monica came to the State of Illinois after Hurricane Katrina destroyed her home and took her sister's life. Today she has a small tatoo of her sister's name on her arm with a hurricane over it. She came to Chicago, lived in FEMA-funded emergency housing but became homeless when the FEMA funds ran out. She stayed in overnight emergency shelters for 2 years. She found herself in desperate need of help. But when she thought things couldn't get worse, she was stabbed outside one of these overnight shelters and admitted to Sinai Hospital in Chicago. Sinai is one of the great hospitals that serves some of the poorest people in that great city. I commend all of the people who keep that hospital's doors open and work to keep quality services available for even the poorest in the city.

As it turned out, that stabbing saved her life. In the hospital, the medical team discovered she had hypertension and hepatitis C. The social worker enrolled Monica in a local program for the homeless and uninsured with chronic medical conditions. With help from this program and the hospital's social worker, she learned where to go for medical care and how to find help to rebuild her life. That was last summer. Today Monica has her own apartment and is managing her health. She is one of thousands of people who walk around with life-threatening chronic conditions such as hypertension and hepatitis C, conditions that go undiagnosed and untreated because these people can't seek care without health insurance.

She is trying. Monica is doing her best. She wants to be self-sufficient. She wants to be a contributing member of society, a giver not a taker. But she still lives in fear of being one accident, one illness, one diagnosis away from losing everything she has been able to accumulate in her life.

That is the fear people face when they don't have insurance. Let me tell you of another fear. It is a fear that many families face every day, and Verta Wells' children know this fear.

Verta is a constituent of mine from the downstate area—right near my home in Springfield. She and her sister were adopted by loving parents, and she has grown up in the town I call home since she was 5 years old. Verta is a veteran of the U.S. Army. She raised two sons in Springfield and had a steady job. Health insurance was not a problem, and she was working.

As the parent of two boys, Verta's medical care was covered by Illinois Children's Health Insurance Program. It covers just not the kids but also a single mom such as Verta. She was a young and healthy mother. She worked at the local Steak n' Shake, which in my part of the world is the local restaurant to go for a hamburger and a milkshake. It is a great restaurant. It is clean and the help is always very good.

Working at that restaurant, she enrolled in school part time to become a medical assistant. She wanted to do better in her life. Without a pressing illness, she took the insurance card for granted because she did not need it. As time went on, though, she learned how valuable that insurance card could be.

One night, Verta, doing a self-examination, found a lump in her breast. Her youngest son was then 17 years old, which meant Verta had 1 more year of health insurance under the Children's Health Insurance Program. Thankfully, she was able to go to a doctor for a mammogram. Three days later, the doctors told her the sad news that the lump was malignant.

The All Kids Program—the version of CHIP in our State of Illinois—paid for her treatment, and Verta was happy to come out the other side as a healthy breast cancer survivor. Her son graduated from high school and life looked good. Unfortunately, this is not where the story ended.

For some time after her initial surgery for breast cancer, Verta experienced a pain in her chest. There was just one difference. With her kids now grown and over the age of 18, Verta did not have any health insurance anymore.

The pain grew worse. Verta knew she had lost her insurance, but she was aware of a program called the Breast and Cervical Cancer Early Detection Program—a program that provides free care to uninsured women in our community.

She enrolled in the program and went in for a mammogram. Despite the pain, the doctor did not find anything. Given her history, the doctor recommended, though, that she go see an oncologist at that point just in case, just to be absolutely sure.

Verta might have gone, but it worried her that the visit was not covered by any health insurance. She was worried about the bills that were starting to pile up. After all, that earlier mammogram was clean, and the program covers women with breast cancer, so she felt somewhat confident she did not have to go any further.

She loved working with her oncologist. The last thing she wanted to do was stick him with an unpaid bill. And she knew she could not pay a large medical bill on her waitress's salary. So she went on as if everything was OK.

But several months later, she felt another lump in her chest. Still thinking her mammogram was fine, still worried about medical care she could not pay for, Verta did not check in with her specialist, her oncologist—until one day when she felt so dizzy she was forced to go to the emergency room. They diagnosed Verta with metastatic cancer. That was just a few months ago. Today, Verta is no longer with us.

Is this what we have come to in America—a hard-working young mother without access to health insurance, afraid to go to the doctor, delaying care, and dying too soon? That is the reality.

So when we talk about health care reform, we talk about several needs here. Earlier on the floor, the Republican leader came and talked about the fact that we are talking about changes—basic changes—in the system, he said, that involved taxes, and certainly we have to be honest about the cost of any reform. But, unfortunately, most on the other side of the aisle have not joined us in this debate. They are not sitting down with us and trying to work out a bipartisan bill. And, sadly, very few, if any, of them have any alternative to the current health care system in this country.

Even if you are happy with your insurance today, most people have this lingering doubt about whether it will be there when they need it. Will that health insurance company turn you down when you absolutely need to have them pay for a serious surgery or important medical work? Are they going to fight you over how much money they will pay? Will they go through your application for insurance and say: Oh, you didn't disclose a preexisting condition and, therefore, we are not going to cover you? That happens way too often. As it happens, more and more people end up in debt—sometimes crippling debt.

In the last few years, the number of individuals and families in America filing for personal bankruptcy because of medical bills has doubled. It went from 31 percent to 62 percent in just a few years. Of the 62 percent who filed for bankruptcy because they could not pay their medical bills, 78 percent of them had health insurance. It turned out to be health insurance that did not mean much. It was not worth much when they needed it.

That is the reality today. It turns out that many people who go to bed at night rest easy believing they have health insurance but find—because of that accident or that diagnosis—they are in a pitched battle with the health insurance companies, which they often lose. Losing it destroys their life savings and everything they have ever worked for.

That kind of uncertainty, that kind of insecurity is why we are in the midst of this important debate. It is why we should have both sides of the aisle looking for practical, commonsense solutions, focused on keeping people healthy and well in America, and giving them security and stability when it comes to their health insurance. But, instead, there is not enough conversation and dialogue in the Senate. Unfortunately, at many town meetings across America, there was much more shoving and shouting than there was real conversation about how to solve this challenge that faces America.

There are several things we need to do. We need to end insurance company discrimination. Insurance companies must be stopped from denying coverage to Americans with preexisting conditions, such as heart disease, cancer or diabetes. No longer should they be free to raise premiums or drop coverage when it turns out you are sick and need your health insurance.

We also need to lower health care costs and reduce the Federal deficit because if we do not tackle health care, believe me, the cost of Medicaid and Medicare and the overall cost to governments at every level will continue to escalate, and those who are genuinely concerned about the debt facing our country have to acknowledge this could drive America's debt out of control, unless we do something about the cost of health care.

The Congressional Budget Office estimates that one of the bills, being considered today in the Finance Committee, will lower premium costs for Americans purchasing coverage in the individual and small group markets. They say the bill effectively slows the growth of Federal health care spending over the long term and could save us up to $49 billion over the next 10 years.

We need to also improve our focus on wellness and prevention. We need to work to change the focus of our health care from sickness to wellness, how we can avoid medical costs, keep people healthy, give them the independence of living at home with the peace of mind to know they are in good hands with a good doctor and good hospital, if they need it, but they are doing important things, making personal decisions to improve their own health. We do this in most of the bills before Congress, focusing on preventive care and wellness.

We need to ensure quality health care coverage for millions of Americans who go without every single day. This is not just a matter of economics; it is a matter of justice. To think that we live in this great and prosperous nation—even struggling with this recession—that we turn and find 46 million Americans without health insurance coverage has to be unacceptable. I know what I am about to say some will disagree with, but I think peace of mind and health care coverage should be a right in America, not a privilege for those lucky enough to work in the right place or have enough money.

We also need to cut down on fraud, waste, and abuse. There is a program called Medicare Advantage. The private health insurance companies came to us several years ago and said: Government, you are not running this government program well. Let us offer Medicare benefits, and we are going to show you something. We could offer more coverage, better care, at a lower cost than the government.

So Congress said: Be our guest. Today, the Medicare Advantage Program, which is supposed to be the private health insurance answer to Medicare, costs 14 percent more than the Medicare Program. We are paying a subsidy to private health insurance companies that set out to prove they could do it more cheaply than Medicare, when, in fact, they are charging us more.

Should we continue to subsidize these private health insurance companies to give them more profit or should we go back to the basic model, Medicare, that provides more cost-efficient care for most Americans who have reached the age of 65 and face disability? There are other examples of fraud and abuse, too, in this system. We can clean it up, and with those savings we can start to do more to help America.

We need to improve choice and competition. The five largest health insurance carriers in America have 82 percent of the business. In some communities, you do not have a choice. There is one dominant or two dominant health insurance companies, and if you do not like the way they do business, you do not have any choice. That is what it comes down to. Those of us in the Federal Employees Health Benefit Program—Members of Congress and 8

million Federal employees and their families—have real choice: open enrollment every year to choose from private insurance companies, to pick the one right for our family and right for our pocketbook. That is what every American should have. That is not a luxury or something over the rainbow.

For 8 million of us, Federal employees and Members of Congress, it is a reality. Why can't we offer that to every American, to say: You can keep the insurance you have if you want to. But if you want to look and shop, you should have some choices—some real choices—because of real competition. So we need reform that creates a competitive and transparent market that allows consumers to compare plans and choose what is best for them.

Finally, we need to modernize our health care system, to bring computers and the electronics of our modern age into hospitals and doctors' offices, so they have a complete record on each patient, so they understand if there is something in your background that should be noted and taken into consideration before they make a diagnosis and order a prescription or a test, to make certain in a hospital you are not given drugs you are allergic to that could take your life, to avoid medical accidents and death that is associated with them.

All these move us in a more efficient situation, a more competitive situation, and one which will bring better care to America and improve patient safety.

Let me conclude by saying health care is too often a luxury. In Cook County, we struggle to provide patients with timely access to care. In the area around Chicago, at the local public hospital, the waiting time for some specialty services can range from 6 months to 1 or 2 years right now—too long to wait for critical services.

Those who criticize this health care reform debate and say it is going to lead to lines and waiting and rationing are not accepting the reality of the current system. There are many waits that are unnecessary and some of them dangerous today. The stories I gave earlier about Monica and Verta demonstrate the need to reform our system. But there are millions more like them.

Too many individuals and families bypass health care because they cannot afford it. The high cost of health care and the lack of insurance for millions of people are more than a financial problem, they are life threatening.

Today, about 11,000 Americans will lose their health insurance. Can you imagine at the end of the day coming home and facing your children or your family saying: I have bad news. Because I lost my job or because my employer no longer can provide it or because we cannot afford it, we don't have health insurance anymore. Keep your fingers crossed, folks, because this family is now living on the edge, just one accident or one diagnosis away from facing the grim reality of the cost of health care.

Every day in America, families are forced to choose a different doctor when their health care plan is changed because their employer cannot afford to provide health insurance. Every day in America, families see their health plan benefits erode because they cannot keep up with higher premiums, copays, and deductibles. Every day in America, people decide to skip a doctor's visit, medication, and treatment because they cannot afford it.

Families are confronted with losing their health insurance altogether because their employers cannot afford it, and year after year health care costs keep going up and up and up. Are we going to stand by and watch this happen? Are the people who have been elected to this Senate and the House of Representatives going to accept their responsibility to those who sent us here to tackle one of the toughest, most complicated, most controversial issues of our time but one we cannot afford to ignore?

I hope my friends on the other side of the aisle will join us in that effort. It is time to tell our constituents across America: It does not matter where you live, what you do or how much money you make, in the United States of America every American should have the opportunity to access health care they can afford, to give them the peace of mind they deserve.

I yield the floor.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Senator from Illinois.

Mr. BURRIS. Madam President, I ask unanimous consent to speak for 5 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURRIS. Madam President, I thank the Senator from California for the time yielded to me.

In the halls of power and in living rooms across America, on cable news and around the dinner table, everyone seems to be talking about health care reform. From coast to coast—and on both sides of the aisle—there seems to be broad consensus. The American people and their elected leaders see the clear need for reform. But we often disagree about how to meet such a challenge.

As we consider health care reform, and as we try to seek consensus, I believe we can find common ground on the need to address disparities in the health care system. I say we need to address the disparities in the health care system.

In a country founded on the principles of freedom and equality, we currently possess a health care system that is anything but free and equal. This is simply not right. We need to ensure that quality, affordable health care is available to all Americans. We need to cut down on the widening disparity between minority individuals and the wider population so no one is left behind because of their racial or ethnic identity.

People of color make up about a third of the population in the United States, but they represent half the Nation's uninsured. In Illinois alone, more than 21 percent of minorities do not have health insurance compared with 12 percent of Whites. It is time to correct this inequity and move toward a sustainable system that serves every single American regardless of skin color or economic background.

This begins before birth. Only 76 percent of Black mothers and 77 percent of Hispanic mothers have access to prenatal care in the first 3 months of pregnancy. For White mothers, the number stands at more than 88 percent. This is unacceptable. It demonstrates that minority individuals are at a clear disadvantage even before they are born. This places them at a greater risk for problems down the road, problems ranging from higher infant mortality to increased rates of chronic diseases in later life. Combine these risks with a higher poverty rate and lower insurance coverage and we have a recipe for disaster.

For no reason other than the color of their skin, millions of Americans are poor and uninsured. They have reduced access to health care and an elevated risk of illnesses such as high blood pressure and heart disease. This leads to a shortage of preventive care and forces some people to go to emergency rooms when they have nowhere else to turn. No wonder our health care system is strained to the limit. No wonder costs are through the roof, positive health outcomes are down, and we are unable to break this destructive cycle.

We must address these disparities as part of our responsible health care reform package. We must work hard to make sure all Americans can benefit from health care reform. This means eliminating barriers to Federal health programs for American Indian tribes. It means increasing access to quality care for children, pregnant mothers, and every legal resident of this country—I say every legal resident. It means expanding preventive care and screening programs so we can stop diseases before they start. This is especially important for those who live below the poverty line.

As we move forward, it is our responsibility to make sure we include every member of society in our reform proposals. We must not rest until everyone is a part of the solution.

I urge my colleagues to join me in these efforts. If we work together, we can extend the promise of prosperity to every single American, regardless of race or ethic background. We can make sure this country is more free, more fair, and more equal.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, I ask that the Interior bill be reported.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2996, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Feinstein modified amendment No. 2460, to support the participation of the Smithsonian Institution in activities under the Civil Rights History Project Act of 2009.

Carper amendment No. 2456, to require the Administrator of the Environmental Protection Agency to conduct a study on black carbon emissions.

Mrs. FEINSTEIN. Madam President, it is my understanding we are now on the bill and that the time until 12 o'clock noon will be equally divided. At noon, there will be a vote on the Feinstein amendment. So the floor is now open. I hope individuals who have amendments will come to the floor and that we will be able to offer those amendments and debate them as soon as possible.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the time in a quorum call be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Madam President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mr. BROWN. Madam President, I have come to the Senate floor pretty much every day since the start of the session—for the last couple of months—sharing letters from Ohioans about health care. I just did a big townhall meeting in Cleveland yesterday and I did one in Columbus, Cincinnati, Youngstown, and I have done other meetings in Dayton and Cambridge and other places. But my office gets dozens—hundreds, really, a week—of letters from people who oftentimes were very pleased and satisfied with their health insurance, and then when they got particularly sick, they found out they lost their health insurance coverage.

I just want to read a couple of letters my office has received in the last couple of weeks or so.

James, from Hancock County, in northwest Ohio—in Findlay—writes:

When my kidneys began to fail, I was forced to leave my job as an engineer for an electronics company. I went on dialysis for several years and eventually had a transplant. I currently have health care because of my wife's employment. In trying to find a new job, I've had employers tell me my preexisting conditions could drive up their health costs and that they could find other workers without health issues. I, and other people with chronic health problems, will never find good paying jobs with benefits. Please, I want to work and contribute to society. I didn't choose to get sick.

Several things are happening with James in this letter. First of all, we are outlining the whole idea of preexisting conditions. As the Presiding Officer from New York State knows, insurance companies will no longer be allowed to deny care for a preexisting condition or discriminate based on gender, disability, or geography. Companies will not be able to put a lifetime or annual cap on coverage.

The second thing is that this legislation will help those small businesses that too often have one employee who is very expensive so that the small business will see its premiums jacked up so high they often have to cancel their insurance and then their other employees lose their insurance coverage. Our legislation will help those small businesses while eliminating these but through insurance company reforms, and then a public option, will help to enforce those rules.

Robert from Columbus writes:

Last year, I lost my job and, as a result, my wife, teenage son, and I needed to pick up private health insurance. After researching various companies, we applied to one insurer. My son and I were accepted, but my wife was rejected. Her sin? A preexisting condition. During a previous job while insured, she was diagnosed with mild and treatable high blood pressure. She had one office visit and one prescription a couple of years ago and she gets turned down today.

How absurd, Madam President, that someone with a very treatable preexisting health care problem—high blood pressure, but not a problem so chronic that she missed work or spent time in hospitals and all that, but a very treatable condition—was denied care as a result of this preexisting condition and then couldn't get coverage that her husband and her teenage son could get. Our legislation again, through these insurance company reforms, would make sure that doesn't happen.

Let me share one more letter because I know Senator ALEXANDER and Senator FEINSTEIN are going to call a vote in a minute. Georgene from Cuyahoga County, in the Cleveland area, writes:

My 52 year old sister inherited muscular dystrophy and has been on total disability for a few years. She's also had double knee replacement and hip replacement surgeries. Due to her condition, she's fallen several times and damaged her knees. The doctor recommended she get her leg amputated and fit with a prosthetic. Her husband's insurance covers her and approved the amputation surgery but is now denying her the prosthetic and wheelchair. They had to file for bankruptcy due mainly because of medical bills and now live in a small apartment. I could go on with personal stories from my own life or extended family, but you get the picture.

Madam President, this simply happens too much, where people such as Georgene have not been well served by the system. They have insurance, and they were relatively happy with it, but it has now become inadequate. Insurance isn't real insurance, it is not adequate insurance, if people get so sick or have such high costs that they get excluded from their insurance.

What happens too many times is bankruptcy. The most common cause for bankruptcy in this country is because of huge health care costs. The most common situation among those who declare bankruptcy is because of health care costs, and the most common situation is among people who have insurance but their insurance simply doesn't cover everything. Their expenses are such that their insurance gets canceled and they end up in bankruptcy.

Madam President, I again urge my colleagues to look seriously at this bill as we move forward—the bill that came out of the Health, Education, Labor and Pension Committee, as it merges with the bill coming out of the Finance Committee—in the next week or two to get this bill to the President's desk this fall. In my State alone, 390 people every single day are losing their insurance. And for people around here trying to delay this, it is simply wrong. We need to move, not hurriedly, but at a steady pace to get this bill to the President's desk this fall.

Madam President, I yield the floor, and I thank Senator FEINSTEIN and Senator ALEXANDER.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that once the Senate reconvenes at 2:15 today, it then stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Obviously that is for the purpose of the Senate photograph.

Madam President, I note that 12 o'clock has arrived. We will have a vote on the Feinstein-Alexander amendment No. 2460. I will take a brief moment to describe it.

This is an amendment cosponsored by Senators ALEXANDER, LEVIN, SCHUMER, COCHRAN, BENNETT, WARNER, and I ask unanimous consent to add the name of Senator BOXER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, this amendment simply makes $250,000 available so the Smithsonian can carry out activities under the Civil Rights History Project Act of 2009. Obviously this means this has been authorized. It is also paid for.

This is a joint project between the Library of Congress and the Smithsonian, which aims to collect video and audio recordings of the personal histories and testimonials of individuals who participated in the civil rights movement.

By coordinating the effort at the national level, the project will build upon and complement previous and ongoing documentary work on the American civil rights movement. I think it is a very special effort because it essentially will mean that youngsters who are present in 20, 30, 40, or 50 years, will be able to have audios and videos that contain the actual photographs and actual wording of people who participated themselves in the great civil rights movement of this country.

I urge my colleagues to support the amendment.

If there are no other comments by the ranking member—would the ranking member like to make a comment? Then we will ask for the yeas and nays.

Mr. ALEXANDER. Madam President, I congratulate the Senator from California for her leadership. We Americans are united by our founding documents and our language and our history, not by our race or ethnicity or where we come from, so therefore we are very hungry for stories about ourselves. The great writers of American history, such as David McCullough, whose books are sold out immediately, would wish we had the same sort of documentation the Senator from California has proposed here about the writing of the Constitution or the American Revolution or the Civil War or the great world wars. Ken Burns would like to have more of it for his upcoming series on the national parks. This will mean we will have more of it for the great civil rights struggles of the 1950s and 1960s and 1970s. Alex Haley, the author of ''Roots,'' said an older person dying is like a library burning down. This will help to make sure we keep those libraries.

Mrs. FEINSTEIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Wisconsin (Mr. KOHL) are necessarily absent.

I also announce that the Senator from Arkansas (Mrs. LINCOLN) is absent due to a death in the family.

Mr. KYL. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. COBURN).

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 290 Leg.]

YEAS—95

Akaka	Enzi	Merkley
Alexander	Feingold	Mikulski
Barrasso	Feinstein	Murkowski
Baucus	Franken	Murray
Bayh	Gillibrand	Nelson (NE)
Begich	Graham	Nelson (FL)
Bennet	Grassley	Pryor
Bennett	Gregg	Reed
Bingaman	Hagan	Reid
Bond	Harkin	Risch
Boxer	Hatch	Roberts
Brown	Hutchison	Rockefeller
Brownback	Inhofe	Sanders
Bunning	Inouye	Schumer
Burr	Isakson	Sessions
Burris	Johanns	Shaheen
Cantwell	Johnson	Shelby
Cardin	Kaufman	Snowe
Carper	Kerry	Specter
Casey	Klobuchar	Stabenow
Chambliss	Kyl	Tester
Cochran	Landrieu	Thune
Collins	Lautenberg	Udall (CO)
Conrad	LeMieux	Udall (NM)
Corker	Leahy	Vitter
Cornyn	Levin	Voinovich
Crapo	Lieberman	Warner
DeMint	Lugar	Webb
Dodd	McCain	Whitehouse
Dorgan	McCaskill	Wicker
Durbin	McConnell	Wyden
Ensign	Menendez	

NOT VOTING—4

Byrd	Kohl
Coburn	Lincoln

The amendment (No. 2460), as modified, was agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:34 p.m., the Senate recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB.)

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess subject to the call of the Chair.

Thereupon, the Senate, at 2:16 p.m., recessed subject to the call of the Chair and reassembled at 2:35 p.m. when called to order by the Presiding Officer.

DEPARTMENT OF THE INTERIOR, ENVIRONMENTAL, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—Continued

Mr. REID. Mr. President, what is the matter before the Senate?

The PRESIDING OFFICER. Amendment No. 2456 offered by Senator CARPER.

AMENDMENT NO. 2494

Mr. REID. I ask unanimous consent that the amendment be set aside, and at this time I call up amendment No. 2494.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2494.

Mr. REID. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for an evaluation of the aquifers in the area of the Jungo Disposal Site in Humboldt County, Nevada)

On page 240, between lines 13 and 14, insert the following:

SEC. 423. JUNGO DISPOSAL SITE EVALUATION.

Using funds made available under this Act, the Director of the United States Geological Survey shall conduct an evaluation of the aquifers in the area of the Jungo Disposal Site in Humboldt County, Nevada (referred to in this section as the ''site''), to evaluate—

(1) how long it would take waste seepage (including asbestos, discarded tires, and sludge from water treatment plants) from the site to contaminate local underground water resources;

(2) the distance that contamination from the site would travel in each of—

(A) 95 years; and

(B) 190 years;

(3) the potential impact of expected waste seepage from the site on nearby surface water resources, including Rye Patch Reservoir and the Humboldt River;

(4) the size and elevation of the aquifers; and

(5) any impact that the waste seepage from the site would have on the municipal water resources of Winnemucca, Nevada.

Mr. REID. Mr. President, I offer this amendment to address a crisis affecting Native Americans served by the Indian Health Service's Schurz Service Unit in Nevada.

This amendment to H.R. 2996, the Interior, Environment and Related Agencies Appropriations Act, would direct the Indian Health Service to use any unobligated contract health service funds from fiscal year 2009 to pay the Service's obligations to private health providers who have treated Nevadans. The Service's Schurz Service Unit administers contract health funds for thousands of eligible Indian beneficiaries who receive care from the Fallon Tribal Health Center, Reno-Sparks Health Center, Pyramid Lake Health Center, Walker River Paiute Health Clinic, and other tribal health clinics and stations.

I understand that it may difficult to coordinate care and referrals where the

Indian Health Service administers contract health funds and the tribes enter Federal contracts or compacts to provide all other health services. But this arrangement does not relieve the Indian Health Service of its responsibilities—to provide timely responses and communications between patients, primary physicians, private health providers and specialists; to ensure that proper procedures and payment schedules are followed at the Indian Health Service Unit or the Phoenix Area Office or by the State of Nevada and private providers; and to complete payments and reimbursements in a timely and business-like manner. At the Schurz Service Unit, these responsibilities have not been fulfilled, and individuals have suffered because they have been denied care or decided not to seek care because they could not pay for the service.

This amendment would provide immediate relief for some of the problems identified by the Indian Health Board of Nevada, tribal leaders, and private health providers. It would direct the Indian Health Service to pay outstanding contract health obligations incurred by the Schurz Service within 90 days of enactment of this bill. Briefly, these obligations cover debts that the Indian Health Service has approved and date from fiscal years 2000, 2005, 2006, 2007, 2008 and 2009. The oldest obligations, those before October 1, 2008, total less than $1.4 million, while the current fiscal year includes more than $5 million in outstanding bills. There are hundreds of providers who have not been paid for services rendered—services that the Indian Health Service has determined should be paid.

In my home State, Native Americans rely on private and community health providers for a range of services. These providers are critical components in our Indian communities' network of health care. And, unlike other Indian Health Service Units in the Phoenix Area Office, there are no Indian Health Service hospitals in Nevada and Nevada's Indians are expected to travel to the Phoenix Indian Medical Center to be treated for serious health care problems. We must work with private providers so they continue to serve IHS-eligible patients and prevent further erosion of the health care network serving some of our most vulnerable citizens.

I will continue to fight for our Native Nevadans and health providers who are valued members of Indian country's health care team. This amendment does both, by helping the Indian Health Service deal with a critical problem at the federally operated service unit in Schurz and by honoring its obligations with our private care providers. And I believe that by directing this one-time payment, the Indian Health Service, working with tribes and health providers, will be able to implement necessary procedural and structural changes to better coordinate care and manage contract health funds for fiscal year 2010.

Mr. President, I ask unanimous consent to set aside the amendment for Senator MCCAIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

AMENDMENT NO. 2461

Mr. MCCAIN. Mr. President, I ask unanimous consent that amendment No. 2461 be called up and the pending business be set aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2461.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of appropriated funds for the Des Moines Art Center in the State of Iowa)

On page 135, line 2, insert before the period at the end the following: ": *Provided*, That none of the funds made available under this Act may be used for the Des Moines Art Center in the State of Iowa".

Mr. MCCAIN. Mr. President, this amendment would simply prohibit the use of funds for the Des Moines Art Center in Des Moines, IA—just one of the 308 earmarks contained in this bill which total $246 million. This earmark is like most other earmarks posing as a national spending priority. Many of these earmarks were not authorized and were not competitively bid in any way, and no hearing was held to judge whether these are worthy of scarce taxpayers' dollars.

Every summer we hear news of major wildfires destroying people's homes and businesses across the country. According to the National Interagency Fire Center, over 5.5 million acres of land were scorched this year so far. Spending bills such as this one are vitally necessary for fire suppression activities and forest health programs—programs that save lives and property. As we look for ways to pay for the escalating cost of wildfires, we must also address the mixed messages we are sending to taxpayers about our spending priorities.

Buried in the committee report, as usual, is a $200,000 earmark for historic preservation needs at the Des Moines Art Center in Iowa. I am all for preserving our Nation's historic buildings, but good intentions or not, the process of earmarking is how appropriators steer taxpayers' dollars to pet projects that wouldn't otherwise win a grant competition or pass a prioritization formula. They are placed above more deserving projects simply because of their "connections" in Washington.

According to an article in the Des Moines Register dated August 27, 2009, entitled "Look Out Below: Des Moines Art Center is Adding Space Underground," the Art Center is embarking on a $7.5 million capital improvement project which includes building a $3.5 million basement level "storage addition and a new glass elevator." The Art Center raised this money as part of its ongoing $34 million fundraising campaign launched in 2005.

The multimillion dollar underground addition will double as a ground level "green roof," says the art center's director Jeff Fleming: "People can walk on it without even knowing it's a roof . . . a great space for outdoor gatherings."

The article also notes that the art center will gladly name the new addition to whichever benefactor closes out their $34 million fundraising campaign.

Americans are hurting. The unemployment rate is nearly 10 percent. The deficit is estimated to be $1.6 trillion for this year, and the projected 10-year deficit jumped from $7.1 trillion to $9 trillion, et cetera, et cetera. Obviously, it might be nice if we started thinking about the future of America and the future generations who are going to pay the tab for our continued spending.

I am offering this amendment on behalf of taxpayers who will rightfully question what makes the Des Moines Art Center a national spending priority. Why is the Des Moines Art Center allowed to bypass the proper procedures for determining historic preservation spending? Why can't the Des Moines Art Center cough up $200,000 from its $7.5 million capital improvement project? Why can't they address this $200,000 need in their $34 million fundraising campaign?

I urge my colleagues to support this amendment.

I spent, as did many of my colleagues, the last few days at home in Arizona, traveling around my State. When this issue of earmarking and porkbarrel spending is brought up, there is a visible reaction. Americans are sick and tired of it. Sooner or later, while those who continue to vote for and support this unnecessary, unneeded porkbarrel spending while we have a 10-year $9 trillion deficit, Americans are going to rise up in an even more vociferous fashion than they are today.

I believe what is going on around the country is not just the issue of health care. What is going on around the country is people are sick and tired of this unbridled spending in porkbarrel and earmark projects which have bred corruption here in our Nation's Capital. They figured it out. They have had enough of it.

I ask my colleagues to vote in support of this amendment, being aware that those on the Appropriations Committee will probably vote to turn down this amendment even though it is only a $200,000 unnecessary spending project. So do so. You have done it in the past. I am going to continue, and the American people are going to continue, to demand some kind of accountability for this outrageous, out-of-control spending which has mortgaged future

generations of Americans and, believe me, at least in the State of Arizona, they are sick and tired of it.

Mr. President, I ask for the yeas and nays on this amendment at a time to be determined by the majority leader.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays are ordered.

The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. MCCONNELL. Mr. President, I rise to call my colleagues' attention to a truly disturbing development in the health care debate. A colleague of ours—a colleague of ours—has called for an investigation into a major health care company because this company informed its customers of its concerns about health care legislation that this colleague of ours introduced. Let me say that again. A colleague of ours has called for an investigation of a major health care company because this company disagreed with a bill our colleague introduced.

As a result, the Federal Government has now told all companies that provide Medicare Advantage to stop communicating with their clients about the effects of that legislation. Let me say that again. The Federal Government has now told these companies to stop communicating with their clients about the effects of a piece of legislation that is before us, even telling them what they can and cannot post on their Web sites. This gag order, enforced through an agency of the Federal Government at the request of a Senator, is wrong.

It started when a company based in my hometown of Louisville, KY—Humana—had the temerity in the eyes of some of our colleagues to explain to its customers that if Medicare Advantage is cut, as the chairman's mark requires, it may reduce benefits which, of course, is a commonsense conclusion.

This is America, the United States of America. Citizens, either as individuals or grouped together in companies, have a fundamental right—a fundamental right—to talk about legislation they favor or oppose in this country.

This is the core of the first amendment's protections of speech. Unfortunately, this is part of a troubling trend of efforts to dismiss the concerns raised by the American people over the past few months.

Over the summer, we saw American citizens who raised concerns about the health care proposals before Congress dismissed—utterly dismissed—as somehow un-American by leaders in Congress. That is bad enough, but using the full weight of the Federal Government's enforcement powers to stifle free speech should trouble all Americans—and all of us—even more. We cannot allow government officials to target individuals or companies because they do not like what they say.

The latest effort to squelch free speech raises several serious questions.

Is this what we have come to as a country; that an individual or company can no longer factually advocate their position on an incredibly important public policy issue? Is this what we have come to in America?

Shouldn't customers have a right to know the potential impact of a congressional action?

Is this what we believe as a Senate; that this body should debate a trillion-dollar health care bill that affects every single American while using the powerful arm of the government to shut down speech?

Is this how citizens and companies can expect to be treated if health care reform passes; that any health provider that disagrees with a powerful Senator will be subject to an investigation and a gag order for disagreeing with a powerful Senator?

How is this any different than what the Washington Post and the New York Times have done in lobbying for a reporter shield law? Would we stand by if the Judiciary Committee asked the FBI to investigate the media for taking positions on pending legislation with which we do not agree? Of course not.

Humana is headquartered in my hometown of Louisville, and, yes, I care deeply about its 8,000 employees in Kentucky. But this gag order now applies to all Medicare Advantage providers. Shut up, the government says. Don't communicate with your customers. Be quiet and get in line.

I remind my colleagues that I have spent a good part of my career defending the first amendment rights of people to criticize their elected officials, including me. I would make the same argument if this were a company based in San Francisco or Helena, MT, or Chicago.

The right to free speech is at the core of our democracy. Free citizens have a first amendment right to petition their government for a redress of grievances. This gag order on companies such as Humana and those in all our States, in my view, is a clear violation of that right and it is wrong.

Employers who warn their customers about the effects of legislation are not the ones who should be getting warnings. They are not the ones who ought to be getting warnings. Senators who threaten first amendment rights are the ones who should be getting the warnings.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, before the Republican leader leaves, I congratulate him for his statement. Over the years, he has been a consistent defender of first amendment rights, even for a great many Americans with whom he disagreed. Senator BYRD, who is the constitutional conscience of the Senate, often encourages Senators to carry with us a little pocket version of the Constitution.

I am reading the first amendment to the Constitution, which the Senator from Kentucky spent a great deal of his career defending:

> Congress shall make no law—
>
> No law—
>
> respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or of the right of people peaceably to assemble, and to petition the Government for a redress of grievances.

I ask the Senator through the Chair whether, as he understands the first amendment to the Constitution, it would be clearly unconstitutional for us to pass a law that would tell a major health care company that if they objected to a piece of legislation by informing their customers of its consequences that there would be some penalty?

Mr. MCCONNELL. Mr. President, I say to my friend from Tennessee, he is absolutely correct. There are two obvious violations of the first amendment here. One is the right to speak freely and the other is the right to petition Congress for a redress of grievances.

Here you have an industry, the health insurance industry, at least one company of which is communicating with its customers the truth about this legislation and being threatened by a powerful Senator and a government agency to shut up.

Mr. ALEXANDER. Mr. President, as I understand it from reading it in the newspapers some of the big drug companies are lined up with the Obama administration with the Democratic health care bill. I wonder what the Republican leader would think if some Republican Senator called one of the big drug companies and said: You are going to suffer serious consequences or even went to one of the agencies of government and caused them to tell a big drug company that because of their speeches and remarks, they were going to suffer some consequences.

Mr. MCCONNELL. Mr. President, once again, I say to my friend from Tennessee, to call an agency of the government for the purpose of implementing a gag order against a company that is speaking freely about the impact of legislation on its business and its employees is an astonishing thing to behold in the United States of America.

I assume the particular industry the Senator from Tennessee is talking about, which has been out running millions of ads in support of what the administration is trying to do, is not getting such threats.

Mr. ALEXANDER. I assume, Mr. President, that the big drug companies that are running ads against Republican Senators for questioning the health care reform bill, they have a right to do that. I know what is happening in Memphis is people are seeing the ads and calling me and telling me: Continue to oppose what is going on. But that is part of our system.

I congratulate the Republican leader for bringing to the attention of all his colleagues this action.

Mr. MCCONNELL. I thank my friend from Tennessee. I yield the floor.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Senator from Delaware be permitted to speak in morning business not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware is recognized.

FIRST STATE ROBOTICS

Mr. KAUFMAN. Mr. President, imagine a robot that could play ball. Imagine a robot that could actually pick up a ball from the ground, hold on to it, and then, when the time is right, successfully toss it to another robot. Finally, imagine that this robot was built by a group of high school students.

I recently met an extraordinary group of students who turned this vision into reality. As part of Delaware's Miracle Workers robotics team, students designed and built this robot to compete in the For Inspiration and Recognition of Science and Technology, for FIRST, national robotics competition.

The FIRST Program was founded in 1989 by inventor Dean Kamen to inspire young people to pursue careers in science, technology, engineering, and math, or STEM. Since that time, FIRST has grown significantly. In 2008, drawing from the support of thousands of volunteers and mentors, sponsorships from some of the world's largest and smallest companies, educational institutions, and the Federal Government, FIRST introduced nearly 160,000 students from all 50 States and 37 countries to the joys of problem solving and engineering.

In Delaware, participating students spent an entire school year building their robot, which is taller than some humans, decorated in green and black, and even wearing a bow tie. The first half of the year the team was dedicated to learning the basics of engineering, programming, and project management. The remainder of the year was slated for designing, building, testing, and refining the robot for competition. Students worked in specific subteams, including electrical, programming, mechanical, fundraising, publicity, scouting, 3–D animation, Web team, and more. Students engaged with adult volunteers—many of them engineering professionals—who helped train and mentor the team.

Incredibly, these types of programs are not just for those in high school. Delaware's First State Robotics organization oversees several other programs and provides engineering experience for students from prekindergarten through college. First State Robotics aims to inspire in young people, schools, and communities an appreciation for science, engineering, and technology.

The results are remarkable. Ninety-seven percent of First State Robotics participants have attended college, with 82 percent pursuing degrees in science and engineering. Many have earned credits at a local community college for their participation in the program, and several have earned scholarships applicable toward higher education.

Communities also benefit from these programs. Participating students take part in book drives, blood drives, and mentoring. They give robot demonstrations in local schools and community events to promote recruitment and education.

It is clear that First State Robotics is having an incredible impact on students. Alumni of the program are more interested in pursuing careers in the sciences and engineering, and they are involved with their communities as volunteers. Many graduates say that participating in First State Robotics was the most positive and rewarding experience of their lives, and through these experiences they decided to pursue further study of engineering.

We must continue to encourage today's students to become tomorrow's engineers by highlighting and promoting programs such as First State Robotics. It is through comprehensive programs such as these that students learn that engineering can be a path to making a difference.

Through hands-on activities, students participating in First State Robotics are given the opportunity to learn that engineers, such as the Presiding Officer, are the world's problem solvers, do make a difference in people's lives and quality of life, and can help us reach the goal of clean water, lifesaving cures for cancer and disease, clean renewable energy, affordable health care, and environmental sustainability.

The national FIRST Program shows how important it is that the American people, the Federal Government, and industries united to support STEM initiatives. These educational programs will lead us not only to new frontiers in health, energy, technology, and security but to new jobs and, ultimately, a sustainable economic recovery.

I know that if given the opportunity, a new generation of engineers and scientists will lead us into the new frontiers, and many FIRST alumni have already done so.

I commend the students of First State Robotics and dedicated mentors for their shining examples of the miracles of engineering.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I compliment the Senator from Delaware. He did go 5 minutes.

I believe Senator BARRASSO has an amendment he wishes to offer.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 2471

Mr. BARRASSO. Mr. President, I wish to speak on amendment No. 2471.

On Friday, September 11, the Washington Times ran a front-page story on an issue titled ''Forest Fire Aid Allotted to DC, Western States Feel Burned.''

That is about right. The story talks about the U.S. Forest Service plans to spend $2.8 million of wildland fire management funds in the District of Columbia. This is ridiculous, it is outrageous, and we should not stand for it.

Mr. President, just to read the first paragraph:

> Even with forest fires raging out west, the U.S. Forest Service this week announced it will spend nearly $2.8 million of forest firefighting money in Washington—a city with no national forests and where the last major fire was probably lit by British troops in 1814.

The article continued:

> The vast majority of the money—$2.7 million—is going to Washington Parks & People, which sponsors park festivals and refurbishes urban parks in the Washington area.

Mr. President, in Wyoming, we have over 9 million acres of national forest land. There are seven national forests in our State. We face many management challenges in those forests. The agency struggles to meet its basic responsibilities. Over 1 million acres are infested with mountain pine beetle in Wyoming. That is just one species of beetle—a species that has killed over 1 million acres of trees. The devastation stretches well beyond the horizon in many places. And where the beetle infestation is at its worst—in the Medicine-Bow National Forest—the affected acres have doubled between 2007 and 2008. The problem is severe. It is growing exponentially, and we are facing extreme risk of wildland fire in Wyoming.

So when the U.S. Forest Service recommended $500 million and received that amount of money for Wildland Fire Management in the stimulus package, one would think maybe the agency would use those funds to combat threats to forest health in its lands nationwide. One would think that maybe we would see some real results on the ground in Wyoming and in the State of Colorado. Instead, Wyoming was awarded zero dollars in the first round of U.S. Forest Service projects under the stimulus, and only after the congressional delegation and the Governor of Wyoming appealed to the Department of Agriculture were funds awarded for forest projects in Wyoming. Meanwhile, the agency wants to spend $2.8 million on wildland fire in Washington, DC?

The people and forest communities in my State deserve better, and the people of America demand better. Wyoming boasts incredible wildlife populations, unique ecosystems, and breathtaking views. Over half the land in Wyoming is public land. One can see rangelands, alpine forests, glacial basins, and desert landscapes in Wyoming. We host millions of visitors every year who will enjoy Wyoming's wilderness.

The District of Columbia is not under threat of wildland fire. In fact, the government's National Interagency Fire Center defines what qualifies as a wildland fire—and DC does not qualify. Clearly, the District should not receive wildland fire management funds. The U.S. Forest Service should not spend vital funds for wildfire fighting and for prevention in Washington, DC.

I have introduced this amendment with a number of other Senators from the West. Senator KYL and Senator ENSIGN and Senator MCCAIN are cosponsoring, and we want to make sure the U.S. Forest Service is not wasting management opportunities. We will not stand by and watch our State's burn when resources are available to prevent that, and I would ask all Senators to support this amendment.

Mr. President, at this time, I ask unanimous consent to set aside the pending business and call up amendment No. 2471.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Wyoming [Mr. BARRASSO], for himself, Mr. KYL, Mr. ENSIGN, Mr. MCCAIN, Mr. RISCH, and Mr. CRAPO, proposes an amendment numbered 2471.

The amendment is as follows:

(Purpose: To prohibit the use of wildland fire management stimulus funds in the District of Columbia)

On page 240, between lines 13 and 14, insert the following:

SEC. 423. PROHIBITION ON USE OF WILDLAND FIRE MANAGEMENT STIMULUS FUNDS IN THE DISTRICT OF COLUMBIA.

Notwithstanding any other provision of law, none of the funds made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115) for wildland fire management shall be used in the District of Columbia.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Wyoming. He has a very good point and a very good amendment. This was not the intention of the Interior part of the stimulus bill. It is not the intention of this bill. Therefore, I think the amendment of the Senator from Wyoming is completely in order. It has been called up, and our side is prepared to accept it.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I want to congratulate the Senator from Wyoming on his vigilance. There is no Senator—certainly on this side of the aisle, and I suspect not in this Chamber—who gets up earlier, works harder, or keeps in closer touch with what is going on in Wyoming and in this country than Senator BARRASSO, and he is exactly right on this issue.

The chairman, Mrs. FEINSTEIN, the Senator from California, has made fighting wildfires a major part of her effort this year. She and the administration have included within this appropriations bill the firefighting money that usually is set aside for emergency appropriations. So that money needs to be spent correctly, as it should be. I think Senator BARRASSO and the other Senators who cosponsored it are exactly right, and I agree with the chairman of the subcommittee that it is a good amendment.

Mrs. FEINSTEIN. So we will accept it, Mr. President.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2471) was agreed to.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I thank the chairman and Senator ALEXANDER for their gracious reception and acceptance of this amendment in the Chamber with that resounding voice vote in support of the amendment.

AMENDMENT NO. 2472

Mr. President, I also filed amendment No. 2472, and I wish to speak on that amendment at this time.

Mrs. FEINSTEIN. Mr. President, is the Senator calling up that amendment?

Mr. BARRASSO. I am not at this point.

Mr. President, I have serious concerns about the recent Interior Secretarial Order No. 3289. This order will incorporate climate change into all decisionmaking at the Department of the Interior.

Although I commend the Secretary for attempting to address this issue, I have concerns that we are getting the cart before the horse. Congress has not passed a climate change bill. Yet sweeping regulations are being proposed by the Secretary of the Interior. These regulations put into question the future and past land management agreements regarding oil and gas development, renewable energy development, recreational use, and wildlife protection.

Under these rules, a dark cloud is placed over all existing agreements regarding these activities. In addition, all pending decisions regarding both energy development and recreational use will also be put on hold indefinitely. All this will occur through regulations that did not have the approval or the consent of the American people.

I would ask my colleagues, no matter where they stand on the issue of climate change, to vote for this amendment. We need to get the order right. First, a climate change bill that has the public's approval; then after that is voted upon, and if approved, let the regulatory process at the agency level begin. That is what my colleagues are voting on if they vote for this amendment.

So I urge adoption of the amendment at the point when it is called up.

AMENDMENT NO. 2473

Mr. President, I also filed amendment No. 2473, and I will also speak on that at this time. That amendment would prevent the Environmental Protection Agency's endangerment finding from going into effect until the EPA grants the petition of the U.S. Chamber of Commerce to have an on-the-record, trial-like hearing on the scientific data behind the EPA's endangerment finding.

The chamber petitioned the EPA for a trial-like hearing on the scientific data behind the endangerment finding before an administrative judge or EPA official. The chamber stated in their petition that:

An endangerment finding would give rise to the most far-reaching rulemaking in American history. Before embarking on that long, costly process, the EPA ought to do everything possible to assure the American people of the ultimate scientific accuracy of its decision.

The on-the-record proceeding would be a great opportunity for EPA to ensure transparency. This administration claims to be the most transparent administration in history. What better opportunity to demonstrate this by authorizing the chamber's petition. The administrative proceeding is allowed by law. It will be a short on-the-record proceeding. To deny this request is an admission by the EPA that their work on endangerment can't stand scrutiny. This should be a concern for all Americans at this point.

AMENDMENT NO. 2474

Mr. President, I would like to move on to another amendment which I have filed—amendment No. 2474—and I will speak on it at this point.

This amendment would require the Environmental Protection Agency inspector general to complete an investigation into the treatment of Dr. Alan Carlin by his superiors at the Environmental Protection Agency. Under this amendment, the endangerment finding could not proceed until the investigation is completed.

Dr. Alan Carlin and a colleague prepared a 98-page analysis arguing that the EPA should ''take another look'' at the EPA's scientific data behind the endangerment finding that carbon dioxide is a threat to public health. According to a report by Kimberly Strassel with the Wall Street Journal, a senior EPA official suppressed this detailed account of the most up-to-date science on climate change.

These reports raise serious questions about the process behind and the substance of the EPA's proposed finding that greenhouse gases endanger public

health and welfare. On August 21, Inside Washington Publishers reported that the EPA is considering scrapping the National Center for Environmental Economics' role in scientific analysis. Well, this would essentially eliminate the EPA office that Dr. Carlin has worked in for years.

In an editorial in the Washington Times, the paper stated:

> This attempt to marginalize a true whistleblower smacks of insincerity . . . and . . . its implications for economic and environmental policy are dangerous.

This is an administration that claims to put a premium on transparency and openness. Their actions to date have demonstrated neither. My colleague, Senator THUNE, has requested an inspector general's investigation into this matter. I believe the investigation should be conducted and completed before the EPA proceeds further with endangerment.

So, Mr. President, at this time I ask unanimous consent to set aside the pending business and call up amendment No. 2474.

Mrs. FEINSTEIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BARRASSO. Mr. President, I am very concerned by what I am seeing today. My effort in offering this amendment is to promote transparency and good government. Dr. Carlin, a 38-year veteran of the EPA, wrote a report critical of the EPA's process behind the endangerment finding. He said the EPA relied solely on outside sources for their science. He also pointed out that the scientific data they are relying on is 3 years old.

The EPA tried to quash his report. Dr. Carlin's boss warned Carlin to drop the subject altogether. He was told:

> With the endangerment finding nearly final, you need to move on to other issues and subjects. I don't want you to spend any additional EPA time on climate change. No papers, no research etcetera, at least until we see what EPA is going to do with climate.

Mr. Carlin was ordered not to have any direct communication with anyone outside his small group at EPA on the topic of climate change and was informed that his report would not be shared with the agency group working on that very topic. To not even allow the Senate to have a vote to decide whether to investigate this matter looks like political expediency. It is wrong and it should concern all of those who claim to care about transparency.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I want to make clear that it would be my intent, should the other two climate change amendments be called up, to object to them. However, this has nothing to do with the distinguished Senator, whom I respect enormously. It does have something to do with putting climate change on this bill.

Mr. President, 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. DEMINT. 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. DEMINT. Mr. President, I would like to talk about an issue that is very important to our country. It involves our food supply and it involves thousands of jobs. While it may appear to affect just one State, the input we are getting from around the country is that this is very much a national issue.

I have an amendment to address it which I would like to discuss. This amendment, I believe, if we would take the time, we could find agreement. It addresses a major problem in the State of the Senator from California, but it also addresses a problem that affects the Nation's food supply by allowing us to focus on balancing jobs, the economy, and food with environmental laws.

As the chairman knows, there is a major water problem in California's Central Valley. Some very narrowly interested environmental groups have used the Endangered Species Act to shut off water to a region that produces 13 percent of the Nation's food supply. The result has been devastating. The land is dry, crops have been destroyed, and tens of thousands of jobs—tens of thousands of people are out of work. A recent University of California, Davis, study found that up to 40,000 jobs will be lost by the end of this year. In one city, the unemployment rate has reached 40 percent.

This is certainly a local water crisis, but it has also become a national issue. The problem has been the subject of several national television programs, and people across the country are beginning to realize that this problem on the west coast could touch us all in the form of higher food prices if we don't address it. It is also another precedent that affects my State, as environmentalists have really swung the balance away from good economy and jobs to something that seems much more radical to us—the development of our port in South Carolina, the passage of ships. And you see development all over the country being affected. So we need to focus on this issue in this bill. This is a good place for the amendment.

It is almost impossible to overstate the value of California's agriculture to the Nation's economy, most of which is produced—most of the food supply we are talking about—right in the Central Valley. This region provides the lion's share of California's crops, which account for, and I want to stress this, 94 percent of America's tomatoes, 93 percent of our broccoli, 89 percent of our carrots, 86 percent of our garlic, 78 percent of our lettuce, 90 percent of our strawberries, and 88 percent of our grapes, just to name a few. We can hardly say this is the issue of one State. This is a national issue that we need to address.

People are also coming to realize that if we do not begin to bring a measure of balance back to our environmental laws, special interest groups and activist courts will be able to use this statute and others to destroy thousands of jobs at a time when our country is in recession.

I thank the chairman of the subcommittee for her work on this issue. The senior Senator from California has been a leader. She has pledged to work with the Department of Interior to find a solution, and she recently called for an independent review of the science underlying the two biological opinions that created this manmade drought.

My amendment today is very simple and represents a modest and balanced approach. It turns the water back on for 1 year to provide time for all leaders at the local, State, and Federal levels to find a long-term solution.

It will also give farmers the predictability they need to plan for next year's crops. They can't make the loans and get the seeds and plow the fields if they know in December the water will be turned off again and won't be turned back on until after July. One cannot farm with that type of unpredictability.

I know there are those who say there is no problem because the pumps are currently on. But those pumps are set to shut off in December, leaving Central Valley farms dry as planting season comes around.

My amendment has precedent. In fact, the last time this environmental provision was waived was in 2003, when water was turned off in New Mexico. That time the Senate voted unanimously for a bill that included a complete waiver of ESA for 2 years, which was even more aggressive than what I am proposing today.

I know this is a very important issue to the Senator from California. I hope she will support my amendment. I know many people are working on long-term solutions, but we need to do something now. The provision in the bill to study this is likely to take 2 years. We are likely to lose another 2 years of farm products as well as thousands of jobs in the Central Valley. This is not something I have made up on my own. A number of groups, farm groups in California, as well as the National Cotton Council of America, the Tulare County Farm Bureau, Fresno County Farm Bureau, Kings County Farm Bureau, Families Protecting the Valley, Westland Water District—I have a whole page of large groups that involves many jobs and families in California and across the country supporting this amendment which won't cost taxpayers anything but will actually create jobs, put people back to work, and expand the Nation's food supply.

We cannot allow a judge or radical environmental group to cut off water

to people who are producing the Nation's food supply. My amendment would address this in a very reasonable way. I call on the Senator from California to work with me in support of this amendment.

I ask unanimous consent to set aside the pending amendment and send my amendment to the desk.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. FEINSTEIN. After the Senator completes his remarks, I would like the opportunity to say why.

The PRESIDING OFFICER. The Senator from South Carolina.

MOTION TO RECOMMIT WITH AMENDMENT NO. 2500

Mr. DEMINT. Mr. President, I am disappointed I was unable to offer the amendment. Certainly it relates to the underlying bill. Since there are so many people and jobs across the country depending on us doing something quickly, I send a motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] moves to recommit the bill H.R. 2996 to the Committee on Appropriations of the Senate with instructions to report the same back to the Senate forthwith with the following amendment No. 2500:

At the appropriate place, insert the following:

None of the funds made available by this Act may be used by the Secretary of the Interior to restrict, reduce, or reallocate any water, as determined in—

(1) the biological opinion published by the United States Fish and Wildlife Service and dated December 15, 2008; and

(2) the biological opinion published by the National Marine Fisheries Service and dated June 4, 2009.

Mr. DEMINT. Mr. President, I thank the Senator from California. I look forward to more discussion, because I know there are many people in the Senate concerned about the same issue. There may be better ways to resolve the problem. I am certainly open to work with anyone. This is an immediate problem. We cannot continue to spend trillions of dollars of taxpayer money to create jobs while we allow government agencies to shut down jobs and jeopardize food supply. We need to be able to act as a body to solve some small problems instead of what we are doing here, which is to totally revamp the health care system or major changes that do not address the problems right in front of our face. I encourage my colleagues to consider this. Let's debate it and discuss it. I believe we can come up with a solution.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I am rather surprised about this. I don't think anyone in my State or in this body has spent as much time as I have on water in the State of California. The motion offered by the Senator from South California surprises me since no one from California has called, written, or indicated they wanted this on the calendar. No one has indicated to me, as chairman of the committee, in all of the time Senator ALEXANDER and I have been working on this bill that this is what they wanted. In fact, what this would do is prohibit the Secretary of Interior from expending appropriate funds to restrict, reduce, reallocate water supplies from the Central Valley Project and the California State Water Project under biological opinions issued by the Fish and Wildlife Service of the United States and the NOAA fisheries.

The Senator from South Carolina is venturing into a very complicated area. This would prohibit the approval on two gates. It would prohibit work on the intertie where water is now being transferred from one system, State-run, to Federal and back and forth based on need, water transfers in the hundreds of thousands of acre-feet. It would prohibit Interior from working on the Bay Delta Conservation Plan. It would prevent Federal agencies from working on water quality issues in the delta.

What is the delta? The delta is a large inland body of water in northern California. It is the drinking water for 16 million people. It is the source of water, some of which trickles down to southern California. The Metropolitan Water district, for example, in Los Angeles uses between 800,000 acre-feet and a million acre-feet a year of this water. Jurisdictions all over the State use some of this water. The agriculture community uses 80 percent of the water in the delta. There are enormous endangered species issues in the delta, the death of certain kinds of fish, the nonnative species of fish, deteriorating levees that when they deteriorate, the peat soil drifts into the water and creates all kinds of problems for treatment and would likely collapse in the instance of a major earthquake.

What is happening is a whole effort to restore the delta, to develop a management plan for the delta, how to rebuild it, how to shore it up, and also whether in fact there should be some conveyance around the delta to bring some of the water south. This is a very hot issue in California. It is not a hot issue in South Carolina, trust me.

It is interesting to me that groups go to the Senator from South Carolina instead of to the chairman of the committee for something which is preemptive and would handcuff the Secretary of Interior. The Secretary of the Interior has appointed his No. 2 person, David Hayes, to handle western water. David Hayes has been in California. He has solved many problems. He came with me in August to a meeting in the southern Central Valley to discuss these problems and say what the Department was prepared to do about them.

On September 30 of this month, the Interior Secretary is holding a meeting to announce what actions he is going to take on 2 Gates, on the intertie, on water transfers. I don't understand why we would want to handcuff the Secretary of the Interior by saying no money can go for any of these things, that water has to be released to the Central Valley with no controls on it. This makes no sense to me.

I see a series of letters that have come in from people I have talked with. I know there is a problem with the biological opinions. There are 30 lawsuits against the biological opinions. I understand that. To that end, I have been asked to put $750,000 in this bill to allow the National Academy of Sciences to come in and do an overarching but quick, within 6 months, look at the biological opinions and either say the opinions are founded in sound science or they are not. That is in the heart of this bill.

The ranking member has agreed to put this money in this bill for that purpose. Along comes something now which would totally handcuff the Secretary of Interior, which would mean no permits to move water between the California aqueduct and the Central Valley Project and back and forth and no permits for 2 Gates, two of the emergency solutions that have been put forward.

If this passes, we can be sure there will be court action, and we will most likely be enjoined. To my view, it makes no sense. We need the help of Interior. I have asked the Department of Interior, in terms of Federal agencies, to take the lead in dealing with California water. A specific person has been designated, the No. 2 person in the Department, David Hayes. A whole process has been entered into now for the administration, through the Secretary of Interior, to begin to put its hands on the problem and deal with it.

I cannot support legislation that says: Go ahead and release water, regardless of endangered species, regardless of any court that might come down on top of you and say stop. I can't do that. It isn't responsible to do so.

It is interesting to me—and I am looking at some of the letters—the people who I meet with, whose phone calls I respond to, who have never called and said: Look, this is what we need.

I don't quite understand what is going on here. That is the reason for my objection. I am not going to put the State of California and the bay delta in the threat of another lawsuit. We have enough already. Water is a huge, complicated, and difficult issue. No one cares more about it than I do or has tried harder to sort out the problems.

In a way, this is a kind of Pearl Harbor on everything we are trying to do, which is to work together to put Interior in the lead, not to handcuff Interior. That is the reason I objected to the amendment.

I understand on the motion there will be a vote. I urge a no vote.

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

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

AMENDMENT NO. 2461

Mr. HARKIN. Mr. President, I rise in opposition to the amendment offered by the senior Senator from Arizona. The amendment by Senator MCCAIN singles out one instance of congressionally directed funding that I had included in the bill now before us, fiscal year 2010 Interior appropriations. The Senator claims this earmark, which provides $200,000 in funding for repair and renovation of the historic Des Moines Art Center, is somehow inappropriate and should be removed from the bill. Well, it comes as no surprise that I strenuously disagree.

First of all, as a constitutional matter, I take issue with the premise underlying the Senator's amendment—the idea that Congress has no business directing the expenditure of Federal moneys to earmarks, that there is something inherently wrong or evil in this traditional practice, and that only the executive branch should determine where Federal moneys are spent. Well, I beg to differ.

The Constitution, article I, section, 9, expressly gives Congress the power of the purse. The executive branch can't spend one nickel unless this Congress gives it the authority to do so. Over the centuries, over the last couple hundred years, we have given to the executive branch the authority to make budgets, spend money on different things through all the different departments and agencies, but if Congress wanted to, we could take it all back. We could take it all back because the Constitution gives Congress the sole power to spend money.

What is more, compared to executive branch individuals, Members of Congress have a much better understanding of where and how Federal funds can be spent most effectively in their respective districts and States, and that is certainly the case with the earmark in question.

I assume the Senator from Arizona doesn't know a lot about the Des Moines Art Center. Well, let me explain it for the RECORD. The Des Moines Art Center encompasses three nationally significant buildings, two of which have been listed on the National Register of Historic Places since 2004. One of these buildings was designed by the famous architect, Eliel Saarinen, and another by the world renowned I.M. Pei. These buildings are architectural gems but, unfortunately, they have suffered from deterioration over the years.

So I secured the modest funding in this earmark—$200,000—for the specific purpose of replacing windows that were causing inconsistent temperatures and high condensation, resulting in damage to the building's plaster, the wood paneling, and the floors. There is nothing the least bit wasteful or frivolous about these renovations. In fact, they will create jobs and put people to work.

I also wish to point out that this funding is awarded through an authorized program called Save America's Treasures. This program was established within the National Park Service to protect:

> America's threatened cultural treasures, including historic structures, collections, works of art, maps and journals that document and illuminate the history and culture of the United States.

Money for the program is awarded both competitively through grants and through congressionally designated funding.

Over the years, the Save America's Treasures Program has helped to protect many important buildings and artifacts across our country. There is no question that the Des Moines Art Center is both worthy and in urgent need of this modest funding. The buildings of the center, as I said, are architectural masterpieces. They contribute mightily to making Iowa's capital city a livable, attractive urban center with a lively cultural scene.

Bear in mind that the Des Moines Art Center is a cultural institution in the State of Iowa, drawing hundreds of thousands of visitors not only from Iowa but from around the United States and from all over the world every year. In the last 12 months, the center has served nearly half a million people. School kids from all over our State come into Des Moines in buses from their schools out in the countryside, out in the small districts, to go to the art center to see these magnificent, wonderful works of art and the buildings themselves.

I wish to emphasize that in terms of fundraising for renovations and operations, the art center and the Des Moines community are more than pulling their own weight. The center currently is in the midst of a $34 million fundraising campaign. However, only $7.5 million of that is for capital and building improvement. The remaining $26.5 million is for the center's operating endowment. That allows the art center to be free and open to the entire community all year-round. Moreover, the $200,000 in Federal funds will leverage $1.9 million in public and private challenge grants—not a bad leveraging of Federal dollars.

The fact is, the Des Moines Art Center is struggling to meet its fundraising targets in any and all ways possible, including in relatively modest increments. The center has received $275,000 from Polk County—that is the county encompassing our capital city of Des Moines. They received $25,000 from the city of Des Moines. At this point, the center has exhausted their private fundraising options. So the $200,000 grant from the Federal Government, along with the additional $1.9 million that it will leverage, is critical to meeting the center's goal of renovation.

I appreciate this opportunity to share with our colleagues my reasons for including this earmark in the bill before us. I am proud of this congressionally directed funding. It would go to a worthy and urgent public purpose.

I believe the effort by Senator MCCAIN to remove this money from the bill is misguided, and I urge my colleagues to vote against the McCain amendment.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, earlier while I was arguing the opposite side of the question of the DeMint amendment which is now before this body, I mentioned that there were 30 lawsuits pending against the biological opinions having to do with the bay delta. The number is actually 13. I apologize. I wish to have the record corrected. Thirteen is enough.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2498

Ms. COLLINS. Mr. President, I call up amendment No. 2498 and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The assistant bill clerk read as follows:

> The Senator from Maine [Ms. COLLINS] proposes an amendment numbered 2498.

Ms. COLLINS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To provide that no funds may be used for the administrative expenses of any official identified by the President to serve in a position without express statutory authorization and which is responsible for the interagency development or coordination of any rule, regulation, or policy unless the President certifies to Congress that such official will respond to all reasonable requests to testify before, or provide information to, any congressional committee with jurisdiction over such matters, and such official submits certain reports biannually to Congress)
>
> At the appropriate place, insert the following:

FUNDING LIMITATION

SEC. __. None of the funds made available by this Act or any other Act may be used for the administrative expenses of any official identified by the President to serve in a position without express statutory authorization and which is responsible for the interagency development or coordination of any rule, regulation, or policy unless—

(1) the President certifies to Congress that such official will respond to all reasonable requests to testify before, or provide information to, any congressional committee with jurisdiction over such matters; and

(2) such official submits a report biannually to each congressional committee with jurisdiction over such matters, describing the activities of the official and the office of such official, any rule, regulation, or policy that the official or the office of such official participated or assisted in the development of, or any rule, regulation, or policy that the official or the office of such official directed be developed by the department or agency with statutory responsibility for the matter.

Ms. COLLINS. Mr. President, I rise today to call up an amendment to ensure that the so-called czars appointed by this administration can be held accountable to Congress and to the American people.

The effective functioning of our democracy is predicated on open government, on providing a transparent process for the people we serve. It cannot instill trust and confidence in its citizenry unless government fosters accountability. It is against that backdrop I raise my concerns regarding the administration's appointment of at least 18 new czars to manage some of the most complex issues facing our country.

I am not talking about traditional offices within the office of the President. I am not talking about, for example, the position of his Chief of Staff or the position of his press secretary. Similarly, I am not talking about officials who have responsibility to coordinate policy across agency lines that are specifically established in law. A good example of that is the Director of National Intelligence. That is a position that was established by Congress and whose head is nominated by the President and confirmed by Congress. So I am not talking about those officials either.

What I am talking about are new positions not created in law that have been established and which have significant policy responsibilities, or so it seems. Part of the problem here is we don't know exactly what the responsibilities are. As I, along with several of my colleagues, including the ranking member of this subcommittee, Senator ALEXANDER, recently expressed in a letter to the President, I am deeply troubled because these czars fail to provide the accountability, transparency, and oversight necessary for our constitutional democracy.

The creation of czars within the Executive Office of the President and elsewhere in the executive branch circumvents the constitutionally mandated advise and consent role our Founding Fathers assigned to the Senate. They greatly diminish the ability of Congress to conduct meaningful oversight to hold officials accountable for their actions, and it creates confusion about which officials are responsible for the government's policy decisions.

For example, Nancy-Ann DeParle, an individual for whom I have great respect, is the health policy czar within the White House. Kathleen Sebelius is the Secretary of Health and Human Services. So who is making policy when it comes to health care? Who do we hold accountable? Well, we know we can call the Secretary of Health and Human Services before us to testify in open session at public hearings, but most likely we cannot call Ms. DeParle before us to testify, even though she has been great about coming up for private meetings.

Senators ALEXANDER, BOND, CRAPO, ROBERTS, and BENNETT joined me in writing to the President to raise these important issues. We have identified at least 18 czar positions where reported responsibilities may be undermining the constitutional oversight responsibilities of Congress or the express statutory assignments of responsibility to other executive branch officials.

Again, to be clear, I do not consider every position identified in various media reports to be problematic. Positions that are established by law or are subject to Senate confirmation, such as the Director of National Intelligence, the Homeland Security Advisor, and the Chairman of the Recovery Accountability and Transparency Board do not raise the same concerns about accountability, transparency, and oversight.

Furthermore, we all recognize that Presidents are entitled to rely on experts to serve as senior advisers. But those czar positions within the Executive Office of the President and in some executive agencies are largely insulated from effective congressional oversight. Many of the czars appointed by this administration seem either to duplicate or dilute the statutory authority and responsibilities that Congress already has conferred upon Cabinet level officers and other senior executive branch officials.

Indeed, many of these new czars appear to occupy positions of greater responsibility and authority than some of the officials who come before us for Senate confirmation. Whether in the White House or elsewhere, these czar appointments are not subject to the Senate's constitutional advise and consent role. Little information is available concerning their responsibilities and authority. There is no careful Senate examination of their character and qualifications. We are speaking here of some of the most senior important positions within our government.

The appointment of so many czars has muddied the waters, causing confusion and risking miscommunication going forward. We need to know, with clarity: Who is responsible for what? Who is in charge—the czar or the Cabinet official? Who can the Congress and the American people hold accountable for government policies that affect their lives?

For these reasons, I offer an amendment that would prevent any more Federal funds from being made available for the administrative expenses of czars until two key conditions are met. I don't think these conditions are unreasonable. I don't think they are difficult for the President to meet, but they would make a real difference.

First, the amendment I am proposing would require the President to certify to Congress that every one of these positions will respond to reasonable requests to testify before or provide information to any congressional committee with jurisdiction over the matters the President has assigned to that individual.

Second, our amendment would require every czar to issue a public written report twice a year to these same congressional committees. This report would include a description of the activities of the official and the office, any rule, regulation, or policy that the official participated in the development of, or any rule, regulation, or policy that the official directed be developed by the department or agency with statutory responsibility for the matter.

This amendment would represent a significant step toward establishing an oversight regime for these positions that would provide the transparency and accountability our Nation expects from its leaders.

Beyond the specific requirements of this amendment, in the letter we sent to the President we implored the President to consult carefully with Congress prior to establishing any additional czars or filling any existing vacancies for these positions.

We stand ready to work with the President to address the challenges facing our Nation and to provide our country's senior leaders with the authority, accountability, and legitimacy necessary to do their jobs. If there are problems, then the administration should come to us. We can work on revamping organizational structures to help eliminate those problems, but we must eliminate the serious problems with oversight, accountability, transparency, and vetting that are associated with the proliferation of these czars.

I urge my colleagues to support what I think is a very reasonable approach to this difficult issue.

Mr. President, I thank the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I wish to congratulate the Senator from Maine for her leadership on this issue. She has shown great respect for the President's authority under the Constitution. We all respect that. He has the right to appoint his own advisers, period, and to take their advice and, as

a result, assert some executive privilege. And we don't inquire into that. He is entitled to that.

But under the Constitution, article II, section 2, states that the Cabinet officers and other appointments of significant policy positions should be appointed by the advice and consent of the Senate.

It is true a number of Republican Senators have raised a question about the 18 new czars appointed by President Obama who are not confirmed by the Senate, all of whom are new. They didn't exist before. This large number of new senior positions is of great concern.

Senator COLLINS, in her letter of September 14 to the President—written with great respect, signed by Senator BOND, Senator CRAPO, Senator ROBERTS, Senator BENNETT, and myself—basically made the argument she just made. She acknowledged the President's authority under article II to appoint his advisers and to be the leader of the country. But in terms of these specific responsibilities, the letter asks for information about the responsibilities of these 18 new czars; of how they were picked and how they were examined and whether they would be willing to testify before us.

In her remarks, Senator COLLINS pointed out if we have a Health Secretary and a health czar, who is in charge? If we have an Energy Secretary and an energy czar, who is in charge? Those are the big issues before us. Health care is nearly 20 percent of the economy. We have town meetings all over the country about it. Right after that comes energy and climate change, and those are going to be a massive issues for our country. So it is important for us to know who is in charge so they can testify before the Congress and so we can effect their appropriations if we should choose to do so.

The main point I want to underscore is the fact that this is not just a concern on the Republican side of the aisle. The senior Senator in the Senate, and the senior Democrat—the President pro tempore—is Robert C. Byrd. Sometimes we call him the constitutional conscience of the Senate. Senator BYRD was the first Member of this body to raise questions about the czars. I am sure he would have done it if there had been a Republican President—he probably has many times before—but he also did it even though there is now a Democratic President.

I think it is important to reflect upon what he said in his February 23 letter to President Obama. Senator BYRD said:

> As presidential assistants and advisers, these White House staffers are not accountable for their actions to the Congress, to cabinet officials, and to virtually anyone but the President. They rarely testify before congressional committees, and often shield the information and decision-making process behind the assertion of executive privilege. In too many instances, White House staff have been allowed to inhibit openness and transparency, and reduce accountability.

In speaking about the lines of authority between these new White House positions—these czars—and their executive branch counterparts, the Secretaries, Senator BYRD said this to the President:

> Too often, I have seen these lines of authority and responsibility become tangled and blurred, sometimes purposely, to shield information and to obscure the decision-making process.

Senator BYRD went on to say:

> As you develop your White House organization, I hope you will favorably consider the following: that assertions of executive privilege will be made only by the President, or with the President's specific approval; that senior White House personnel will be limited from exercising authority over any person, any program, and any funding within the statutory responsibility of a Senate-confirmed department or agency head; that the President will be responsible for resolving any disagreement between a Senate-confirmed agency or department head and the White House staff; and that the lines of authority and responsibility in the administration will be transparent and open to the American public.

Not only Senator BYRD, but Senator LIEBERMAN, who is the chairman of the committee on which Senator COLLINS is the ranking Republican, has expressed his willingness to hold hearings on this issue. Senator FEINGOLD of Wisconsin, a Democratic chairman of the Subcommittee on the Constitution, has written to the President expressing his concern. Senator FEINGOLD says:

> The Constitution gives the Senate the duty to oversee the appointment of Executive officers through the Appointments Clause in Article II, section 2. The Appointments Clause states that the President: ''shall nominate and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other Officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law.

Senator FEINGOLD goes on to say:

> This clause is an important part of the constitutional scheme of separation of powers, empowering the Senate to weigh in on the appropriateness of significant appointments and assisting in its oversight of the Executive branch.

Senator FEINGOLD and Senator BYRD and Senator COLLINS, and several of us who signed Senator COLLINS' letter, and Senator VITTER of Louisiana—we all respect the President's authority to be the President and to appoint his Cabinet members and other executive branch officers. But we expect that those officers, the people who are actually setting the policy and running the departments, should be accountable to those of us in the Senate because the Constitution says so.

As a practical matter, we all know in Washington most people in the executive branch measure their power by the number of inches they are from the President of the United States. In the White House, most of the scurrying around at the beginning of an administration is to see who can get the office closest to the Oval Office. So it is always an issue about the amount of power that begins to accumulate in the White House. When it begins to take away accountability and authority and responsibility and create confusion about whether the Cabinet Secretaries have the authority, that is the time that we begin to cross the constitutional line.

That is what Senator BYRD talked about in February, what Senator FEINGOLD talked about last week, and what Senator COLLINS is talking about today. I congratulate her on her amendment. I think it is constructive. I think it is respectful to the President. It acknowledges his role in the Constitution, but it reiterates the importance of the role of the Senate in accountability and in transparency. I look forward to supporting her amendment.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I listened to the comments of the ranking member, the Republican manager of the bill. I agree with everything he said. I have great respect for the Senator from Maine. I find this amendment reasonable and our side is prepared to accept it.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. ISAKSON addressed the Chair.

Mrs. FEINSTEIN. Mr. President, we have one issue up right now, and then we will be happy to call on the Senator from Georgia. I know he has an amendment. I will ask unanimous consent that directly following disposal of the amendment of the Senator from Maine we turn to the Senator from Georgia.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum for just one moment.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senator from Georgia, Mr. ISAKSON, and the Senator from Louisiana, Mr. VITTER, be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I thank the chairman of the subcommittee, the Senator from California, and the Senator from Tennessee for their kind comments.

I urge adoption of the amendment.

Mrs. FEINSTEIN. To understand this correctly, the intention is to take this by unanimous support. However, there is one thing that needs to be checked

on. The clerks will do that, if the Senator from Maine is agreeable. In the meantime, we will proceed with the Senator from Georgia? Hearing no objection, I yield to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

AMENDMENT NO. 2504

Mr. ISAKSON. I ask unanimous consent we set aside the pending amendment and call up amendment No. 2504.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Georgia [Mr. ISAKSON] proposes an amendment numbered 2504.

Mr. ISAKSON. I ask further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To encourage the participation of the Smithsonian Institution in activities preserving the papers and teachings of Dr. Martin Luther King, Jr., under the Civil Rights History Project Act of 2009)

On page 219, line 5, before ''and including'', insert the following: ''of which $5,000,000 may be made available to the Secretary of the Interior to develop, in conjunction with Morehouse College, a program to catalogue, preserve, provide public access to and research on, develop curriculum and courses based on, provide public access to, and conduct scholarly forums on the important works and papers of Dr. Martin Luther King, Jr. to provide a better understanding of the message and teachings of Dr. Martin Luther King, Jr.;''.

Mr. ISAKSON. First, I thank the chairman for the courtesy of allowing me to call up the amendment at this time and appreciate the courtesy of the Senator from Maine. I have requested in appropriations the designation which is included in this amendment which says the Secretary may—underline the word ''may''—appropriate $5 million to Morehouse College for the purpose of the curation and the care of the Martin Luther King, Jr., papers in Atlanta, GA, for the civil rights museum of history.

Briefly, not to belabor the point, a number of years ago, as you may know, the family of Martin Luther King put up the King papers for auction to the highest bidder. A number of people in the State of Georgia and the city of Atlanta determined that those papers belonged to the world and raised $32 million amongst themselves to buy the papers to protect them forever for posterity. An issue came up in the U.S. House of Representatives to appropriate that money, and it didn't happen. Without those bidders, those papers would have gone to the highest bidder. Whether or not it would have remained in the public purview for posterity no one knows. But we do know because of the people and the mayor of Atlanta, Shirley Franklin, the distinguished Representative of our State, had the courage and fortitude and foresight to raise the money, and those papers are now under protection for the people of the world.

The money is being raised to build the civil rights museum, and it will start in the not too distant future at Centennial Park in Atlanta. It will house the papers of Martin Luther King, but there are 10,000 exhibits within the papers of Dr. King. Therefore, Morehouse College has been designated to be the curator and protector of those papers, much as our archivists in the country do for the great historical documents of the United States. This money would go to assist Morehouse College as the curator to protect those papers, which will be in the public domain forever.

I appreciate very much the distinguished chairman allowing me to offer the amendment. I hope at the appropriate time it will be adopted. I think it is an important contribution to the history of our country and future of civil rights and the world.

I yield the remainder of my time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2504, AS MODIFIED

Mrs. FEINSTEIN. I ask unanimous consent that Isakson amendment No. 2504 be modified with the changes that are at the desk, which are technical amendments.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

The amendment as modified is as follows:

On page 219, line 5, before ''and including'', insert the following: ''of which $5,000,000 may be made available to the Secretary of the Interior to develop, in conjunction with Morehouse College, a program to catalogue,preserve, provide public access to and research on, develop curriculum and courses based on, provide public access to, and conduct scholarly forums on the important works and papers of Dr. Martin Luther King, Jr. to provide a better understanding of the message and teachings of Dr. Martin Luther King, Jr.;''.

Mrs. FEINSTEIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that at 5:45 p.m. today, the Senate proceed to vote in relation to the following amendments and motion; that prior to each vote there be 2 minutes of debate, equally divided and controlled in the usual form; that no amendments be in order to the amendments or motion prior to the vote; that after the first vote in the sequence, the succeeding votes be limited to 10 minutes each: McCain amendment No. 2461, DeMint motion to recommit, and Reid amendment No. 2494.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. Mr. President, reserving the right to object, that would be the Reid amendment as modified?

Mrs. FEINSTEIN. Right.

Mr. ALEXANDER. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2494, AS MODIFIED

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Reid amendment No. 2494 be modified with the change at the desk and that once the amendment is modified, it be agreed to, as modified, and the motion to reconsider be made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is agreed to, as modified.

The amendment (No. 2494), as modified, was agreed to, as follows:

On page 240, between lines 13 and 14, insert the following:

SEC. 423. JUNGO DISPOSAL SITE EVALUATION.

Using funds made available under this Act, the Director of the United States Geological Survey may conduct an evaluation of the aquifers in the area of the Jungo Disposal Site in Humboldt County, Nevada (referred to in this section as the ''site''), to evaluate—

(1) how long it would take waste seepage (including asbestos, discarded tires, and sludge from water treatment plants) from the site to contaminate local underground water resources;

(2) the distance that contamination from the site would travel in each of—

(A) 95 years; and

(B) 190 years;

(3) the potential impact of expected waste seepage from the site on nearby surface water resources, including Rye Patch Reservoir and the Humboldt River;

(4) the size and elevation of the aquifers; and

(5) any impact that the waste seepage from the site would have on the municipal water resources of Winnemucca, Nevada.

Mrs. FEINSTEIN. 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. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2461

Mr. MCCAIN. Mr. President, I ask that we proceed to the regular order.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I believe the regular order is that I am allowed 1 minute. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. MCCAIN. Thank you, Mr. President.

This amendment strikes an earmark of $200,000 for the Des Moines Art Center in Iowa. The center just began a $7.5 million capital improvement project. It is time we got serious.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I join Senator HARKIN in urging a ''no'' vote. I think he argued quite eloquently on the floor.

I yield my time, and we can go straight to the vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been previously ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

I also announce that the Senator from Arkansas (Mrs. LINCOLN) is absent due to a death in the family.

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 27, nays 70, as follows:

[Rollcall Vote No. 291 Leg.]

YEAS—27

Barrasso	Ensign	Kyl
Bunning	Enzi	LeMieux
Burr	Feingold	Lugar
Chambliss	Graham	McCain
Coburn	Gregg	McConnell
Corker	Hutchison	Risch
Cornyn	Inhofe	Sessions
Crapo	Isakson	Thune
DeMint	Johanns	Vitter

NAYS—70

Akaka	Franken	Nelson (FL)
Alexander	Gillibrand	Pryor
Baucus	Grassley	Reed
Bayh	Hagan	Reid
Begich	Harkin	Roberts
Bennet	Hatch	Rockefeller
Bennett	Inouye	Sanders
Bingaman	Johnson	Schumer
Bond	Kaufman	Shaheen
Boxer	Kerry	Shelby
Brown	Klobuchar	Snowe
Brownback	Kohl	Specter
Burris	Landrieu	Stabenow
Cantwell	Lautenberg	Tester
Cardin	Leahy	Udall (CO)
Carper	Levin	Udall (NM)
Casey	Lieberman	Voinovich
Cochran	McCaskill	Warner
Collins	Menendez	Webb
Conrad	Merkley	Whitehouse
Dodd	Mikulski	Wicker
Dorgan	Murkowski	Wyden
Durbin	Murray	
Feinstein	Nelson (NE)	

NOT VOTING—2

Byrd	Lincoln

The amendment (No. 2461) was rejected.

MOTION TO RECOMMIT

The PRESIDING OFFICER. There is now 2 minutes of debate prior to a vote in relation to the DeMint motion to recommit.

The Senator from California.

Mrs. FEINSTEIN. Madam President, both Senators from California, as well as the managers of this bill, urge a ''no'' vote on the DeMint amendment.

What this amendment would do is essentially prohibit the Secretary of the Interior from expending appropriated funds to restrict, reduce or reallocate water supplies from the Central Valley Project and the California State Water Project. In essence, South Carolina is telling California how to handle its water issues.

To handcuff the Secretary of the Interior will essentially prohibit transfers between the State and the Federal water projects, which transfers are being done to facilitate additional water to go to a very needy farm belt in the great Central Valley of California. To put a prohibition on the Secretary to use any of the funds in this budget to reallocate or transfer this water is a mistake.

I urge a ''no'' vote, and I move to table.

The PRESIDING OFFICER. There is still time remaining. The Senator from South Carolina.

Mr. DEMINT. Madam President, this issue shines a spotlight on the utter stupidity of what this body does so often. Lawsuits cut off water to one of the most fertile farming communities in our country that supplies 13 percent of our food supply. About 40,000 people are now out of work because of this arbitrary lawsuit. Now President Obama has declared it a disaster area so we can spend more taxpayer money to bail out the small businesses we are putting out of business.

All this amendment does is restrict the use of funds to cut off water to the farmers in California that affect this whole Nation. It is not a California issue, it is an American issue. It makes no sense in a recession to put people out of work and to arbitrarily, with no good science involved here, cut off water from the farmers of America.

I have a list of farm bureaus throughout California, the National Cotton Council, and people all over this country who are saying enough is enough. Let us use some common sense. Please support this motion.

The PRESIDING OFFICER. Time has expired.

The majority leader.

Mr. REID. Madam President, this will be the last vote of the evening. I will file cloture tonight on this bill and, hopefully, we can move immediately to the Defense appropriations bill.

Mrs. FEINSTEIN. Madam President, I move to table this motion to recommit, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

I also announce that the Senator from Arkansas (Mrs. LINCOLN) is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 36, as follows:

[Rollcall Vote No. 292 Leg.]

YEAS—61

Akaka	Franken	Nelson (FL)
Alexander	Gillibrand	Pryor
Baucus	Hagan	Reed
Bayh	Harkin	Reid
Begich	Inouye	Rockefeller
Bennet	Johnson	Sanders
Bingaman	Kaufman	Schumer
Boxer	Kerry	Shaheen
Brown	Klobuchar	Snowe
Burris	Kohl	Specter
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Collins	Lieberman	Voinovich
Conrad	McCaskill	Warner
Dodd	Menendez	Webb
Dorgan	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Murray	
Feinstein	Nelson (NE)	

NAYS—36

Barrasso	DeMint	LeMieux
Bennett	Ensign	Lugar
Bond	Enzi	McCain
Brownback	Graham	McConnell
Bunning	Grassley	Murkowski
Burr	Gregg	Risch
Chambliss	Hatch	Roberts
Coburn	Hutchison	Sessions
Cochran	Inhofe	Shelby
Corker	Isakson	Thune
Cornyn	Johanns	Vitter
Crapo	Kyl	Wicker

NOT VOTING—2

Byrd	Lincoln

The motion to table was agreed to.

Mrs. FEINSTEIN. I move to reconsider the vote.

Mr. ALEXANDER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 2454.

Mrs. FEINSTEIN. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Louisiana.

MOTION TO RECOMMIT WITH AMENDMENT NO. 2508

Mr. VITTER. Madam President, I find this very frustrating. As I understand it, the Chair who is handling the bill on the floor is not objecting personally but on behalf of Senator NELSON of Florida. I find it frustrating because this is a completely germane amendment to the bill. It is a limitation amendment which is completely germane to the bill. I don't think there is any reasonable argument that something so directly pertinent and germane should not be open for discussion and vote on the Senate floor.

I think, quite frankly, it is unreasonable for Senator NELSON to block an amendment in this way. Having been

forced to do this, I now send to the desk a motion to recommit with instructions so that this amendment can be considered and heard in that manner.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] moves to recommit the bill, H.R. 2996, to the Committee on Appropriations of the Senate with instructions to report back the same to the Senate forthwith with the following amendment No. 2508.

Mr. VITTER. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds to delay the implementation of the Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010–2015)

On page 240, between lines 13 and 14, insert the following:

SEC. 423. PROHIBITION ON USE OF FUND TO DELAY DRAFT PROPOSED OUTER CONTINENTAL SHELF OIL AND GAS LEASING PROGRAM 2010–2015.

None of the funds made available by this Act shall be used to delay the Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010–2015 issued by the Secretary of the Interior under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344).

Mr. VITTER. Madam President, I will be happy to explain the substance of this amendment. Again, I am forced to file this motion to recommit simply to have this germane, relevant amendment heard and voted on with regard to the bill.

What does the amendment do? The amendment is very straightforward. It simply says:

None of the funds made available by this Act shall be used to delay the Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program from 2010–2015 issued by the Secretary of the Interior under section 18 of the Outer Continental Shelf Lands Act.

We all know we face enormous energy needs in this country. That became particularly acute and particularly obvious last summer when the price at the pump went through the roof and rose to $4 a gallon for gasoline. At that time, people rightly became enraged that we were not doing more to control our own destiny and our own energy future. People started demanding that Congress act, that Congress do something with regard to oil and gas and other energy resources we have right here at home.

That is when the petition began: Drill here, drill now. That is when every Member of this Congress was deluged with calls and e-mails and letters saying: Let's get ahold of our own destiny and produce that energy which we have right here at home.

In that time period last year, Congress heard that message loudly and clearly. So for the first time in years, the moratorium on offshore oil and gas production was lifted by Congress, and President Bush similarly lifted a more limited executive moratorium on offshore production. So those barriers and those hurdles were finally lifted because of the demands of the American people, when the American people said very loudly, very clearly: This is ridiculous. We have resources here at home. We have domestic energy. Let's use that domestic energy rather than being held hostage by foreign powers. That was real progress. That was moving, certainly, in the right direction.

The problem is, the new administration and the new Secretary of the Interior have made it clear that—despite all of those actions, despite all of that clear communication by the American people, despite Congress taking that historic action of lifting the moratorium, despite the previous administration lifting the executive moratorium—they are not in any hurry and they are not going to take any action in the near future to move forward with the 2010 to 2015 offshore planning area and lease sales.

So what, unfortunately, Secretary Salazar has said pretty clearly is he is not going to take action in the foreseeable future to actually move forward with that going after domestic production and domestic resources. That is really a shame because, while the price at the pump has stabilized somewhat from last summer, and that is a good thing, the need—particularly the medium- and long-term need—is still there. Over the next 20 years, U.S. demand for energy is only going to grow. It is particularly going to grow as we get out of this recession and come back into a more normal economy. Overall, it is expected to grow at an annual rate of 1.4 percent. That is going to demand more energy. We need to conserve. We need to develop new technology. We need to develop new energy sources. But that need is still going to grow, so that short term we will have increased demand for the types of energy we use.

We have enormous potential right here at home. The question which this amendment poses is, are we going to tap that potential or are we going to use the resources we have so that we cannot be held hostage any longer by hostile foreign powers.

According to conservative estimates from MMS, there are about 288 trillion cubic feet of natural gas and 52 billion barrels of oil in the OFC, off the lower 48 States. That is an enormous amount of energy as yet untapped. That is enough oil to maintain current production for 105 years. That is enough natural gas to maintain production for 71 years. That is enough oil to produce gasoline for 132 million cars and heating oil for 54 million homes for 15 years. It is enough natural gas to heat 72 million homes for 60 years or to supply current industrial and commercial needs for 28 years or to supply current electricity generating needs for 53 years. Further, the MMS reports that the waters off Alaska's coast hold about 27 billion barrels of oil and 132 trillion cubic feet of natural gas. That is in addition to all of the potential, all of the resources I was just talking about.

Make no mistake about it, we need to move to a new energy future. We need to develop new technology. We need to develop new sources of energy. But we need a bridge to get to that future, and certainly current fuels—oil and natural gas, particularly natural gas, which is a relatively clean-burning fuel—are an absolutely vital bridge to get to that future.

The American people are scratching their heads. We have enormous needs, particularly the need to build an energy bridge to a new, exciting energy future. The good news is we have enormous domestic resources that can help get us there, particularly natural gas. So why are we not matching those two things that should match up so well? The American people demanded that last summer. Because of their loud and clear voice, they got dramatic action out of Congress, lifting the moratoria. The problem is, the new administration and the new Secretary of the Interior are simply saying: We are not in any hurry to get there. We are not going to lift a finger to actually move forward with the concrete work that needs to be done.

That is really inappropriate. That is ignoring the clear clarion call of the American people. So, again, that brings us to my amendment, amendment No. 2454, which my motion to recommit would add to the bill. It simply says:

None of the funds made available by this Act shall be used to delay the draft proposed Outer Continental Shelf Oil and Gas Leasing Program for 2010–2015 issued by the Secretary of the Interior under section 18 of the Outer Continental Shelf Lands Act.

The American people have spoken: Drill here, drill now; build an important bridge to the future. No, it is not the future, but it is a necessary bridge to get us there. Let's adopt that common sense of the American people. Let's respond to that clear call of the American people dating back to last summer. Let's pass this clear limitation amendment, perfectly germane to this bill, so we can move forward with developing our domestic energy resources right here at home to build a more stable energy future.

I yield my time.

Mr. THUNE. Madam President, last summer President Bush signed into law a $50 billion foreign aid—HIV/AIDS—bill. Included as part of the PEPFAR bill was a $2 billion authorization that I, and a bipartisan group of Senators, worked to include that focused on the critical public safety, health care, and water needs in Indian country. All of the Senators who worked to include this provision in the final package, including now Vice President BIDEN and Secretary of State Clinton, recognized that there are great needs internationally, but that we have equal or maybe even greater needs here at home on our Nation's reservations.

The final PEPFAR bill created a $2 billion 5-year authorization, beginning

in fiscal year 2009, for the emergency fund for Indian safety and health. Over the 5-year authorization, $750 million could be spent on public safety, $250 million on health care, and $1 billion for water settlements. The need for increased funding in these three areas cannot be underestimated.

Nationwide, 1 percent of the U.S. population does not have safe and adequate water for drinking and sanitation needs. On our Nation's reservations this number climbs to an average of 11 percent and in the worst parts of Indian country to 35 percent. The Indian Health Service estimates that in order to provide all Native Americans with safe drinking water and sewage systems in their home they would need over $2.3 billion.

The heath care statistics are just as startling. Nationally, Native Americans are three times as likely to die from diabetes compared to the rest of the population. In South Dakota, 13 percent of Native Americans suffer from diabetes. This is more than twice the rate of the general population, where only 6 percent suffer from diabetes. On the Oglala Sioux Reservation in my home State of South Dakota, the average life expectancy for males is 56 years old. In Iraq it is 58, in Haiti it is 59, and in Ghana it is 60—all higher than right here in America. In South Dakota, from 2000 to 2005, Native American infants were more than twice as likely to die as non-Native infants.

Tragically, there are also great needs in the area of public safety and justice. One out of every three Native American women will be raped in their lifetime. According to a recent Department of Interior report, tribal jails are so grossly insufficient when it comes to cell space, only half of the offenders who should be incarcerated are being put in jail. That same report found that constructing or rehabilitating only those detention centers that are most in need will cost $8.4 billion.

The South Dakota attorney general released a study last year on tribal criminal justice statistics and found homicide rates on South Dakota reservations are almost 10 times higher than those found in the rest of South Dakota. Also, forcible rapes on South Dakota's reservations are seven times higher than those found in the rest of South Dakota.

There is no better example of these public safety issues as Standing Rock Sioux Tribe, which is located on the North and South Dakota border. In early 2008, the Standing Rock Sioux Reservation had six police officers to patrol a reservation the size of Connecticut. This meant that during any given shift there was only one officer on duty. One day, the only dispatcher on the reservation was out sick. This left only one police officer to act both as a first responder and also as the dispatcher. This directly impacted the officer's ability to patrol and respond to emergencies, and prevented him from appearing in tribal court to testify at a criminal trial.

Later in the year, I was able to work with my Senate colleagues and the Bureau of Indian Affairs to bring additional police officers to the Standing Rock Sioux Reservation through Operation Dakota Peacekeeper. This effort increased the number of officers working on the reservation from 12 to 37. This operation, which was a success, was only possible because the Bureau of Indian Affairs was able to dramatically increase the number of law enforcement officials on the reservation during the surge. And this dramatic increase in officers was only possible because the Bureau had been given additional public safety and justice funds in 2008.

Since its enactment last year, I have been working with my colleagues to ensure that the emergency fund for Indian safety and health is funded as quickly as possible. Earlier this spring, 13 of us sent a letter to the chairman and vice chairman of the Appropriations Committee asking that the committee increase the allocations in three different bills, including the Interior appropriations bill that we are debating today. As a result of that letter, the allocations in both the Energy and Water Development and Interior appropriations bills were increased by $50 million each, for a total of $100 million.

While this funding increase is a positive sign, neither subcommittee directed this additional funding into the emergency fund as requested. Instead, the Energy and Water Development Subcommittee divided the additional funding up between a variety of water settlement projects, and the Interior Subcommittee provided $25 million for public safety construction and $25 million for ''public safety and justice programs as authorized by the PEPFAR Emergency Fund.''

While I am pleased to see that there has been a $100 million increase in funding for Native American public safety and water projects, I think more could be done if we deposited funds directly into the emergency fund, which would be allocated to the areas of greatest need. The emergency fund, unlike general appropriations, is needed because the fund allows the relevant Federal agencies to spend the additional resources in those places where there are actual emergencies. It would allow agencies, like the Bureau of Indian Affairs, to begin additional operations, like Operation Dakota Peacekeeper, and bring immediate solutions to parts of our nation that are most in need.

That is why I filed my amendment, amendment No. 2503, today. I have filed an amendment that would simply transfer the $50 million increase in public safety and public safety construction funding into the emergency fund. While I do not intend to seek a vote on this amendment today, I am committed to continuing to work in a bipartisan manner for the much needed funding for the emergency fund. Toward that end, I am encouraged by the discussions I have had with several of my colleagues who are willing to continue this effort.

Mr. CONRAD. Mr. President, I rise to offer for the RECORD the Budget Committee's official scoring of H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act for fiscal year 2010.

The bill, as reported by the Senate Committee on Appropriations, provides $32.1 billion in discretionary budget authority for fiscal year 2010, which will result in new outlays of $19.7 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the bill will total $34.3 billion.

The Senate-reported bill matches its section 302(b) allocation for budget authority and is $5 million below its allocation for outlays. No points of order lie against the committee-reported bill.

I ask unanimous consent to have printed in the RECORD a table displaying the Budget Committee scoring of the bill.

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

H.R. 2996, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

[Spending comparisons—Senate-reported bill (in millions of dollars)]

	General purpose
Senate-Reported Bill:	
Budget Authority	32,100
Outlays	34,273
Senate-Reported Bill Compared To:	
Senate 302(b) allocation:	
Budget Authority	0
Outlays	−5
House-Passed Bill:	
Budget Authority	−200
Outlays	85
President's Request:	
Budget Authority	−225
Outlays	35

NOTE: Table does not include 2010 outlays stemming from emergency budget authority provided in the 2009 Supplemental Appropriations Act (P.L. 111–32).

The PRESIDING OFFICER. The Senator from California is recognized.

MORNING BUSINESS

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak up to 10 minutes each. I ask unanimous consent for the Senator from Oklahoma to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLIMATE CHANGE

Mr. INHOFE. Madam President, let me thank the Senator from California for allowing me to go first in this group that I am sure will appear down here to talk in morning business.

As the cap and trade continues to languish in the Senate, President Obama is trying to salvage international climate change talks that are on the brink of collapse. So he gave a

climate change speech at the United Nations, hoping to inspire hope in the process marred by failure. His speech, however, fell short of expectations, offering only to talk of rising sea levels and climate refugees, sort of resurrecting things that have been refuted in the old Gore speeches.

President Obama's speeches have been delivered against a backdrop of confusion and disagreement in the international community over climate change. The European Union is angry that the Senate is stalling cap and trade. China and India refuse to accept binding emissions cuts. The New York Times admits that global temperatures ''have been stable for a decade and may even drop in the next few years.'' In other words, we are actually in a cooling period right now, maybe not as dramatic as the one I recall back so well in 1975, when they said another ice age is coming, nonetheless it is cooler. We are not involved in global warming right now.

He was addressing the global economic recession that has taken precedence over climate change in countries throughout the world. This global economic recession is one that has captured the interest of the people all over the world and has them looking to see: Is this science really there that they were talking about, going all the way back to the late 1990s and the Kyoto treaty? This is deja vu all over again. These are some of the same issues that have stymied climate talks ever since Kyoto.

We were told all rancor and disagreement would evaporate once the new administration assumed power in the United States. After all, the failure to achieve an international climate pact was simply George Bush's fault. President Obama would bring change and the ability to persuade the likes of China and India to transcend their national self-interest for the global good. That has not happened and is not going to happen.

I was surprised President Obama failed to define what success will mean in Copenhagen, so I will have to do it for him. From the standpoint of the Senate, success will not mean a vague, open-ended commitment on the emissions from India or China, the world's leading emitter. Success can only mean that China and other developing countries agree to mandatory emission cuts comparable to those required in America and that any treaty or agreement that did not avoid causing harm to our economy would not be acceptable. Unless those conditions are met, no such treaty or agreement will be approved by the Senate.

I remember the Senate resoundingly rejected exempting developing nations such as China way back in 1997. That is still alive today. It passed 94 to 0. It said we will not agree to any treaty. At that time, Vice President Gore had signed the Kyoto treaty. They were trying to encourage us to ratify that treaty. President Clinton never brought it to the floor. It is because we had spoken loudly and clearly with a unanimous vote in the Senate that said we are not going to ratify anything that either doesn't force the developing countries such as India and China to have the same requirements as we have or that hurts us economically. That is the position—it was then and is today—of the U.S. Senate. I think that still commands support in the Senate. Any treaty the Obama administration submits must meet that resolution.

We hear that China is making progress in reducing emissions and that the administration will persuade China to agree to more aggressive steps in Copenhagen.

By the way, that is where they have the annual meeting, the big bash the United Nations puts on. I went to one of those back in about 2003, I guess it was, in Milan, Italy.

The administrations's climate change envoy, Todd Stern, is saying something different. On September 2—he is the person from the Obama administration—on September 2, he said: ''It is not possible to ask China for an absolute reduction below where they are right now'' because, as he said, ''they are not quite at that point to be able to do that. And, in that respect, developing countries are different''—totally violating the intent of the 1997 agreement that this Senate had.

This is the first time someone from the administration has said let's treat developing countries different from developed countries.

Let me restate a bit. Stern is saying China simply can't make reductions that would be comparable to anything the United States accepts domestically. This is not a surprise considering China is now the world's largest emitter of carbon dioxide while U.S. emissions have remained relatively stagnant. Make no mistake here, China is unapologetic for its refusal to accept binding emissions cuts, and it will pursue an all-of-the-above strategy, including burning coal as it deems necessary; all of the above: oil, gas, coal, nuclear; they are very big in nuclear over there.

China also stated that before it accepts absolute, binding emissions reductions, developing countries must reduce their emissions by at least 40 percent by 2020.

Let me say that again. China won't accept absolute reductions until developing countries—that is, the United States, including the United States—reduce their emissions 40 percent below 1990 levels by 2020. This is really astounding considering that the Waxman-Markey bill only calls for a 14-percent reduction and they are saying they expect us to have a 40-percent reduction.

Accepting the Chinese position would mean certain economic disaster for the United States, for jobs and businesses—not to mention emissions—going to China.

Over the coming days and weeks, we will hear much about China's national mitigation plan, its 5-year plan to reduce emissions. We will hear stern warnings that China is outpacing the United States on clean energy. But this is a smokescreen to hide the chaos and failure of international climate change negotiations.

In the coming weeks, President Obama will reach some sort of bilateral agreement with China on climate change, but it won't require China to do anything other than business as usual. We have gone through this before. I can understand China's position. If I were in China, in that government, I would say the same thing. I would say: Let's go ahead and let's get the developed nations to have some kind of reductions so that will move manufacturing jobs to us, to China. I have to say this about the new Administrator of the Environmental Protection Agency, Lisa Jackson, in her honesty the other day in a public hearing—I asked her the question: If we were to pass one of these bills where we unilaterally pass something in the United States, like Waxman-Markey, if we did that, would that have any reduction in worldwide reductions in CO_2? She said no, it would not have any effect. Obviously, it wouldn't.

Anyway, you could argue that if we were to pass Waxman-Markey, it would have the effect of increasing worldwide emissions because our manufacturing base would go to countries where they didn't have any emission requirements.

So, in the final analysis, President Obama's speech to the United Nations was a failure to define success, a failure to provide real solutions for international energy security, and a failure to sketch the outlines of a meaningful international climate change agreement that will pass the Byrd-Hagel test of 1997.

I think surely after the August recess, after so many people were beaten up on the fact that they did not want to have any type of a government-run health system, they certainly did not want to pass something that would be a cap and trade that would have the effect of providing the largest single tax increase in the history of America, a tax increase in the range of $300 to $366 billion a year.

I can remember back when we passed that very large tax increase in 1993. It was called the Clinton-Gore tax increase. It increased the marginal rates, increased capital gains, it increased the death tax, all of the other taxes. I was pretty upset about it at that time. I talked on the Senate floor. I said that was a $32 billion tax increase. This would be 10 times that size. So I do not think it is going to happen. This commission will listen to the speeches between now and Copenhagen. I plan to make a few myself.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of Colorado.) The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

ANGRY AMERICANS

Mr. SANDERS. Mr. President, my impression is that the American people are angry. In my view, they have every right in the world to be angry because what we are seeing in our country today is the kind of economic suffering and pain that we have not seen in this country since the Great Depression.

Recently, last week, Ben Bernanke, who is the Chairman of the Federal Reserve, said he thought it ''very likely that the recession had ended.''

I would suggest to Mr. Bernanke that before he makes statements like that, he might want to talk to the tens and tens of millions of people in this country who are suffering economically and who, in many respects, are not going to see a better day soon unless we as a Congress get our act together.

When you ask why the American people are angry, let me suggest to you why that is so. We went through 8 years which, in my view, were led by the worst administration in the modern history of the country. This is what happened during those 8 years before the financial crisis of last year. During the Bush-Cheney administration over 8 million Americans slipped out of the middle class and into poverty; median household income declined by over $2,100; over 6.5 million Americans lost their health insurance; 5.4 million manufacturing jobs disappeared; and 4 million American workers lost their pensions. That is between 2000 and 2008.

Colleagues may have seen the other day in USA Today on their front pages unbelievable statistics which were geared toward age groups of young American workers seeing, during that 8-year period, huge declines in their median family income. That was before the financial crisis.

As we all know, about a year ago, Secretary of the Treasury Paulson came before the Congress and essentially said: I know that for 7 years we were telling you how robust and great the American economy was, but it seems we may have made a little bit of a mistake. If you don't give us $700 billion in the next few days, it appears that the entire world's financial system might collapse. It seems we may have made a mistake.

Thank God the financial system of the country and the world did not collapse. But on Wall Street, because of the greed, the irresponsibility, and the illegal actions of a handful of CEOs at the head of huge financial institutions, we have seen the most significant economic decline in this country since the 1930s. Since the beginning of the recession in December of 2007, 7.4 million Americans have lost their jobs. The official unemployment rate is 9.7 percent. Let me give a statistic which I think is enormously powerful and extremely frightening. If we count people who are officially declared as unemployed and if we add to that number those people who have given up looking for work, who are no longer counted as unemployed, and if we add to that number those people who want to work in full-time jobs but are now working part-time jobs, what we are looking at is 26 million Americans who are unemployed or underemployed. That is 17 percent of working-age Americans. As bad as the official statistic of 9.7 percent is, the reality is a lot worse than that. When we wonder why people are angry, I think when 26 million Americans are unemployed or underemployed, when millions more have lost their homes, when they have lost their pensions, when they have lost their health insurance, those people have a right to be angry.

In my view, we have been far too easy in terms of our response to what the people on Wall Street have done. It is beyond my comprehension that we did not begin an investigation weeks or at least months after the financial meltdown and ask what the cause of that meltdown was, who was responsible, hold them accountable, and if they broke the law, they deserved to find out what the American penal system is all about.

What we have to do right now—and I know there is an investigation beginning—is a thorough investigation—it is already very late in the process, and we should have done it earlier—to start holding those people who have caused so much suffering accountable, to understand that they just can't get away with it. What amazes me is that we have a handful of people whose greed and recklessness have caused this crisis. And have you heard one of them come before the American people to say: I am sorry. My greed, my recklessness, my illegal behavior has caused so much suffering in this country and around the world. I want to apologize.

On the contrary, what I have heard is lobbyists all over this place and the financial institutions spending millions and millions of dollars trying to make sure we do nothing and that they are able to continue doing what they did, the same old ballgame which caused the crisis in the first place.

The first thing I think we need to do is a real investigation of this financial crisis. If there are CEOs, who made hundreds of millions of dollars, responsible for this disaster, this financial crisis, they have to be accountable. If they broke the law, they have to go to jail.

Second, in terms of real financial reform, I am more than aware that Congress passed legislation trying to bring more transparency and integrity to the credit card industry. All of us have received prospectuses from credit card companies telling us if we sign on the bottom line, we will have zero-interest-rate credit. They have sent out billions of these prospectuses every single year. Meanwhile, in tiny print on page 4, it appears they could raise their rates to any level they want for any reason. We have begun to deal with that, but we have not gone far enough.

When major financial institutions are charging the American people 29 percent interest rates on their credit cards, 30 percent interest rates in terms of payday lending, 40, 50 percent interest rates, we have to call it what it is. That is loan sharking. In the old days, a loan shark was somebody who lent you money and if you didn't pay it back on time, they broke your kneecaps. Now we have these guys on Wall Street who are doing exactly the same thing, and we call that providing credit. But it is not. It is loan sharking. It is usury. We need to bring back usury legislation, which we used to have but was done away with by a Supreme Court decision which allowed companies to go to States that don't have usury laws to be protected in terms of being able to charge high interest rates all over the country.

I have introduced legislation which imposes a maximum of 15 percent interest on credit cards. The reason I have done that is, in fact, credit unions for many decades now have been operating under that law. It is not the credit unions that are coming here for massive bailouts. It is our friends on Wall Street. I think if it has worked for the credit unions, it can work for private banks as well. We have passed credit card legislation which was a step forward, but I think we have to take another big step. We have to say that there has to be a maximum, a cap on interest rates. I believe an appropriate one is 15 percent.

Another issue we have to deal with is the phenomenon of too big to fail. The reason we provided hundreds of billions of dollars in a bailout to Wall Street is that the experts believed—the Secretary of the Treasury and the head of the Fed—that if we allowed these huge financial institutions to fail, they would bring down the entire system. That was a year ago. Maybe you know more than I do, but I am not aware that we have taken any steps to begin breaking up these large financial institutions. If they were too big to fail a year ago, they are too big to fail right now.

What we have seen—and there have been a number of articles on this—is that these huge financial institutions have become even larger. What sense is that? We have to begin to learn what Teddy Roosevelt did 100 years ago. We have to start breaking up these guys. Because if we don't, we will be back here again, except next time the bailout will be even larger, because the financial crisis will be that much more severe.

Furthermore, it goes without saying that for years Alan Greenspan and Bob Rubin and all of those people who told us that the secret to financial success in America was to deregulate Wall Street, that what we really had to do

was to get the government off of the backs of all of these big Wall Street companies, we had to do away with Glass-Steagall legislation, we had to allow investment houses to merge with commercial banks, to merge with insurance companies—all of that was going to be wonderful in terms of creating wealth and prosperity for the American people.

Our friends on Wall Street spent billions of dollars on lobbying to get that through. I was one of those in the House vigorously opposed to that approach. Needless to say, it is time to rethink that and, in a sensible way, to start the reregulation of Wall Street.

The bottom line is, these people on Wall Street are by and large concerned about one thing, and that is making as much money as they possibly can for themselves. And they have done phenomenally well. Some years ago 25 percent of all profits in America went to Wall Street, which has relatively few people. Obviously, as I think everybody knows, you had hedge fund guys making a billion dollars a year, CEOs making hundreds of millions of dollars a year. They have done very well. They don't care that manufacturing is disintegrating in America, that millions of workers have lost their jobs. They don't care that small businesses can't get credit. They don't care about trying to build a productive economy where working people are producing real products that people can consume. That is not where these guys are at. They are at it for short-term gains. If anybody believes otherwise, they don't understand history.

We have to set out a number of rules by which they have to play or else we are looking to bring back exactly what we just went through.

Another issue we have to deal with, as we get to financial reform, is the Fed. I am a member of the Budget Committee. Last year, when Mr. Bernanke came before the committee, I asked him very simply if he could tell me which financial institutions were the recipients of some $2 trillion in zero interest loans. During the financial crisis, Mr. Bernanke and the Fed provided $2 trillion to large financial institutions. I asked him a pretty simple question: Can you please tell me which financial institutions received that money? I don't think that is a terribly radical question, putting $2 trillion of taxpayer money at risk. And he said: No, I can't tell you.

On that particular day, I introduced legislation that would make him tell us. It is beyond comprehension that we are putting at risk trillions of dollars going to institutions, and we don't know who they are, what kind of conflicts of interest exist. We don't know what the terms of payment are. It is beyond comprehension.

On this issue, I must confess, I am working with somebody whose politics and ideology are very different than mine, my old friend RON PAUL, who is a very conservative Republican in the House. RON and I worked on some issues when I was there. He and I are working together on two pieces of legislation on the Fed. But one of them is going to tell the Fed they can't give away trillions of dollars with the American people not knowing what it is. We need an order to the Fed. We need transparency in the Fed, and we need accountability in the Fed.

There is another issue we want to deal with, and that is oil speculation. I come from a cold weather State. Many people heat with oil. Obviously, all over the country people are filling up their gas tanks to get to work. We have reason to believe that one of the causes of the volatility in oil prices has to do with speculation coming from Wall Street where our friends there are investing in oil futures. We have to begin to control that speculation so that people are not paying outrageous prices, heating their homes in winter or filling up their gas tanks.

Lastly, the issue of Wall Street in one sense is not radically different from the issue of health care or many other important issues, the incredible power these special interests have. The banking and insurance industries have spent over $5 billion on campaign contributions and lobbying activities over the past decade in support of deregulation, and they are spending even more to try to prevent Congress from seriously regulating their industries. The American people want change. They want Congress to reform Wall Street. They want those people who caused this economic crisis to be held accountable. They want to make sure we prevent the country from ever going into a situation such as we were in last year. Whether we can do it remains to be seen, given the power of Wall Street and the incredible amounts of money they spend on campaign contributions and on lobbying.

Which brings me to the issue of campaign finance reform and my strong view that we need public funding of elections.

So, Mr. President, I just did want to say a word as to my perception of why the American people are angry, the fact that they have every reason in the world to be angry because in our great country what we are seeing, for the first time in our lifetimes, is the real likelihood that our kids will have a lower standard of living than our generation, and that is not something we should be happy about.

We have to ask the question why. We have to ask what policies contributed to that decline of the middle class, that increase in poverty. We have to ask why we are the only country in the world that does not have a national health care program guaranteeing health care to all people, why we have the highest rate of childhood poverty of any major country on Earth, why we have the greatest gap between the rich and everybody else of any major country on Earth.

We have to ask those questions, and we need to stand up to powerful special interests in bringing about the kinds of reforms we need.

Mr. President, I yield the floor.

REMEMBERING SENATOR EDWARD M. KENNEDY

Mr. UDALL of Colorado. Mr. President, I rise today to give tribute to Senator Edward Kennedy.

It is impossible to sum up Senator Ted Kennedy in words or a speech. His life and work touched so many diverse interests and issues. Senator Kennedy was larger than life. He was a champion for the underdog—those in our society who just needed a hand up. For close to five decades, Senator Kennedy championed policies for American workers, minorities, parents, immigrants, gays and lesbians, people with disabilities and illnesses, among others. And I think I can safely say he was the greatest legislator in the history of the Senate.

In the words of Senator JOHN MCCAIN during his presidential bid, ''I have described Ted Kennedy as the last lion in the Senate . . . because he remains the single most effective member . . . if you want to get results.''

While he was known as a champion for liberal causes, Senator Kennedy's hallmark was to reach across the aisle, passing legislation with his Republican friends, such as ORRIN HATCH and JOHN MCCAIN. He never let partisanship stop him from doing what is right for the American people.

But his most important role was that of the patriarch of the Kennedy family a family that faced tragedy that most of us never will experience and can never fathom. Despite the loss of three brothers, taken long before their time, and the loss of a nephew a rising star, Ted Kennedy rose above the burdens of life and became the rudder of the Kennedy ship, the driving force of the family a family dedicated to public service. Fortunately for all of us, that dedication has been passed on to the next generation and it has influenced families across our Nation, including mine.

The Kennedy family and my own family first crossed paths decades ago, and our family stories continue to be intertwined. My dad, Mo Udall, and uncle, Stewart Udall, supported John Kennedy in his race for President. Ted Kennedy was JFK's man on the ground in the southwest states.

In fact, the Udalls have been called the ''Kennedys of the West.'' And as my Aunt Elma says, ''we are flattered'' by that comparison.

In many ways we are as different as they come. Kennedys are the East. Kennedys are the ocean. Kennedys are Catholic immigrants. Udalls are the West. Udalls are the desert. Udalls are Mormon dirt farmers.

But it is true that my family was drawn to the Kennedys' deep commitment to religious freedom and dedication to public service. My family also shares a commitment to public service. My Uncle Stewart served as President

Kennedy's Secretary of the Interior. And my father ran for and won in a special election in 1960 Uncle Stewart's congressional seat. Some claim that his race was a referendum on the fledgling Kennedy administration, and that his victory was an affirmation of America's support for the goals of his presidency.

Whether that is true, it has proved to be a connection that would keep our families close for decades. And what binds the two families are the friendships that have been fostered over decades since friendships that cross generations and hopefully will continue into the next.

In 1971, my father ran for majority leader of the House of Representatives and lost. The same year, Senator Kennedy lost his bid for Senate whip. Soon after came a note to my father from Senator Kennedy which said, ''Mo, as soon as I pull the liberal knives out of my back, I'll help you dig out the liberal buckshot from your backside.''

My dad supported Ted Kennedy in his primary bid to become President in 1980.

He and Ted were friends for many decades, and in many ways, they were kindred spirits. They loved the outdoors, national parks, skiing in Colorado, and family touch football. We all will remember the photographs of Ted on his sailboat with his family his love of the ocean and boating and sharing it with generations of Kennedy children.

A few years after my dad lost his battle with Parkinson's disease, Senator Dennis DeConcini of Arizona sponsored legislation to establish the Morris K. Udall Foundation. Senator Kennedy joined in sponsoring the measure. In speaking about my dad, he noted: ''He will rank as one of the greatest Members of the House of Representatives of all time, and also as one of the most beloved . . . Somehow, for 30 years, whenever you probed to the heart of the great concerns of the day, you found Mo Udall in the thick of the battle, championing the rights of average citizens against special interest pressures, defending the highest ideals of America, and always doing it with the special grace and wit that were his trademark and that endeared him to Democrats and Republicans alike.''

If my dad were alive today, I think he would use the same words to describe Senator Kennedy. They both brought people together to do what is right for our country.

Recently, as I have thought about Senator Kennedy's legacy, I have remembered my dad's 1980 speech at the Democratic National Convention. After a tough primary battle, the Democrats were digging in and fighting among themselves. They needed to set aside their differences and join together to win the election. My dad rose to give the keynote address to remind Democrats that they were in this fight together. ''We do fight and we kick and yell and scream and maybe even scratch a bit, but we fight because we are a diverse party and because we've always tried to listen up to new ideas.''

He concluded the speech with these comments: ''This nation that we love will only survive, if each generation of caring Americans can blend two elements: change and the ability to adjust things to the special needs of our times; and second, stability, the good sense to carry forward the old values which are just as good now as they were 200 years ago.''

These elements epitomize Ted Kennedy's legacy. He knew when a person or group of people needed a change in their circumstances.

His strong Catholic faith was the compass that guided his life. It was the driving force that led him to fight to make a difference in other people's lives, particularly those who were less fortunate.

Ted Kennedy's legislative successes are numerous and unquestionably have changed lives for the better. He fought to pass the Civil Rights Act of 1964 and Voting Rights Act of 1965. In the 1990s, he labored to pass the Family and Medical Leave Act. And he and Senator HATCH worked across the aisle to pass the Ryan White CARE Act. And it is his lifelong battle for universal health care coverage for Americans that he is best known for today.

The Kennedy and Udall ideals can live on through the younger generation. My cousin TOM and I served in the House of Representatives with PATRICK KENNEDY. Not only were we colleagues, but we are friends. We grew up in political families and from an early age, public service was a way of life. I was a proud supporter of PATRICK's crusade to pass mental health parity legislation in the House. Fortunately, Senator Kennedy lived to see his son's work come to fruition, keeping faith with the special Kennedy credo: aid those who need a helping hand.

TOM, PATRICK and I, as well as the rest of the Kennedy and Udall family members, have big shoes to fill. Whether we can actually fill them remains to be seen, but we must certainly push the trail blazed by our aunts and uncles, fathers and mothers as far as our endurance allows.

Senator Ted Kennedy surely will be missed not only on the Senate floor, but in our lives. I deeply regret I will not serve with him in the Senate. He was a champion, a fighter, and a friend. I want to say ''goodbye'' not only for me, but for my dad his friend. And I send my thoughts and prayers to Vicki, PATRICK, and the rest of the Kennedy family.

ADDITIONAL STATEMENTS

TRIBUTE TO JIMMY MEANS

• Mr. KERRY. Mr. President, today I congratulate Mr. Jimmy Means of Massachusetts for the quality of his service with the Massachusetts Highway Department and his contributions to the beautification of the Commonwealth.

Mr. Means began his career with the department as a toll collector on the Massachusetts Turnpike. And for the past 10 years, he has overseen the department's programs for collecting litter and beautifying the roadways in his native Worcester County.

This kind of public service is vital, because we know all too well that roadway litter remains a problem despite decades of antilitter efforts. Last year, more than 582 tons of litter were collected from along State roadways—an expense in the millions of dollars to Massachusetts taxpayers.

Massachusetts, like most States, encourages volunteer efforts to keep State roads and highways litter-free. At least once a month, from April 15 to November 15, volunteers ''adopt'' a 2-mile section of highway and remove litter.

But as important as the volunteers are, the beautification of Massachusetts highways depends largely on the work of people like Mr. Means. And in Worcester County, Mr. Means' friends and colleagues report that he in particular has built a reputation for responding quickly and efficiently to any highway blights, receiving praise from the local officials and the office of the Governor.

I congratulate Mr. Means for his work on behalf of the Commonwealth of Massachusetts—work that all of us can take pride in and appreciate even more this time of year as tourists flock to New England to view our beautiful fall foliage. I applaud his efforts and his dedication in keeping Massachusetts roadways clean and safe—and wish him many more years of contributing to Massachusetts.•

MESSAGE FROM THE HOUSE

At 7:23 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 following bill, in which it requests the concurrence of the Senate:

H.R. 3548. An act to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3221. An act to amend the Higher Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

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–3092. A communication from the Assistant Secretary of Defense (Reserve Affairs),

transmitting, pursuant to law, a report relative to procurement priorities provided by the Chiefs of the Reserve and National Guard components; to the Committee on Armed Services.

EC–3093. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Scott C. Black, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–3094. A communication from the Acting Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Updated Statements of Legal Authority for the Export Administration Regulations'' (RIN0694–AE72) received in the Office of the President of the Senate on September 17, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–3095. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Neligh, Nebraska'' ((RIN2120–AA66) (9–3/9–8/0191/ACE–4)) received in the Office of the President of the Senate on September 17, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3096. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Ooogurak, Alaska'' ((RIN2120–AA66) (9–3/9–3/0196/AAL–3)) received in the Office of the President of the Senate on September 17, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3097. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Lake Havasu, Arizona'' ((RIN2120–AA66) (8–24/8–26/1099/AWP–10)) received in the Office of the President of the Senate on September 17, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3098. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 767 Airplanes'' ((RIN2120–AA64) (8–27/8–27/28035/NM–293)) received in the Office of the President of the Senate on September 17, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3099. A communication from the Senior Advisor for Regulations, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Authorization of Representative Fees'' (RIN0960–AG82) received in the Office of the President of the Senate on September 17, 2009; to the Committee on Finance.

EC–3100. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Reasonably Foreseeable Default Standard for Commercial Mortgages Held by a REMIC/Investment Trust'' (Rev. Proc. 2009–45) received in the Office of the President of the Senate on September 17, 2009; to the Committee on Finance.

EC–3101. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Modifications of Commercial Mortgage Loans Held by an Investment Trust'' (Notice 2009–79) received in the Office of the President of the Senate on September 17, 2009; to the Committee on Finance.

EC–3102. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Modifications of Commercial Mortgage Loans Held by a Real Estate Mortgage Investment Conduit'' (RIN1545–BG77) received in the Office of the President of the Senate on September 17, 2009; to the Committee on Finance.

EC–3103. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 7874: Treatment of Certain Stock of the Foreign Acquiring Corporation'' (Notice 2009–78) received in the Office of the President of the Senate on September 17, 2009; to the Committee on Finance.

EC–3104. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates'' (Notice 2009–77) received in the Office of the President of the Senate on September 15, 2009; to the Committee on Finance.

EC–3105. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Information Reporting for Discharge of Indebtedness'' (RIN1545–BH99) received in the Office of the President of the Senate on September 17, 2009; to the Committee on Finance.

EC–3106. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Declaratory Judgments—Gift Tax Determinations Regulation'' (RIN1545–DB67) received in the Office of the President of the Senate on September 17, 2009; to the Committee on Finance.

EC–3107. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, a report relative to the Office of Inspector General's budget request for the fiscal year 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–3108. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, a report relative to the Board's budget request for the fiscal year 2011; to the Committee on Health, Education, Labor, and Pensions.

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:

S. 806. A bill to provide for the establishment, administration, and funding of Federal Executive Boards, and for other purposes (Rept. No. 111–77).

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. REED:

S. 1691. A bill to comprehensively regulate derivatives markets to increase transparency and reduce risks in the financial system; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEAHY (for himself, Mr. CARDIN, and Mr. KAUFMAN):

S. 1692. A bill to extend the sunset of certain provisions of the USA PATRIOT Act and the authority to issue national security letters, and for other purposes; to the Committee on the Judiciary.

By Mrs. GILLIBRAND:

S. 1693. A bill to amend the Richard B. Russell National School Lunch Act to require the Secretary of Agriculture to ensure the safety of school meals by enhancing coordination with States and schools operating school meal programs in the case of a recall of contaminated food; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON):

S. 1694. A bill to allow the funding for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL:

S. Res. 279. A resolution making minority party appointments for certain committees for the 111th Congress; considered and agreed to.

By Mr. SPECTER:

S. Res. 280. A resolution celebrating the 10th anniversary of the rule of law program of Temple University Beasley School of Law; to the Committee on the Judiciary.

By Mr. SPECTER (for himself, Mr. CASEY, Mr. NELSON of Florida, Ms. KLOBUCHAR, Mr. FRANKEN, and Mrs. BOXER):

S. Con. Res. 40. A concurrent resolution encouraging the Government of Iran to grant consular access by the Government of Switzerland to Joshua Fattal, Shane Bauer, and Sarah Shourd, and to allow the 3 young people to reunite with their families in the United States as soon as possible; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 451

At the request of Ms. COLLINS, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 546

At the request of Mr. REID, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service—connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of

military service or Combat—Related Special Compensation.

S. 604

At the request of Mr. THUNE, his name was added as a cosponsor of S. 604, a bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes.

S. 642

At the request of Mr. BAYH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 642, a bill to require the Secretary of Defense to establish registries of members and former members of the Armed Forces exposed in the line of duty to occupational and environmental health chemical hazards, to amend title 38, United States Code, to provide health care to veterans exposed to such hazards, and for other purposes.

S. 653

At the request of Mr. CARDIN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 725

At the request of Mr. BINGAMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 725, a bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct health insurance costs in computing self-employment taxes.

S. 731

At the request of Mr. NELSON of Nebraska, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 731, a bill to amend title 10, United States Code, to provide for continuity of TRICARE Standard coverage for certain members of the Retired Reserve.

S. 795

At the request of Mr. HATCH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 795, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 831

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of nonregular service retired pay.

S. 994

At the request of Ms. KLOBUCHAR, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 994, a bill to amend the Public Health Service Act to increase awareness of the risks of breast cancer in young women and provide support for young women diagnosed with breast cancer.

S. 1132

At the request of Mr. LEAHY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1132, a bill to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes.

S. 1158

At the request of Ms. STABENOW, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1158, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 1171

At the request of Mr. PRYOR, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1171, a bill to amend title XVIII of the Social Security Act to restore State authority to waive the 35-mile rule for designating critical access hospitals under the Medicare Program.

S. 1215

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1215, a bill to amend the Safe Drinking Water Act to repeal a certain exemption for hydraulic fracturing, and for other purposes.

S. 1301

At the request of Mr. MENENDEZ, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 1301, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 1396

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1396, a bill to direct the Administrator of the United States Agency for International Development to carry out a pilot program to promote the production and use of fuel-efficient stoves engineered to produce significantly less black carbon than traditional stoves, and for other purposes.

S. 1422

At the request of Mrs. MURRAY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1422, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 1483

At the request of Ms. KLOBUCHAR, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1483, a bill to designate the Department of Veterans Affairs outpatient clinic in Alexandria, Minnesota, as the ''Max J. Beilke Department of Veterans Affairs Outpatient Clinic''.

S. 1649

At the request of Mr. LIEBERMAN, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 1649, a bill to prevent the proliferation of weapons of mass destruction, to prepare for attacks using weapons of mass destruction, and for other purposes.

S. 1653

At the request of Mr. LEAHY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1653, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 1659

At the request of Mr. CASEY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1659, a bill to enhance penalties for violations of securities protections that involve targeting seniors.

S. 1668

At the request of Mr. BENNET, the names of the Senator from Colorado (Mr. UDALL) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. 1668, a bill to amend title 38, United States Code, to provide for the inclusion of certain active duty service in the reserve components as qualifying service for purposes of Post-9/11 Educational Assistance Programs, and for other purposes.

S. 1672

At the request of Mr. REED, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1672, a bill to reauthorize the National Oilheat Research Alliance Act of 2000.

S.J. RES. 1

At the request of Mr. VITTER, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States relative to limiting the number of terms that a Member of Congress may serve.

S. RES. 268

At the request of Mr. MENENDEZ, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. Res. 268, a resolution recognizing Hispanic Heritage Month and celebrating the heritage and culture of Latinos in the United States and their immense contributions to the Nation.

S. RES. 276

At the request of Mr. BURRIS, his name was added as a cosponsor of S. Res. 276, a resolution designating September 22, 2009, as ''National Falls Prevention Awareness Day''.

AMENDMENT NO. 2447

At the request of Mrs. HUTCHISON, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 2447 intended to be proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2454

At the request of Mr. VITTER, the names of the Senator from Alabama (Mr. SHELBY), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Nebraska (Mr. JOHANNS) were added as cosponsors of amendment No. 2454 intended to be proposed to H. R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2455

At the request of Mr. VITTER, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 2455 intended to be proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2456

At the request of Mr. CARPER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of amendment No. 2456 proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2460

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 2460 proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, 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:

S. 1691. A bill to comprehensively regulate derivatives markets to increase transparency and reduce risks in the financial system; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, today I introduce the Comprehensive Derivatives Regulation Act of 2009, or the CDRA, which establishes for the first time a comprehensive regulatory framework to prevent derivatives trading activities from ever again contributing to catastrophic failures in our financial system. One year ago this month our nation found itself on the verge of a total financial meltdown with decades-old financial institutions collapsing overnight and credit markets freezing up in large part because companies like AIG took huge and risky bets selling totally unregulated credit default swaps, bets that backfired when the housing bubble burst.

Derivatives are financial contracts that investors use to manage their risks or grow their portfolios. They are called derivatives because they derive their value from other things such as the price of corn at a future date, or whether a company fails to make good on its debts. While most derivatives offer companies the ability to better manage their risks, some irresponsible financial firms took huge risks in recent years using new, untested, and unregulated derivatives products. When these firms faltered, it sent shockwaves through our financial system and landed us in a recession. As a result, today families in Rhode Island and throughout the country struggle to keep their jobs and stay in their homes.

I have been working over the past year with my Senate colleagues to develop a series of critical reforms to the financial sector to ensure that we never face such a perilous situation again. As the Chairman of the Securities, Insurance, and Investment Subcommittee of the Senate Banking Committee, I have introduced bills to greatly strengthen oversight of credit rating agencies and hedge funds, which until now have been subject to relatively little regulation.

Introducing the CDRA is another key step in filling the huge regulatory gaps in our financial system. This bill would put in place a truly comprehensive framework for regulating all such products. Derivatives have been overseen by two market regulators, the Securities and Exchange Commission, SEC, which has broad responsibility for protecting investors and ensuring the integrity of securities markets, and the Commodity Futures Trading Commission, CFTC, which regulates commodity futures and the exchanges on which those products are traded.

In part because of this shared jurisdiction, large segments of the derivatives markets, such as credit default swaps, have gone entirely unsupervised by either agency. This bill will fill these regulatory gaps.

First, the bill would require standardized credit default swaps and other unregulated derivatives to be traded through a clearinghouse. This would protect the companies and the financial system from the risks posed by these instruments. Importantly, the bill also grants regulators the ability to oversee any new derivative product in the future, so dealers can no longer create products that fall into holes in the law.

Second, the bill establishes robust capital and margin requirements for derivatives dealers and other major market participants, and subjects them to higher standards for products that are not traded on clearinghouses.

Third, the bill subjects firms to new conduct requirements to protect investors from abusive practices in the market. It also includes new recordkeeping and reporting requirements to ensure that regulators and investors have broad information about derivatives transactions and positions throughout the financial sector.

Fourth, the bill combats fraud and manipulation in derivatives markets by giving regulators new authority to set position limits and oversee the marketing of products to certain investors. The bill strengthens thresholds in place to ensure only sophisticated investors are engaging in certain types of trading.

Finally, the bill rationalizes the sharing of jurisdiction between the SEC and CFTC, and establishes a process for quickly assigning responsibility for new products so they do not fall through the cracks. Specifically, the bill provides the SEC with jurisdiction over all derivatives that are securities or can be used as synthetic substitutes for securities, because without such authority over products that can affect securities markets, the SEC cannot accomplish its mission to protect investors and ensure the integrity and fairness of markets. The bill provides the CFTC with jurisdiction over all other derivatives. The bill also provides a fast and efficient process for the U.S. Court of Appeals for the District of Columbia Circuit to resolve any differences in views between the agencies that might arise.

I hope my colleagues will join me in improving the oversight of credit default swaps and other derivatives products by cosponsoring this legislation and supporting its passage.

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. 1691

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Comprehensive Derivatives Regulation Act of 2009''.

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

SEC. 2. FINDINGS.

Congress finds that—

(1) in recent years, the over-the-counter derivatives market has grown rapidly, but regulators have lacked key information and adequate authority to address systemic and other risks posed by unregulated derivatives trading;

(2) excessive risk taking among market participants, combined with limited regulatory oversight of such products, was a significant cause of the recent financial crisis;

(3) lack of transparency in the markets has contributed to market instability and uncertainty, and has resulted in a less efficient marketplace;

(4) customized derivative products provide key benefits to certain market participants and should be permitted under comprehensive regulation, but all derivatives activities should be accompanied by appropriate risk management and prudential standards; and

(5) the trading of derivatives on regulated exchanges should be encouraged because of the significant associated market efficiencies.

TITLE I—REGULATION OF SECURITY-BASED DERIVATIVES

SEC. 101. DEFINITIONS.

(a) DEFINITIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934.—Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended—

(1) in paragraph (10), by inserting ''security-based swap,'' after ''security future,'';

(2) in paragraph (13), by adding at the end the following: ''For any security-based swap, such terms include the execution, termination (prior to its scheduled maturity date), assignment, exchange, or similar transfer or conveyance of, or extinguishing of rights or obligations under, a security-based swap, as the context may require.'';

(3) in paragraph (14), by adding at the end the following: ''For any security-based swap, such terms include the execution, termination (prior to its scheduled maturity date), assignment, exchange, or similar transfer or conveyance of, or extinguishing of rights or obligations under, a security-based swap, as the context may require.''; and

(4) by adding at the end the following:

''(65) DERIVATIVE.—The term 'derivative' means—

''(A) any future, forward, swap, warrant, put, call, straddle, option, or privilege on or related to—

''(i) any security, or group or index of securities (including any interest therein or based on the value thereof); or

''(ii) any issuer of securities or group or index of issuers of securities (including any interest therein or based on the value thereof); and

''(B) any contract of sale for future delivery of any commodity (or option on such contract).

''(66) SWAP.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'swap' means any agreement, contract, or transaction that—

''(i) is a put, call, cap, floor, collar, or similar option of any kind for the purchase or sale of, or based on the value of, 1 or more interest or other rates, currencies, commodities, indices, quantitative measures, or other financial or economic interests or property of any kind;

''(ii) provides for any purchase, sale, payment, or delivery (other than a dividend on an equity security) that is dependent on the occurrence, nonoccurrence, or the extent of the occurrence of an event or contingency associated with a potential financial, economic, or commercial consequence;

''(iii) provides on an executory basis for the exchange, on a fixed or contingent basis, of 1 or more payments based on the value or level of 1 or more interest or other rates, currencies, commodities, securities, instruments of indebtedness, indices, quantitative measures, or other financial or economic interests or property of any kind, or any interest therein or based on the value thereof, and that transfers, as between the parties to the transaction, in whole or in part, the financial risk associated with a future change in any such value or level without also conveying a current or future direct or indirect ownership interest in an asset (including any enterprise or investment pool) or liability that incorporates the financial risk so transferred, any such agreement, contract, or transaction commonly known as an interest rate swap, including a rate floor, rate cap, rate collar, cross-currency rate swap, basis swap, currency swap, equity index swap, equity swap, debt index swap, debt swap, credit spread, credit default swap, credit swap, weather swap, energy swap, metal swap, agricultural swap, emissions swap, or commodity swap;

''(iv) is an agreement, contract, or transaction that is, or in the future becomes, commonly known to the trade as a swap; or

''(v) is any combination or permutation of, or option on, any agreement, contract, or transaction described in any of clauses (i) through (iv).

''(B) EXCLUSIONS.—The term 'swap' does not include—

''(i) any contract of sale for future delivery traded on or subject to the rules of any board of trade designated as a contract market under section 5 of the Commodity Exchange Act (7 U.S.C. 7)—

''(I) on a commodity other than a security; or

''(II) that is not based on or subject to the occurrence of a bona fide contingency that might reasonably be expected to affect or be affected by the creditworthiness of a party other than a party to such contract;

''(ii) any sale of any cash commodity or security for deferred or delayed shipment or delivery;

''(iii) any put, call, straddle, option, or privilege on any security, certificate of deposit, or group or index of securities, including any interest therein or based, in whole or in part, on the value thereof, whether physically or cash settled;

''(iv) any put, call, straddle, option, or privilege entered into on a national securities exchange registered pursuant to section 6(a) relating to foreign currency;

''(v) any agreement, contract, or transaction providing for the purchase or sale of 1 or more securities on a fixed basis, whether physically or cash settled;

''(vi) any agreement, contract, or transaction providing for the purchase or sale of 1 or more securities on a contingent basis, unless such agreement, contract, or transaction predicates such purchase or sale on the occurrence of a bona fide contingency that might reasonably be expected to affect or be affected by the creditworthiness of a party other than a party to the agreement, contract, or transaction;

''(vii) any note, bond, or evidence of indebtedness that is a security (as defined in section 2(a)(1) of the Securities Act of 1933 (15 U.S.C. 77b(a)(1)) or paragraph (10) of this subsection);

''(viii) any agreement, contract, or transaction that is—

''(I) based on, or references, a security; and

''(II) entered into directly or through an underwriter (as defined in section 2(a)(11) of the Securities Act of 1933 (15 U.S.C. 77b(a)(11))) by the issuer of such security;

''(ix) any security future product (as defined in paragraph (56));

''(x) any hybrid instrument that is predominantly a banking product, as provided in section 405 of the Commodity Futures Modernization Act of 2000 (Public Law 106–554; 114 Stat. 2763A–455), or any hybrid instrument that is predominantly a security, as provided in section 2(f) of the Commodity Exchange Act (as in effect on the day before the date of enactment of the Comprehensive Derivatives Regulation Act of 2009);

''(xi) any agreement, contract, or transaction that is an insurance or endowment policy or annuity contract or optional annuity contract issued by a corporation that is subject to the supervision of the insurance commissioner, bank commissioner, or any agency or officer performing like functions, of any State; or

''(xii) any identified banking product specified in paragraphs (1) through (5) of section 206(a) of the Gramm-Leach-Bliley Act (15

U.S.C. 78c note), mortgage or mortgage purchase commitment, or any sale of installment loan contracts or receivables, if any such product or instrument is not marketed or sold as an alternative to a swap.

''(67) ELIGIBLE CONTRACT PARTICIPANT.—The term 'eligible contract participant' means—

''(A) acting for its own account—

''(i) a financial institution (as defined in section 1a(15) of the Commodity Exchange Act (7 U.S.C. 1(a)(15)), as in effect on the day before the date of enactment of the Comprehensive Derivatives Regulation Act of 2009);

''(ii) an insurance company that is regulated by a State, or that is regulated by a foreign government and is subject to comparable regulation, as determined by the Commission, including a regulated subsidiary or affiliate of such an insurance company;

''(iii) an investment company that is subject to regulation under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) or a foreign person performing a similar role or function subject as such to foreign regulation (regardless of whether each investor in the investment company or the foreign person is itself an eligible contract participant);

''(iv) a commodity pool that—

''(I) has total net assets exceeding $5,000,000; and

''(II) is formed and operated by a person that is subject to regulation under the Commodity Exchange Act (7 U.S.C. 1 et seq.) or a foreign person performing a similar role or function subject as such to foreign regulation (regardless of whether each investor in the commodity pool or the foreign person is itself an eligible contract participant);

''(v) a corporation, partnership, proprietorship, organization, trust, or other entity—

''(I) that has total net assets exceeding $10,000,000; or

''(II) that—

''(aa) has total net assets exceeding $5,000,000; and

''(bb) enters into an agreement, contract, or transaction in connection with the conduct of the business of the entity or to manage the risk associated with an asset or liability owned or incurred or reasonably likely to be owned or incurred by the entity in the conduct of the business of the entity;

''(vi) an employee benefit plan that is subject to the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.), a governmental employee benefit plan, or a foreign person performing a similar role or function that is subject as such to foreign regulation—

''(I) that has total assets exceeding $5,000,000; or

''(II) the investment decisions of which are made by—

''(aa) an investment adviser or commodity trading advisor that is subject to regulation under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) or the Commodity Exchange Act (7 U.S.C. 1 et seq.);

''(bb) a foreign person performing a similar role or function that is subject as such to foreign regulation;

''(cc) a financial institution (as defined in section 1a(15) of the Commodity Exchange Act (7 U.S.C. 1(a)(15)), as in effect on the day before the date of enactment of the Comprehensive Derivatives Regulation Act of 2009); or

''(dd) an insurance company described in clause (ii), or a regulated subsidiary or affiliate of such an insurance company;

''(vii)(I) a governmental entity (including the United States, a State, or a foreign government) or political subdivision of a governmental entity;

''(II) a multinational or supranational government entity; or

''(III) an instrumentality, agency, or department of an entity described in subclause (I) or (II),

except that such term does not include an entity, political subdivision, instrumentality, agency, or department referred to in subclause (I) or (III), unless the entity, political subdivision, instrumentality, agency, or department owns and invests on a discretionary basis $50,000,000 or more in investments, provided that, with respect to any State or entity, political subdivision, agency, or department of a State, such amount is exclusive of any proceeds from any offering of municipal securities;

''(viii)(I) a broker or dealer that is subject to regulation under this title or a foreign person performing a similar role or function that is subject as such to foreign regulation, except that, if the broker or dealer or foreign person is a natural person or proprietorship, the broker or dealer or foreign person shall not be considered to be an eligible contract participant, unless the broker or dealer or foreign person also meets the requirements of clause (v) or (xi);

''(II) an associated person of a registered broker or dealer concerning the financial or securities activities, of which, the registered person makes and keeps records under section 15C(b) or 17(h); and

''(III) an investment bank holding company (as defined in section 17(i));

''(ix) a futures commission merchant that is subject to regulation under the Commodity Exchange Act or a foreign person performing a similar role or function that is subject as such to foreign regulation, except that, if the futures commission merchant or foreign person is a natural person or proprietorship, the futures commission merchant or foreign person shall not be considered to be an eligible contract participant, unless the futures commission merchant or foreign person also meets the requirements of clause (v) or (xi);

''(x) a floor broker or floor trader that is subject to regulation under the Commodity Exchange Act in connection with any transaction that takes place on or through the facilities of a registered entity (as defined in section 1a(29) of the Commodity Exchange Act (7 U.S.C. 1(a)(29)), as in effect on the day before the date of enactment of the Comprehensive Derivatives Regulation Act of 2009, other than an electronic trading facility with respect to a significant price discovery contract), or an exempt board of trade operating under section 5d of the Commodity Exchange Act (7 U.S.C. 7a–3), or any affiliate thereof, on which such person regularly trades; or

''(xi) a natural person who—

''(I) owns and invests on a discretionary basis not less than $10,000,000;

''(II) owns and invests on a discretionary basis not less than $5,000,000 and who enters into the agreement, contract, or transaction in order to manage the risk associated with an asset owned or liability incurred, or reasonably likely to be owned or incurred, by the individual; or

''(III) is an officer or director of an entity (or a person performing similar functions) and who enters into the agreement, contract, or transaction in order to manage the risk associated with the securities of such entity owned by the individual at the time of entering into the agreement, contract, or transaction;

''(B)(i) a person described in clause (i), (ii), (iv), (v), (viii), (ix), or (x) of subparagraph (A) or in subparagraph (C), acting as broker or performing an equivalent agency function on behalf of another person described in subparagraph (A) or (C); or

''(ii) an investment adviser that is subject to regulation under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.), a commodity trading advisor that is subject to regulation under the Commodity Exchange Act (7 U.S.C. 1 et seq.), a foreign person performing a similar role or function that is subject as such to foreign regulation, or a person described in clause (i), (ii), (iv), (v), (viii), (ix), or (x) of subparagraph (A) or in subparagraph (C), in any such case acting as investment manager or fiduciary (but excluding a person acting as broker or performing an equivalent agency function) for another person described in subparagraph (A) or (C) and who is authorized by such person to commit such person to the transaction; or

''(C) any other person that the Commission determines by rule, jointly with the Commodity Futures Trading Commission, to be an eligible contract participant, in light of the financial or other qualifications of the person.

''(68) PERSON ASSOCIATED WITH A SIGNIFICANT SECURITY-BASED DERIVATIVES MARKET PARTICIPANT.—

''(A) IN GENERAL.—The term 'person associated with a significant security-based derivatives market participant' or 'associated person of a significant security-based derivatives market participant' means—

''(i) any partner, officer, director, or branch manager of a significant security-based derivatives market participant (including any individual who holds a similar status or performs a similar function with respect to any partner, officer, director, or branch manager of a significant security-based derivatives market participant);

''(ii) any person that directly or indirectly controls, is controlled by, or is under common control with a significant security-based derivatives market participant; and

''(iii) any employee of a significant security-based derivatives market participant.

''(B) EXCLUSION.—Other than for purposes of section 15F(e)(2), the term 'person associated with a significant commodity-based derivatives market participant' or 'associated person of a significant security-based derivatives market participant' does not include any person associated with a significant security-based derivatives market participant, the functions of which are solely clerical or ministerial.

''(69) SECURITY DERIVATIVE.—The term 'security derivative' means—

''(A) any derivative, other than a derivative instrument swap, on or related to—

''(i) any security, or group or index of securities (including any interest therein or based on the value thereof); or

''(ii) any issuer of securities or group or index of issuers of securities (including any interest therein or based on the value thereof); and

''(B) any security that the Commission by rule, regulation, or order determines is a security derivative.

''(70) SECURITY-BASED SWAP.—The term 'security-based swap' means a swap, of which a material term—

''(A) is based on the price, yield, value, or volatility of any security or any group or index of securities, or any interest therein, other than interest rate or currency;

''(B) is dependent on the occurrence, nonoccurrence, or the extent of the occurrence of an event or contingency associated with a potential financial, economic, or commercial consequence that is related to or based on a security, an interest in a security, an issuer of a security, or group or index of securities, or interests in securities or issuers of securities, or based on the value of any of the foregoing;

''(C) provides for the purchase or sale of 1 or more securities on a contingent basis, whether physically or cash settled, if such

agreement, contract, or transaction predicates such purchase or sale on the occurrence of a bona fide contingency that might reasonably be expected to affect or be affected by the creditworthiness of a party other than a party to the agreement, contract, or transaction; or

''(D) allows for settlement of the swap by delivery of, or by reference to, any security.

''(71) SIGNIFICANT SECURITY-BASED DERIVATIVES MARKET PARTICIPANT.—The term 'significant security-based derivatives market participant' means—

''(A) any person (other than an investment company registered under the Investment Company Act of 1940) that is engaged in the business of purchasing or selling one or more security-based swaps (or security derivatives, as the Commission determines by rule, regulation, or order) for such person's own account or for others, or making a market in security-based swaps (or security derivatives, as the Commission determines by rule, regulation, or order), the purchases or sales of which are not solely for the purpose of managing the risk associated with—

''(i) an asset that is or is anticipated to be owned, produced, manufactured, processed, or merchandised;

''(ii) potential changes in the value of services to be purchased or provided, or anticipated to be purchased or provided; or

''(iii) a liability incurred or anticipated to be incurred by such person that is not, or is not related to, a security-based swap; or

''(B) any other person designated by the Commission, by rule, regulation, or order, after consultation with the Commodity Futures Trading Commission, as necessary or appropriate in the public interest, the protection of investors, or in furtherance of the purposes of this title.

''(72) TRADE REPOSITORY.—The term 'trade repository' means any person that collects, calculates, processes, or prepares information with respect to transactions or positions in security-based swaps or security derivatives by the Commission under section 17C(d)(1)(A)(ii).''.

(b) DEFINITIONS UNDER THE SECURITIES ACT OF 1933.—Section 2(a) of the Securities Act of 1933 (15 U.S.C. 77b(a)) is amended—

(1) in paragraph (1), by inserting ''security-based swap,'' after ''security future,'';

(2) in paragraph (3), by adding at the end the following: ''Any offer or sale of a security-based swap (or other security derivative as the Commission determines by rule or regulation) by or on behalf of the issuer of the securities upon which such security-based swap or security derivative is based or is referenced, an affiliate of the issuer, or an underwriter, shall constitute a contract for sale of, sale of, offer for sale, or offer to sell such securities.''; and

(3) by adding at the end the following:

''(17) The terms 'derivative', 'swap', 'security derivative' and 'security-based swap' have the same meanings as in paragraphs (65), (66), (69), and (70), respectively, of section 3(a) of the Securities Exchange Act of 1934.

''(18) The terms 'purchase' or 'sale' of a security-based swap, shall be deemed to mean the execution, termination (prior to its scheduled maturity date), assignment, exchange, or similar transfer or conveyance of, or extinguishing of rights or obligations under, a security-based swap, as the context may require.''.

SEC. 102. RATIONALIZATION OF FINANCIAL PRODUCT OVERSIGHT.

(a) REPEAL OF SWAP AGREEMENT EXCLUSION.—

(1) REPEAL OF LAWS.—The following provisions of law are repealed:

(A) Sections 206A, 206B, and 206C of the Gramm-Leach-Bliley Act (15 U.S.C. 78c note).

(B) Section 2A of the Securities Act of 1933 (15 U.S.C. 77b–1).

(C) Section 17(d) of the Securities Act of 1933 (15 U.S.C. 77q(d)).

(D) Section 3A of the Securities Exchange Act of 1934 (15 U.S.C. 78c–1).

(E) Section 9(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78i(i)).

(F) Section 15(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(i)), as added by section 303(f) of the Commodity Futures Modernization Act of 2000 (Public Law 106–554; 114 Stat. 2763A–455).

(G) Section 16(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78p(g)).

(H) Section 20(f) of the Securities Exchange Act of 1934 (15 U.S.C. 78t(f)).

(I) Section 21A(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–1(g)).

(2) CONFORMING AMENDMENT TO THE SECURITIES ACT OF 1933.—Section 17(a) of the Securities Act of 1933 (15 U.S.C. 77q(a)) is amended by striking ''or any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act)''.

(3) CONFORMING AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended—

(A) in section 9(a) (15 U.S.C. 78i(a))—

(i) in paragraph (1)—

(I) by striking ''For the'' and inserting ''for the''; and

(II) by striking the period at the end an inserting a semicolon; and

(ii) by striking paragraphs (2) through (5) and inserting the following:

''(2) to effect, alone or with 1 or more other persons, a series of transactions in any security registered on a national securities exchange or in connection with any security-based swap (or security derivative, as the Commission determines by rule, regulation, or order) with respect to such security creating actual or apparent active trading in such security, or raising or depressing the price of such security, for the purpose of inducing the purchase or sale of such security by others;

''(3) if a broker or dealer, or other person selling or offering for sale or purchasing or offering to purchase the security to induce the purchase or sale of any security registered on a national securities exchange or any security-based swap (or security derivative, as the Commission determines by rule, regulation, or order) with respect to such security by the circulation or dissemination in the ordinary course of business of information to the effect that the price of any such security will or is likely to rise or fall because of market operations of any 1 or more persons conducted for the purpose of raising or depressing the price of such security;

''(4) if a broker or dealer, or the person selling or offering for sale or purchasing or offering to purchase the security, to make, regarding any security registered on a national securities exchange or any security-based swap (or security derivative, as the Commission determines by rule, regulation, or order) with respect to such security, for the purpose of inducing the purchase or sale of such security or such security-based swap (or security derivative, as the Commission determines by rule, regulation, or order), any statement which was, at the time and in the light of the circumstances under which it was made, false or misleading with respect to any material fact, and which the broker, dealer, or such person knew or had reasonable grounds to believe was false or misleading;

''(5) for a consideration, received directly or indirectly from a broker or dealer, or other person selling or offering for sale or purchasing or offering to purchase the security, to induce the purchase of any security registered on a national securities exchange or any security-based swap (or security derivative, as the Commission determines by rule, regulation, or order) with respect to such security by the circulation or dissemination of information to the effect that the price of any such security will or is likely to rise or fall because of the market operations of any one or more persons conducted for the purpose of raising or depressing the price of such security; or'';

(B) in section 10(b) (15 U.S.C. 78j(b))—

(i) by striking ''or any securities-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act),''; and

(ii) by striking ''Rules promulgated under subsection (b)'' and all that follows through ''as they apply to securities'';

(C) in section 15(c)(1) (15 U.S.C. 78o(c)(1))—

(i) in subparagraph (A) by striking '', or any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act),''; and

(ii) in each of subparagraphs (B) and (C), by striking ''swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act)'' each place that term appears and inserting ''swap'';

(D) in section 16(a)(2)(C) (15 U.S.C. 78p(a)(2)(C)), by striking ''swap agreement (as defined in section 206(b) of the Gramm-Leach-Bliley Act)'' and inserting ''swap (or security derivative, as the Commission determines by rule, regulation, or order)'';

(E) in section 16(a)(3)(B) (15 U.S.C. 78p(a)(3)(B)), by striking ''security-based swap agreement'' and inserting ''swap (or security derivative, as the Commission determines by rule, regulation, or order)'';

(F) in section 16(b) (15 U.S.C. 78p(b))—

(i) by striking ''(as defined in section 206B of the Gramm-Leach-Bliley Act)'' each place that term appears and inserting ''; (or security derivative, as the Commission determines by rule, regulation, or order)''; and

(ii) by striking ''swap agreement'' each place that term appears and inserting ''swap (or security derivative, as the Commission determines by rule, regulation, or order)'';

(G) in section 20(d) (15 U.S.C. 78t(d)), by striking ''or security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) with respect to such security'' and inserting '', security futures product or swap''; and

(H) in section 21A(a)(1) (15 U.S.C. 78u–1(a)(1)), by striking ''or security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act)''.

(b) RATIONALIZATION OF SECURITY FUTURES OVERSIGHT.—

(1) AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended—

(A) in section 3(a) of (15 U.S.C. 78c(a)), by striking paragraph (55) and inserting the following:

''(55) The term 'security future'—

''(A) means a contract of sale for future delivery of a security or an index of securities, including any interest therein or based on the value thereof, or based on any financial, economic, or commercial occurrence, extent of an occurrence, contingency, or consequence that is related to or based on a security, an interest in a security, an issuer of a security, or group or index of securities, or interests in securities or issuers of securities, or based on the value of any of the foregoing, other than an exempted security under paragraph (12), as in effect on the date of enactment of the Futures Trading Act of 1982 (other than a municipal security, under paragraph (29), as in effect on the date of enactment of the Futures Trading Act of 1982); and

''(B) does not include any security-based swap.'';

(B) in section 6 (15 U.S.C. 78f)—

(i) by striking subsections (g), (i), and (k);

(ii) by redesignating subsections (h) and (j) as subsections (g) and (h), respectively; and

(iii) in subsection (g), as so redesignated—

(I) in paragraph (2)—

(aa) by striking ''(A)''; and

(bb) by striking ''and (B) meet the criteria specified in section 2(a)(1)(D)(i) of the Commodity Exchange Act'';

(II) in paragraph (3)(A), by striking ''security of a narrow-based security'' and inserting ''of an'';

(III) in paragraph (3)(D), by striking ''and the Commodity Futures Trading Commission jointly determine'' and inserting ''determines'';

(IV) in paragraph (3)(G), by striking ''the prohibition against dual trading in section 4j of the Commodity Exchange Act (7 U.S.C. 6j) and the rules and regulations thereunder or'';

(V) in paragraph (4)(A), by striking ''and the Commodity Futures Trading Commission, by rule, regulation, or order, may jointly'' and inserting ''may, by rule, regulation, or order,'';

(VI) in paragraph (4)(B), by striking ''and the Commodity Futures Trading Commission, by order, may jointly'' and inserting ''may, by order,'';

(VII) in paragraph (6)—

(aa) by striking ''and the Commodity Futures Trading Commission'';

(bb) by striking ''jointly''; and

(cc) by striking ''and the Commodity Exchange Act''; and

(VIII) in paragraph (7)—

(aa) by striking subparagraph (A) and inserting the following:

''(A) Notwithstanding paragraph (2), until the compliance date, a national securities exchange or national securities association that is registered pursuant to section 15A(a) may trade a security futures product that does not conform with any listing standard promulgated to meet the requirement specified in subparagraph (E) of paragraph (3).''; and

(bb) by subparagraph (B), by striking ''and the Commodity Futures Trading Commission shall jointly'' and inserting ''shall'';

(C) in section 7 (15 U.S.C. 78g)—

(i) in subsection (c)(2)(A)(ii), by striking ''and the Commodity Futures Trading Commission shall jointly'' and inserting ''shall'';

(ii) in subsection (c)(2)(A), by striking ''and the Commodity Futures Trading Commission have not jointly'' and inserting ''has not''; and

(iii) in subsection (c)(2)(B)—

(I) by striking ''and the Commodity Futures Trading Commission shall jointly'' and inserting ''shall''; and

(II) by striking ''and the Commodity Futures Trading Commission jointly deem'' and inserting ''deems'';

(D) in section 11A (15 U.S.C. 78k–1), by striking subsection (e);

(E) in section 12(k) (15 U.S.C. 78l(k))—

(i) in paragraph (1), by striking ''If the actions described in subparagraph (A) or (B) involve a security futures product, the Commission shall consult with and consider the views of the Commodity Futures Trading Commission.''; and

(ii) in paragraph (2)(B), by striking ''If the actions described in subparagraph (A) involve a security futures product, the Commission shall consult with and consider the views of the Commodity Futures Trading Commission.'';

(F) in section 15 (15 U.S.C. 78o)—

(i) in subsection (b), by striking paragraphs (11) and (12); and

(ii) in subsection (c)(3)—

(I) by striking ''(A) No'' and inserting ''No''; and

(II) by striking subparagraph (B);

(G) in section 15A (15 U.S.C. 78o–3), by striking subsections (k), (l), and (m);

(H) in section 17(b) (15 U.S.C. 78q(b))—

(i) in paragraph (1)—

(I) by striking ''(1)'' and all that follows through ''All records'' and inserting ''All records'';

(II) by striking ''of a—'' and all that follows through ''(A) registered'' and inserting ''of a registered''; and

(III) by striking ''; or'' and all that follows through the end of subparagraph (B) and inserting a period; and

(ii) by striking paragraphs (2) through (4);

(I) in section 17A(b) (15 U.S.C. 78q–1(b))—

(i) by striking paragraph (7); and

(ii) by redesignating paragraph (8) as paragraph (7);

(J) in section 19 (15 U.S.C. 78s)—

(i) in subsection (b)—

(I) by striking paragraphs (7) and (9); and

(II) by redesignating paragraph (8) as paragraph (7); and

(ii) in subsection (d), by striking paragraph (3);

(K) in section 21 (15 U.S.C. 78u), by striking subsection (i); and

(L) in section 28(e) (15 U.S.C. 78bb(e)), by striking paragraph (4).

(2) CONFORMING AMENDMENTS TO THE SECURITIES ACT OF 1933.—The Securities Act of 1933 (15 U.S.C. 77 et seq.) is amended—

(A) in section 2(a) (15 U.S.C. 77b(a)), by striking paragraph (16) and inserting the following:

''(16) The terms 'security future' and 'security futures product' have the same meanings as in sections 3(a)(55) and 3(a)(56), respectively, of the Securities Exchange Act of 1934.''; and

(B) in section 3(a)(14)(A) (15 U.S.C. 77c(a)(14)(A)), by striking ''or exempt from registration under subsection (b)(7) of such section 17A''.

(3) CONFORMING AMENDMENT TO THE INVESTMENT COMPANY ACT OF 1940.—Section 2(a)(52) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(52)) is amended to read as follows:

''(52) The term 'security future' has the same meaning as in section 3(a)(55) of the Securities Exchange Act of 1934.''.

(4) CONFORMING AMENDMENT TO THE INVESTMENT ADVISERS ACT OF 1940.—Section 202(a)(27) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(27)) is amended to read as follows:

''(27) The term 'security future' has the same meaning as in section 3(a)(55) of the Securities Exchange Act of 1934.''.

(5) CONFORMING AMENDMENTS TO THE SECURITIES INVESTOR PROTECTION ACT OF 1970.—The Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.) is amended—

(A) in section 3(a)(2)(A) (15 U.S.C. 78ccc(a)(2)(A))—

(i) in clause (i), by inserting ''and'' after the semicolon at the end;

(ii) in clause (ii), by striking ''; and'' and inserting a period; and

(iii) by striking clause (iii); and

(B) in section 16(14) (15 U.S.C. 78lll(14)), by striking ''section 3(a)(55)(A)'' and inserting ''section 3(a)(55)''.

(c) CLARIFICATION OF THE STATUS OF EVENT CONTRACTS.—

(1) AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.—Section (3)(a)(10) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(10) is amended—

(A) by striking ''term 'security' means any note'' and inserting the following: ''term 'security'—

''(A) means—

''(i) any note'';

(B) by striking ''or any certificate'' and inserting the following: ''; or

''(ii) any certificate''; and

(C) by striking ''any of the foregoing, but shall not'' and inserting the following: ''any security described in clause (i); or

''(iii) any agreement, contract, or transaction that is associated with a financial, economic, or commercial occurrence, extent of an occurrence, contingency, or consequence that is related to or based on a security, an interest in a security, an issuer of a security, or group or index of securities, or interests in securities or issuers of securities, or based on the value of any of the foregoing or any security described in clause (i) or (ii); and

''(B) does not''.

(2) AMENDMENTS TO THE SECURITIES ACT OF 1933.—Section (2)(a)(1) of the Securities Act of 1933 (15 U.S.C. 77b(a)(1)) is amended—

(A) by striking ''means any note'' and inserting the following: ''means—

''(A) any note'';

(B) by striking '', or any certificate'' and inserting the following: ''; or

''(B) any certificate''; and

(C) by striking ''any of the foregoing.'' and inserting the following: ''any security described in subparagraph (A); or

''(C) any agreement, contract, or transaction that is associated with a financial, economic, or commercial occurrence, extent of an occurrence, contingency, or consequence that is related to or based on a security, an interest in a security, an issuer of a security, or group or index of securities, or interests in securities or issuers of securities, or based on the value of any of the foregoing or any security described in subparagraph (A) or (B).''.

SEC. 103. REQUIRED CLEARING OF STANDARDIZED DERIVATIVES THROUGH CENTRAL COUNTERPARTIES AND THE USE OF TRADE REPOSITORIES.

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 17B (15 U.S.C. 78q–2) the following new section:

''SEC. 17C. USE OF CLEARING AGENCIES AND TRADE REPOSITORIES FOR DERIVATIVES TRANSACTIONS.

''(a) FINDINGS.—Congress finds that—

''(1) the proliferation of over-the-counter security-based swaps poses unacceptable risks to the financial system;

''(2) clearing standardized security-based swaps through well-regulated central counterparties would reduce systemic risk in the financial system;

''(3) the markets for standardized security-based swaps suffer from a lack of reliable and accurate transaction information that is available to the public, investors, and regulators; and

''(4) weaknesses in the regulation of markets for standardized security-based swaps have detracted from the efficiency and transparency of trading in such markets and hampered the surveillance and oversight of such markets.

''(b) PURPOSES.—The purposes of this section are—

''(1) to establish well-regulated markets for standardized security-based swaps to promote efficiency and transparency of trading and enhance the surveillance and oversight of such markets; and

''(2) to promote the public interest, the protection of investors, and the maintenance of fair and orderly markets to assure—

''(A) the prompt and accurate clearance and settlement of transactions in standardized security-based swaps;

''(B) the prompt and accurate reporting of transactions in security-based swaps to a trade repository or a registered clearing agency;

''(C) the establishment of linked or coordinated facilities for clearance and settlement of transactions in securities, securities options, contracts of sale for future delivery and options thereon, commodity options, and derivatives;

''(D) availability to the public, investors, and regulators of reliable and accurate quotation and transaction information in security-based swaps;

''(E) economically efficient execution of transactions in security-based swaps; and

''(F) fair competition among markets in the trading of security-based swaps.

''(c) USE OF DERIVATIVES CLEARING AGENCIES.—

''(1) IN GENERAL.—Any person that is a party to a security-based swap (or security derivative, as the Commission determines by rule, regulation, or order) that the Commission determines is 'standardized' shall submit such instrument for clearing to a registered clearing agency within the period specified by rule of the Commission.

''(2) DEFINITION OF 'STANDARDIZED'.—

''(A) IN GENERAL.—The Commission shall, by rule, define the term 'standardized' for purposes of this section.

''(B) FACTORS.—In defining the term 'standardized', the Commission shall—

''(i) be consistent with the public interest, the protection of investors, the safeguarding of securities and funds, the maintenance of fair competition among market participants and among clearing agencies, and the purposes of this section;

''(ii)(I) consult with, and consider the views of, the Commodity Futures Trading Commission and the Board of Governors of the Federal Reserve System; and

''(II) seek to maintain comparability, to the maximum extent practicable, with the definition of the Commodity Futures Trading Commission of the term 'standardized' for purposes of section 4r of the Commodity Exchange Act; and

''(iii) to the extent applicable to a particular security-based swap or security derivative or class of security-based swaps or security derivatives, consider—

''(I) whether a clearing agency is prepared to clear the security-based swap or security derivative, and such clearing agency has in place effective risk management systems;

''(II) the availability or ability to facilitate standard documentation of terms of the security-based swap or security derivative;

''(III) the liquidity of the security-based swap or security derivative and its underlying security, security of a reference entity, or group or index thereof;

''(IV) the ability to value the security-based swap or security derivative, underlying security, or security of a reference entity, or group or index thereof consistently with an accepted pricing methodology, including the availability of intraday prices; and

''(V) such other factors as are consistent with the purposes of this section.

''(3) EXEMPTION AUTHORITY.—

''(A) IN GENERAL.—The Commission by rule or order, as the Commission deems necessary or appropriate in the public interest or for the protection of investors, may conditionally or unconditionally exempt from the requirements of this subsection and the rules issued under this subsection, any person, transaction, or security.

''(B) PRIOR CONSULTATION WITH THE COMMODITY FUTURES TRADING COMMISSION AND THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.—

''(i) CONSULTATION.—Before acting by rule or order to exempt any person, transaction, or security from the requirements of this subsection or the rules issued under this subsection, the Commission shall consult with, and consider the views of, the Commodity Futures Trading Commission and the Board of Governors of the Federal Reserve System concerning whether such exemption is necessary and appropriate for the reduction of risk and in the public interest.

''(ii) PROHIBITION ON ISSUANCE.—Not later than 45 days prior to issuing any exemption under this subparagraph, the Commission shall send a notice to the Commodity Futures Trading Commission and the Board of Governors describing such exemption. If either the Commodity Futures Trading Commission or the Board of Governors issues a finding under clause (i) that such an exemption does not meet the standard described in clause (i), the Commission may not issue such exemption.

''(iii) DEADLINE.—Any finding by the Commodity Futures Trading Commission or the Board of Governors of the Federal Reserve System shall be made and provided in writing to the Commission not later than 30 days after the date of receipt of notice of a proposed exemption by the Commission.

''(iv) NONDELEGATION.—Action by the Commodity Futures Trading Commission or the Board of Governors under this subparagraph may not be delegated.

''(d) TRADE REPOSITORIES.—

''(1) USE OF TRADE REPOSITORIES.—

''(A) IN GENERAL.—Any person that enters into or effects a transaction in a security-based swap (or security derivative, as the Commission determines by rule, regulation, or order) shall submit such transaction for clearing to a registered clearing agency or report such transaction to a trade repository registered in accordance with this subsection within the period specified by rule of the Commission.

''(B) REQUIRED REPORTING AUTHORIZED.—The Commission may, by rule, require any person to report to any registered clearing agency and registered trade repository such transaction information as the Commission deems necessary or appropriate, to permit such clearing agency or trade repository to meet the purposes of this section.

''(C) EXEMPTION AUTHORITY.—The Commission by rule, regulation, or order, as the Commission deems consistent with the public interest or the protection of investors, may conditionally or unconditionally exempt from the requirements of this paragraph and the rules issued under this paragraph any person, transaction, or security that enters into or effects a transaction in a security or class of securities.

''(2) REGISTRATION.—A trade repository may register for purposes of this subsection by filing with the Commission an application in such form as the Commission, by rule, may prescribe, containing the rules of the trade repository and such other information and documentation as the Commission, by rule, may prescribe as necessary or appropriate in the public interest, for the protection of investors, or for the prompt and accurate collection, calculation, processing, and preparation of information regarding security-based swaps or security derivatives.

''(3) COMMISSION PROCEDURES FOR APPLICATIONS.—

''(A) NOTICE.—On the filing of an application for registration pursuant to paragraph (2), the Commission shall publish notice of the filing and afford interested persons an opportunity to submit written data, views, and arguments concerning such application.

''(B) ACTIONS.—Not later than 90 days after the date of publication of a notice under subparagraph (A) (or within such longer period as to which the applicant consents), the Commission shall—

''(i) by order, grant such registration; or

''(ii) institute proceedings to determine whether registration should be denied.

''(C) PROCEDURE FOR DENIALS.—

''(i) IN GENERAL.—Proceedings instituted under subparagraph (B)(ii) shall—

''(I) include notice of the grounds for denial under consideration and provide an opportunity for a hearing; and

''(II) be concluded not later than 180 days after the date of publication of notice of the filing of the application for registration under subparagraph (A).

''(ii) ACTIONS.—At the conclusion of such proceedings, the Commission, by order, shall grant or deny the subject registration.

''(iii) EXTENSIONS.—The Commission may extend the time for conclusion of the proceedings under subparagraph (C) for—

''(I) not longer than an additional 60 days, if the Commission finds good cause for such extension and publishes its reasons for so finding; or

''(II) for such longer period as to which the applicant consents.

''(D) STANDARDS FOR GRANTING REGISTRATION.—The Commission shall grant the registration of a trade repository for purposes of this section if the Commission finds that the trade repository is so organized, and has the capacity to be able—

''(i) to assure the prompt, accurate, and reliable performance of its functions as a trade repository;

''(ii) to comply with the provisions of this title (including rules and regulations issued under this title); and

''(iii) to carry out the functions of a trade repository in a manner consistent with the purposes of this section.

''(E) STANDARDS FOR DENIAL.—The Commission shall deny the registration of a trade repository if the Commission does not make the findings described in subparagraph (D).

''(4) WITHDRAWAL OF REGISTRATION.—

''(A) IN GENERAL.—A registered trade repository may, upon such terms and conditions as the Commission deems necessary or appropriate in the public interest or for the protection of investors, withdraw from registration under this section by filing a written notice of withdrawal with the Commission.

''(B) CANCELLATION.—If the Commission finds that any trade repository is no longer in existence or has ceased to do business in the capacity specified in its application for registration under this section, the Commission, by order, shall cancel the registration.

''(5) ACCESS TO TRADE REPOSITORY SERVICES.—

''(A) NOTICE OF PROHIBITION OR LIMITATION.—

''(i) IN GENERAL.—If any registered trade repository prohibits or limits any person in respect of access to services offered, directly or indirectly, by the trade repository, the registered trade repository shall promptly file notice of the prohibition with the Commission, in such form and containing such information as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors.

''(ii) REVIEW BY COMMISSION.—Any prohibition or limitation on access to services with respect to which a registered trade repository is required by this subparagraph to file notice shall be subject to review by the Commission, on its own motion or upon application by any person aggrieved thereby, filed not later than 30 days after such notice has been filed with the Commission and received by such aggrieved person, or within such longer period as the Commission may determine.

''(iii) STAYS.—Application to the Commission for review, or the institution of review by the Commission on its own motion, shall not operate as a stay of a prohibition or limitation described in clause (i), unless the

Commission otherwise orders, summarily or after notice and opportunity for hearing on the question of a stay (which hearing may consist solely of the submission of affidavits or presentation of oral arguments).

''(iv) EXPEDITED PROCEDURE.—The Commission shall establish for appropriate cases an expedited procedure for consideration and determination of the question of a stay.

''(B) STANDARDS OF REVIEW.—In any proceeding to review the prohibition or limitation of any person in respect of access to services offered by a registered trade repository—

''(i) if the Commission finds after notice and opportunity for hearing, that such prohibition or limitation is consistent with the provisions of this title and the rules and regulations thereunder, and that such person has not been discriminated against unfairly, the Commission, by order, shall dismiss the proceeding; and

''(ii) if the Commission does not make any such finding, or if it finds that such prohibition or limitation imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of this title, the Commission, by order, shall set aside the prohibition or limitation and require the registered trade repository to permit such person access to the services offered by the registered trade repository to which the prohibition or limitation applied.

''(6) ADMINISTRATIVE PROCEEDING AUTHORITY.—If the Commission finds, on the record after notice and opportunity for hearing, that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title and that a registered trade repository has violated or is unable to comply with any provision of this title or the rules or regulations thereunder, the Commission, by order, may—

''(A) censure or place limitations upon the activities, functions, or operations of any registered trade repository; or

''(B) suspend for a period of not longer than 12 months or revoke the registration of any such trade repository.

''(7) RULEMAKING AUTHORITY.—No registered trade repository shall, directly or indirectly, engage in any activity as a trade repository in contravention of such rules and regulations as the Commission may prescribe as appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title, including to assure that all persons may obtain on terms that are fair and reasonable and not unreasonably discriminatory such transaction and position information for security-based swaps and security derivatives as is disseminated by any clearing agency or trade repository.

''(8) CONSULTATION.—

''(A) IN GENERAL.—Prior to adopting any rules applicable to trade repositories pursuant to section 17(a), the Commission shall consult with, and shall consider the views of, the Commodity Futures Trading Commission.

''(B) COMPARABILITY.—The Commission and the Commodity Futures Trading Commission shall seek to maintain comparability, to the maximum extent practicable, of their respective recordkeeping and reporting requirements for trade repositories.

''(e) TIMING.—The Commission may, by rule, specify the date by which persons are required—

''(1) to submit transactions in standardized security-based swaps and security derivatives for clearing to a clearing agency pursuant to subsection (c); and

''(2) to submit transactions in security-based swaps and security derivatives for clearing to a clearing agency or report transactions in such instruments to a registered trade repository pursuant to subsection (d).

''(f) COLLECTION, CONSOLIDATION, AND DISSEMINATION OF INFORMATION ON TRANSACTIONS AND POSITIONS IN SECURITY-BASED SWAPS AND SECURITY DERIVATIVES.—

''(1) COMMISSION ACTION REQUIRED.—The Commission shall, consistent with the public interest, the protection of investors, the maintenance of fair and orderly markets, and the purposes of this section, use the authority of the Commission under this title to facilitate—

''(A) the collection, consolidation, and dissemination of information on transactions and positions in security-based swaps and security derivatives; and

''(B) the establishment of coordinated facilities for the consolidation of information on transactions and positions in security-based swaps and security derivatives.

''(2) ACTIONS REQUIRED OF REGISTERED ENTITIES.—The Commission, by rule, regulation, or order is authorized to require each clearing agency that clears or proposes to clear transactions in security-based swaps and security derivatives, and each trade repository registered or applying to become registered under this section, in such form and frequency as the Commission shall prescribe as necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title—

''(A) to disseminate certain transaction or position information in security-based swaps and security derivatives; and

''(B) to assure the prompt, accurate, reliable, and fair collection, processing, distribution, and publication of information with respect to transactions and positions, as appropriate, cleared by such clearing agency or reported to such registered trade repository.''.

SEC. 104. PRUDENTIAL SUPERVISION AND REGULATION OF SIGNIFICANT SECURITY-BASED DERIVATIVES MARKET PARTICIPANTS AND INCENTIVES FOR TRADING ON REGULATED EXCHANGES.

(a) REGULATION OF SIGNIFICANT SECURITY-BASED DERIVATIVES MARKET PARTICIPANTS.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 15E (15 U.S.C. 78o–7) the following:

''SEC. 15F. REGULATION OF SIGNIFICANT SECURITY-BASED DERIVATIVES MARKET PARTICIPANTS.

''(a) REGISTRATION BY SIGNIFICANT SECURITY-BASED DERIVATIVES MARKET PARTICIPANTS.—It shall be unlawful for any significant security-based derivatives market participant to make use of the mails or any means or instrumentality of interstate commerce to effect any transactions in, or to induce or attempt to induce the purchase or sale of, any security-based swap (or security derivative, as the Commission determines by rule, regulation, or order), unless such significant security-based derivatives market participant has registered in accordance with subsection (b).

''(b) MANNER OF REGISTRATION OF SIGNIFICANT SECURITY-BASED DERIVATIVES MARKET PARTICIPANTS.—

''(1) IN GENERAL.—A significant security-based derivatives market participant may register for purposes of this section by filing with the Commission an application for registration, in such form and containing such information and documentation concerning such significant security-based derivatives market participant and any persons associated with such significant security-based derivatives market participant as the Commission, by rule, regulation, or order may prescribe as necessary or appropriate in the public interest or for the protection of investors.

''(2) COMMISSION ACTION.—

''(A) TIMING.—Not later than 45 days after the date of filing of an application under paragraph (1) (or within such longer period as to which the applicant consents), the Commission shall—

''(i) by order, grant registration; or

''(ii) institute proceedings to determine whether registration should be denied.

''(B) COMMISSION PROCEEDINGS.—Proceedings described in subparagraph (A)(ii) shall—

''(i) include notice of the grounds for denial under consideration and opportunity for hearing; and

''(ii) be concluded within 120 days of the date of the filing of the application for registration.

''(C) GRANT OR DENIAL.—At the conclusion of proceedings under this paragraph, the Commission, by order, shall grant or deny any application for registration.

''(D) EXTENSION AUTHORIZED.—The Commission may extend the time for the conclusion of proceedings under this paragraph for not longer than an additional 90 days if the Commission finds good cause for such extension and publishes its reasons for so finding, or for such longer period as to which the applicant consents.

''(E) CONDITIONS OF GRANT OR DENIAL OF APPLICATIONS.—The Commission shall—

''(i) grant an application for registration of a significant security-based derivatives market participant, if the Commission finds that the requirements of this section are satisfied; and

''(ii) deny such registration, if the Commission does not make a finding described in clause (i), or finds that if the applicant were so registered, its registration would be subject to suspension or revocation under subsection (e).

''(3) WITHDRAWAL AUTHORIZED.—Any person that has filed an application pursuant to paragraph (1) may, upon such terms and conditions as the Commission deems necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title, withdraw such application by filing a written withdrawal with the Commission.

''(c) BUSINESS CONDUCT REQUIREMENTS.—

''(1) PROHIBITION.—It shall be unlawful for any significant security-based derivatives market participant and such other persons as the Commission may determine, by rule, regulation, or order, to make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any security-based swap (or security derivative, as the Commission determines by rule, regulation, or order), unless such person complies with such business conduct requirements as the Commission and the Commodity Futures Trading Commission, in consultation with the appropriate regulatory authorities, may jointly prescribe, by rule, regulation, or order, as necessary or appropriate in the public interest, for the protection of investors, and otherwise in furtherance of the purposes of this title.

''(2) CONTENT.—Business conduct requirements under paragraph (1) shall—

''(A) establish the standard of care required for a significant security-based derivatives market participant and such other persons to verify that any counterparty meets the eligibility standards for an eligible contract participant or qualified institutional buyer;

''(B) require disclosure by the significant security-based derivatives market participant and such other persons to any counterparty to the transaction of—

''(i) material product-specific information about the risks and characteristics of the security-based swap (or security derivative, as the Commission determines by rule, regulation, or order);

''(ii) the source and amount of any fees or other material remuneration that the significant security-based derivatives market participant and such other persons would directly or indirectly expect to receive in connection with the security-based swap (or security derivative, as the Commission determines by rule, regulation, or order); and

''(iii) any other material incentives or conflicts of interest that the significant security-based derivatives market participant and such other persons may have in connection with the security-based swap (or security derivative, as the Commission determines by rule, regulation, or order);

''(C) establish a minimum standard of conduct for a significant security-based derivatives market participant and such other persons with respect to any counterparty, other than a qualified institutional buyer, for—

''(i) providing disclosure of the general risks and characteristics of any security-based swap (or security derivative, as the Commission determines by rule, regulation, or order);

''(ii) communicating in a fair and balanced manner based on principles of fair dealing and good faith;

''(iii) assessing the appropriateness of any security-based swap (or security derivative, as the Commission determines by rule, regulation, or order) for the counterparty, except that, if the counterparty is an eligible contract participant, the significant security-based derivatives market participant may rely on a representation described in clause (iv)(VI) that the transaction is appropriate for such counterparty; and

''(iv) with respect to a counterparty that is an eligible contract participant within the meaning of subclause (I) or (II) of section 3(a)(67)(A)(vii), having a reasonable basis to believe that the counterparty has an independent representative that—

''(I) has sufficient knowledge to evaluate the transaction and risks;

''(II) is not subject to a statutory disqualification;

''(III) is independent of the significant security-based derivatives market participant;

''(IV) undertakes a duty to act in the best interests of the counterparty it represents;

''(V) makes appropriate disclosures; and

''(VI) will provide written representations to the eligible contract participant regarding fair pricing and the appropriateness of the transaction;

''(D) require the availability of information about any security or the issuer of any security referenced in a security-based swap (or security derivative, as the Commission determines by rule, regulation, or order), or upon which such security-based swap (or security derivative, as the Commission determines by rule, regulation, or order) is based; and

''(E) establish such other standards and requirements as the Commission, acting jointly with the Commodity Futures Trading Commission and in consultation with the appropriate regulatory authorities, may determine are necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title.

''(d) STATUTORY DISQUALIFICATION.—Except to the extent otherwise specifically provided by rule, regulation, or order of the Commission, it shall be unlawful for a significant derivatives market participant to permit any associated person of such significant derivatives market participant who is subject to a statutory disqualification to effect or be involved in effecting transactions in security-based swaps (or security derivatives, as the Commission determines by rule, regulation, or order) on behalf of such significant derivatives market participant, if such significant derivatives market participant knew, or in the exercise of reasonable care should have known, of such statutory disqualification.

''(e) ADMINISTRATIVE PROCEEDING AUTHORITY.—

''(1) IN GENERAL.—The Commission, by order, shall censure, place limitations on the activities, functions, or operations of, or reject the filing of any significant security-based derivatives market participant that has registered with the Commission pursuant to subsection (b) if it finds, on the record after notice and opportunity for hearing, that such action is in the public interest and that such significant security-based derivatives market participant, or any person associated with such significant security-based derivatives market participant effecting or involved in effecting transactions in security-based swaps (or security derivatives, as the Commission determines by rule, regulation, or order) on behalf of such significant security-based derivatives market participant, whether prior or subsequent to becoming so associated—

''(A) has committed or omitted any act, or is subject to an order or finding, enumerated in subparagraph (A), (D), or (E) of section 15(b)(4);

''(B) has been convicted of any offense specified in subparagraph (B) of section 15(b)(4) during the 10-year period preceding the date of commencement of the proceedings under this paragraph;

''(C) is enjoined from any action, conduct, or practice specified in section 15(b)(4)(C);

''(D) is subject to an order or a final order specified in subparagraph (F) or (H), respectively, of section 15(b)(4); or

''(E) has been found by a foreign financial regulatory authority to have committed or omitted any act, or violated any foreign statute or regulation, enumerated in section 15(b)(4)(G).

''(2) ASSOCIATED PERSONS.—With respect to any person who is associated, who is seeking to become associated, or at the time of the alleged misconduct, who was associated or was seeking to become associated, with a significant security-based derivatives market participant for the purpose of effecting or being involved in effecting any security-based swaps (or security derivatives, as the Commission determines by rule, regulation, or order) on behalf of such significant security-based derivatives market participant, the Commission, by order, shall censure, place limitations on the activities or functions of such person, or suspend for a period of not longer than 12 months, or bar such person from being associated with a significant security-based derivatives market participant, if the Commission finds, on the record after notice and opportunity for a hearing, that such action is in the public interest, and that such person—

''(A) has committed or omitted any act, or is subject to an order or finding, enumerated in subparagraph (A), (D), or (E) of section 15(b)(4);

''(B) has been convicted of any offense specified in section 15(b)(4)(B) during the 10-year period preceding the date of commencement of the proceedings under this paragraph;

''(C) is enjoined from any action, conduct, or practice specified in section 15(b)(4)(C);

''(D) is subject to an order or a final order specified in subparagraph (F) or (H), respectively, of section 15(b)(4); or

''(E) has been found by a foreign financial regulatory authority to have committed or omitted any act, or violated any foreign statute or regulation, enumerated in section 15(b)(4)(G).

''(3) ADDITIONAL PROHIBITIONS.—It shall be unlawful—

''(A) for any person as to whom an order under paragraph (2) is in effect, without the consent of the Commission, willfully to become, or to be, associated with a significant security-based derivatives market participant in contravention of such order; or

''(B) for any significant security-based derivatives market participant to permit such a person, without the consent of the Commission, to become or remain, a person associated with the significant security-based derivatives market participant in contravention of an order under paragraph (2), if such significant security-based derivatives market participant knew, or in the exercise of reasonable care should have known, of the order.

''(f) CAPITAL AND MARGIN REQUIREMENTS.—

''(1) IN GENERAL.—It shall be unlawful for any person to conduct business as a significant security-based derivatives market participant, unless such person meets at all times such minimum capital and margin requirements as the appropriate regulatory authorities shall jointly prescribe, by rule or regulation, as necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes of this title to provide safeguards with respect to the financial responsibility and related practices of the significant security-based derivatives market participant.

''(2) CAPITAL CONSIDERATIONS.—In setting capital requirements for significant security-based derivatives market participants, the appropriate regulatory authorities shall consider, among other things—

''(A) the liquidity of each security-based swap (or security derivative, as the Commission determines by rule, regulation, or order), including whether such instrument is traded on a liquid market, and whether it is centrally cleared; and

''(B) whether the security-based swap (or security derivative, as the Commission determines by rule, regulation, or order) is used to offset or hedge another instrument or asset owned by such significant security-based derivative market participant.

''(3) MARGIN REQUIREMENTS.—The appropriate regulatory authorities shall jointly prescribe margin requirements, which may permit the use of non-cash collateral, that apply to security-based swaps (or security derivatives, as the Commission determines by rule, regulation, or order) entered into by a significant security-based derivatives market participant, as the appropriate regulatory authorities jointly deem necessary or appropriate for the purpose of, among other things—

''(A) preserving the financial integrity of markets trading security-based swaps (or security derivatives); and

''(B) preventing systemic risk.

''(4) COMMISSION RULES.—Nothing in this section prevents the Commission from prescribing capital and margin requirements that are higher or more restrictive than the joint rules adopted under this subsection for significant security-based derivatives market participants for which it is the appropriate regulatory authority.

''(g) APPROPRIATE REGULATORY AUTHORITY DEFINED.—For purposes of this section, the term 'appropriate regulatory authority' means—

''(1) the appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) with respect to a significant security-based derivatives market participant that is an insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), other than an affiliate of an insured depository institution;

''(2) the Federal Housing Finance Agency, with respect to a significant security-based derivatives market participant that is a regulated entity (as defined in section 1301 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502));

''(3) the Commodity Futures Trading Commission, with respect to a significant security-based derivatives market participant that is—

''(A) a futures commission merchant or an introducing broker (as defined in paragraphs (20) and (23) of section 1a of the Commodity Exchange Act, respectively), other than a broker or dealer registered pursuant to section 15(b) of this title (other than paragraph (11) thereof) or an affiliate of an insured depository institution; or

''(B) a commodity pool operator or commodity trading advisor (as defined in paragraphs (5) and (6) of section 1a of the Commodity Exchange Act, respectively), other than an affiliate of an insured depository institution; and

''(4) the Commission, with respect to any other significant security-based derivatives market participant for which there is not another appropriate regulatory authority otherwise specified in this subsection.

''(h) ENFORCEMENT AUTHORITY.—Each appropriate regulatory authority shall have sole authority to enforce compliance with the rules adopted under subsection (f) in the case of each significant security-based derivatives market participant for which it is the appropriate regulatory authority, as defined in subsection (g).''.

(b) EXEMPTION FROM BROKER OR DEALER REGISTRATION.—Section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) is amended by adding at the end the following:

''(13) EXEMPTION FOR SIGNIFICANT SECURITY-BASED DERIVATIVES MARKET PARTICIPANTS.—A person shall be exempt from the registration requirements of this section, to the extent that such person engages in transactions in security-based swaps, if such person would otherwise be required to register under this section only because such person effects transactions in security-based swaps with eligible contract participants and is a significant security-based derivatives market participant that has registered in accordance with section 15F(b).''.

SEC. 105. RECORDKEEPING AND REPORTING REQUIREMENTS FOR DERIVATIVES MARKET PARTICIPANTS.

(a) RECORDKEEPING AND EXAMINATION REQUIREMENTS FOR SECURITY-BASED DERIVATIVE MARKET PARTICIPANTS.—Section 17 of the Securities Exchange Act of 1934 (15 U.S.C. 78q) is amended by adding at the end the following:

''(l) RECORDKEEPING BY MARKET PARTICIPANTS IN SECURITY-BASED SWAPS OR SECURITY DERIVATIVES; EXAMINATIONS.—

''(1) RECORDKEEPING.—

''(A) IN GENERAL.—Effective not later than 180 days after the date of enactment of this subsection, the Commission shall, by rule, regulation, or order, require each significant security-based derivatives market participant, and such other persons as the Commission, by rule, regulation, or order, determines, to create, keep current, and maintain for prescribed periods such records, furnish such copies thereof (and make and disseminate such reports) relating to security-based swaps (or security derivatives, as the Commission determines by rule, regulation, or order) to the Commission, as necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title.

''(B) MINIMUM REQUIREMENTS.—At a minimum, the actions of the Commission under subparagraph (A) shall require, as applicable, the creation and maintenance of client information records, agreements, client ledger information, trade blotters, memoranda of agreements to enter into confirmations, position records, and communications relating to transactions in security-based swaps (or security derivatives, as the Commission determines by rule, regulation, or order) and the reporting of transactions and position data.

''(2) EXAMINATIONS.—All records of significant security-based derivatives market participants and such other persons described in paragraph (1) are subject at any time, or from time to time, to such reasonable periodic, special, or other examinations by representatives of the Commission, as the Commission deems necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title.''.

(b) REPORTING BY SIGNIFICANT SECURITY-BASED DERIVATIVES MARKET PARTICIPANTS.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following new subsection:

''(m) REPORTING BY SIGNIFICANT SECURITY-BASED DERIVATIVES MARKET PARTICIPANTS.—

''(1) IN GENERAL.—For the purpose of monitoring the impact of transactions in security-based swaps and, as appropriate, security derivatives, and for the purpose of otherwise assisting the Commission in the enforcement of this title, any significant security-based derivatives market participant that purchases or sells security-based swaps (or security derivatives, as the Commission determines by rule, regulation, or order) shall report such information as the Commission may, by rule, regulation, or order, prescribe as necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title.

''(2) CONSIDERATIONS.—In exercising its authority under this subsection, the Commission shall take into account—

''(A) existing reporting systems;

''(B) the costs associated with reporting such information; and

''(C) the relationship between the United States and international securities and derivatives markets.

''(3) LIMITATION ON DISCLOSURE.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, the Commission may not be compelled to disclose any information required by Commission rule, regulation, or order to be reported to the Commission under this subsection.

''(B) EXCEPTION.—Nothing in this subsection shall—

''(i) authorize the Commission to withhold information from Congress; or

''(ii) prevent the Commission from complying with—

''(I) a request for information from any other Federal department or agency requesting information for purposes within the scope of its jurisdiction; or

''(II) an order of a court of the United States in an action brought by the United States or the Commission.

''(C) TREATMENT FOR TITLE 5 PURPOSES.—For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552.''.

(c) BENEFICIAL OWNERSHIP REPORTING.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended—

(1) in subsection (d)(1), by inserting after ''Alaska Native Claims Settlement Act,'' the following: ''or otherwise becomes or is deemed to become a beneficial owner of any of the foregoing, upon the purchase or sale of a security-based swap or security derivative that the Commission may define, by rule, and'';

(2) in subsection (g)(1), by inserting after ''subsection (d)(1) of this section'' the following: ''or otherwise becomes or is deemed to become a beneficial owner of any security of a class described in subsection (d)(1) upon the purchase or sale of a security-based swap or security derivative that the Commission may define, by rule''; and

(3) in subsection (f)(1), by inserting after ''section (13)(d)(1) of this title'' the following: '', or otherwise becomes or is deemed to become a beneficial owner of any security of a class described in subsection (d)(1) upon the purchase or sale of a security-based swap or security derivative that the Commission may define, by rule,''.

(d) INSTITUTIONAL INVESTMENT MANAGER REPORTING.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended—

(1) in subsection (f)(1), by inserting before ''shall file reports'' the following: ''or security-based swaps or security derivatives that the Commission may define by rule, having such values as the Commission may determine, by rule''; and

(2) in subsection (f)(3), by inserting before ''updated as'' the following: ''and security-based swaps or security derivatives that the Commission may define, by rule''.

(e) REPORTING BY CORPORATE INSIDERS.—Section 16(f) of the Securities Exchange Act of 1934 (15 U.S.C. 78p(f)) is amended by inserting ''or security-based swaps'' after ''security futures products''.

(f) RECORDKEEPING BY TRADE REPOSITORIES.—Section 17(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(a)(1)) is amended by inserting ''registered trade repository,'' after ''registered securities information processor,''.

SEC. 106. PROHIBITION OF MARKET MANIPULATION, FRAUD, AND OTHER MARKET ABUSES.

(a) RULEMAKING AUTHORITY TO PREVENT FRAUD, MANIPULATION, AND DECEPTIVE CONDUCT IN SECURITY-BASED SWAPS AND SECURITY DERIVATIVES.—Section 9 of the Securities Exchange Act of 1934 (15 U.S.C. 78i), as amended by this Act, is amended by adding at the end the following:

''(j) DECEPTIVE CONDUCT IN SECURITY-BASED SWAPS AND SECURITY DERIVATIVES.—

''(1) IN GENERAL.—It shall be unlawful for any person, directly or indirectly, by the use of any means or instrumentality of interstate commerce or of the mails, or of any facility of any national securities exchange, to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any security-based swap or security derivative, in connection with which such person engages in any fraudulent, deceptive, or manipulative act or practice, makes any fictitious quotation, or engages in any transaction, practice, or course of business which operates as a fraud or deceit upon any person.

''(2) RULEMAKING REQUIRED.—The Commission shall, for purposes of this subsection, by rule, regulation, or order, define and prescribe means reasonably designed to prevent transactions, acts, practices, and courses of business that are fraudulent, deceptive, or manipulative, and fictitious quotations.

''(3) CONSULTATION.—In adopting rules under this subsection, the Commission shall

consult with the Commodity Futures Trading Commission and seek to maintain comparability of such rules with similar rules of the Commodity Futures Trading Commission.''.

(b) ADDITIONS OF SECURITY-BASED SWAPS TO CERTAIN ANTIMANIPULATION PROVISIONS.—Section 9(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78i(b)) is amended by striking paragraphs (1) through (3) and inserting the following:

''(1) any transaction in connection with any security whereby any party to such transaction acquires—

''(A) any put, call, straddle, or other option or privilege of buying the security from or selling the security to another without being bound to do so;

''(B) any security futures product on or related to the security; or

''(C) any security-based swap involving the security or the issuer of the security;

''(2) any transaction in connection with any security with relation to which that person has, directly or indirectly, any interest in any—

''(A) put, call, straddle, option, or privilege described in paragraph (1);

''(B) security futures product described in paragraph (1); or

''(C) security-based swap described in paragraph (1); or

''(3) any transaction in any security for the account of any person who that person has reason to believe has, and who actually has, directly or indirectly, any interest in any—

''(A) put, call, straddle, option, or privilege described in paragraph (1);

''(B) security futures product with relation to such security described in paragraph (1); or

''(C) any security-based swap involving such security or the issuer of such security.''.

(c) POSITION LIMITS AND POSITION ACCOUNTABILITY FOR SECURITY-BASED SWAPS OR SECURITY DERIVATIVES.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 10A the following new section:

''SEC. 10B. POSITION LIMITS AND POSITION ACCOUNTABILITY FOR SECURITY-BASED SWAPS OR SECURITY DERIVATIVES.

''(a) RULEMAKING AUTHORITY.—

''(1) IN GENERAL.—As a means reasonably designed to prevent fraud or manipulation, the Commission, by rule, regulation, or order, as necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title, may—

''(A) prescribe requirements regarding the size of positions that may be held by or on behalf of any person or persons in any security-based swap (or security derivative, as the Commission determines by rule, regulation, or order) and any security on which such security-based swap (or security derivative) is based or referenced, or as to which the issuer of such security is referenced; and

''(B) require any person that effects transactions for his own account or the account of others in any security-based swap (or security derivative, as the Commission determines by rule, regulation, or order) and any security on which such security-based swap (or security derivative) is based or referenced, or the issuer of such security is referenced, to report such information as the Commission may prescribe regarding any position or positions in security-based swaps (or security derivatives) and any security on which such security-based swap (or security derivative) is based or referenced, or as to which the issuer of such security is referenced.

''(2) EXEMPTIONS AUTHORIZED.—The Commission, by rule, regulation, or order, may conditionally or unconditionally exempt any person or class of persons, any security-based swap (or security derivative) or class of security-based swaps (or security derivatives), or any transaction or class of transactions from any requirement that the Commission may establish under this subsection.

''(b) SELF-REGULATORY ORGANIZATIONS.—As a means reasonably designed to prevent fraud or manipulation, the Commission, by rule, regulation, or order, as necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title, may direct a self-regulatory organization—

''(1) to adopt rules regarding the size of positions in any security-based swap (or security derivative) and any security on which such security-based swap (or security derivative) is based or referenced, or as to which the issuer of such security is referenced that may be held by—

''(A) any member of such self-regulatory organization; or

''(B) any person for whom a member of such self-regulatory organization effects transactions in such security-based swap, security derivative, or other security; and

''(2) to adopt rules reasonably designed to assure compliance with requirements prescribed by the Commission under subsection (a).''.

(d) STATE GAMING AND BUCKET SHOP LAWS.—Section 28(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78bb(a)) is amended to read as follows:

''(a) STATE GAMING AND BUCKET SHOP LAWS.—

''(1) IN GENERAL.—Except as provided in subsection (f), the rights and remedies provided by this title shall be in addition to any and all other rights and remedies that may exist at law or in equity, but no person permitted to maintain a suit for damages under the provisions of this title shall recover, through satisfaction of judgment in 1 or more actions, a total amount in excess of the actual damages of that person due to the act that is the subject of the action.

''(2) RULE OF CONSTRUCTION.—Except as otherwise specifically provided in this title, nothing in this title shall affect the jurisdiction of the securities commission (or any agency or officer performing like functions) of any State over any security or any person, to the extent that the exercise thereof does not conflict with the provisions of this title or the rules and regulations thereunder.

''(3) GAMING LAWS.—No provision of State law which prohibits or regulates the making or promoting of wagering or gaming contracts, or the operation of 'bucket shops' or other similar or related activities, shall invalidate—

''(A) any put, call, straddle, option, privilege, or other security that is subject to regulation under this title (except a security-based swap and any security that has a pari-mutual payout or otherwise is determined by the Commission, acting by rule, regulation, or order, to be appropriately subject to such laws), or apply to any activity which is incidental or related to the offer, purchase, sale, exercise, settlement, or closeout of any such security;

''(B) any security-based swap between eligible contract participants; or

''(C) any security-based swap effected on a national securities exchange that is registered pursuant to section 6(b).

''(4) SECURITY FUTURES PRODUCT.—No provision of State law regarding the offer, sale, or distribution of securities shall apply to any transaction in a security futures product, except that this paragraph may not be construed as limiting any State antifraud law of general applicability.''.

SEC. 107. PROTECTIONS FOR MARKETING SECURITY-BASED SWAPS TO CERTAIN PERSONS.

(a) TRADING IN SECURITY-BASED SWAPS.—Section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f), as amended by this Act, is amended by adding at the end the following:

''(i) ELIGIBLE CONTRACT PARTICIPANTS.—It shall be unlawful for any person to effect a transaction in a security-based swap with or for a person that is not an eligible contract participant, unless such transaction is effected on a national securities exchange registered pursuant to subsection (b).''.

(b) REGISTRATION OF SECURITY-BASED SWAPS.—Section 5 of the Securities Act of 1933 (15 U.S.C. 77e) is amended by adding at the end the following:

''(d) REGISTRATION OF SECURITY-BASED SWAPS.—Notwithstanding the provisions of section 3 or 4, unless a registration statement meeting the requirements of section 10(a) is in effect with respect to a security-based swap, it shall be unlawful for any person, directly or indirectly, to make use of any means or instruments of transportation or communication in interstate commerce or of the mails to offer to sell, offer to buy, or purchase, sell, or buy a security-based swap to any person who is not an eligible contract participant, as defined in section 3(a)(66) of the Securities Exchange Act of 1934.''.

SEC. 108. ENFORCEMENT.

Section 21 of the Securities Exchange Act of 1934 (15 U.S.C. 78u) is amended by adding at the end the following:

''(j) ENFORCEMENT OF PROVISIONS APPLICABLE TO DERIVATIVES MARKET PARTICIPANTS.—

''(1) IN GENERAL.—In addition to enforcement by the Commission under the securities laws of compliance with sections 6(l), 13(m), 15F(a), 15F(c), 15F(d), 17(l), 17C(b)(1), and 17C(c)(1), compliance with such sections shall be enforced under—

''(A) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), by the appropriate Federal banking agency, in the case of an insured depository institution, as those terms are defined in section 3 of that Act (12 U.S.C. 1813), other than an affiliate of an insured depository institution, as defined in section 3 of that Act (12 U.S.C. 1813);

''(B) the Commodity Exchange Act (7 U.S.C. 1 et seq.), by the Commodity Futures Trading Commission, in the case of a futures commission merchant, introducing broker, commodity pool operator, or commodity trading advisor, as those terms are defined in sections 1a of the Commodity Exchange Act, other than an affiliate of an insured depository institution, as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813); and

''(C) the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.), by the Federal Housing Finance Agency, in the case of a regulated entity, as defined in section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502).

''(2) VIOLATIONS TREATED AS VIOLATIONS OF OTHER LAWS.—For purposes of the exercise by any agency referred to in paragraph (1), a violation of sections 6(l), 13(m), 15F(a), 15F(c), 15F(d), 17(l), 17C(b)(1), and 17C(c)(1) of this title shall be deemed to be a violation of a requirement imposed under that provision of law. In addition to its powers under any provision of law specifically referred to in paragraph (1), each of the agencies referred to in that paragraph may exercise, for the purpose of enforcing compliance with sections 6(l), 13(m), 15F(a), 15F(c), 15F(d), 17(l), 17C(b)(1), and 17C(c)(1) of this title, any other authority conferred on such agency by law.''.

SEC. 109. ENFORCEABILITY OF SECURITY-BASED SWAPS.

Section 29(b)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78cc(b)(2)) is amended by striking ''and (B)'' and inserting the following: '', (B) that no agreement, contract, or transaction that is a security-based swap shall be void, voidable, or unenforceable by either party to such security-based swap, and no party thereto shall be entitled to rescind, or recover any payment made with respect to, such security-based swap under this section or any other provision of securities laws based solely on the failure of either party to the agreement, contract, or transaction to satisfy its respective obligations under sections 6(l), 10B, 13, 15(b), 15F, 17, and 17C of this title with respect to such security-based swap, and (C)''.

SEC. 110. TRANSFER AND RIGHTS OF CERTAIN CFTC EMPLOYEES.

(a) TRANSFER.—Each employee of the Commodity Futures Trading Commission (in this section referred to as the ''CFTC'') whose position and responsibilities would be more effectively utilized at the Securities and Exchange Commission (in this section referred to as the ''SEC''), based on this Act and the amendments made by this Act, as determined by the Secretary of the Treasury, shall be transferred to the SEC for employment, not later than 60 days after the date of enactment of this Act. Such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) GUARANTEED POSITIONS.—

(1) IN GENERAL.—Each employee transferred under subsection (a) shall be guaranteed a position with equivalent status, tenure, pay and benefits as that held on the day immediately preceding the transfer, subject to paragraph (2).

(2) NO INVOLUNTARY SEPARATION OR REDUCTION.—An employee transferred under subsection (a) holding a permanent position on the day immediately preceding the transfer may not be involuntarily separated or reduced in grade or compensation during the 12-month period beginning on the date of transfer, except for cause, or, in the case of a temporary employee, separated in accordance with the terms of the appointment of the employee.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED AND SENIOR EXECUTIVE SERVICE EMPLOYEES.—

(1) IN GENERAL.—In the case of an employee of the CFTC occupying a position in the excepted service or the Senior Executive Service, such employee shall, on and after the date of transfer to the SEC, be deemed to be appointed under the appointment authority of the SEC for filling an equivalent position at the SEC, subject to paragraph (2).

(2) DECLINING APPLICATION OF EQUIVALENT APPOINTMENT AUTHORITY.—The Chairman of the SEC may decline the application of the equivalent appointment authority of the SEC to an employee of the CFTC occupying a position in the excepted service or the Senior Executive Service under paragraph (1) to the extent that the authority by which the employee was appointed by the CFTC relates to—

(A) a position excepted from the competitive service because of its confidential, policymaking, policy-determining, or policy-advocating character; or

(B) a noncareer position in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(d) REORGANIZATION.—If the Chairman of the SEC determines, after the end of the 1-year period beginning on the date of enactment of this Act, that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employee retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

TITLE II—REGULATION OF COMMODITY-BASED DERIVATIVES

SEC. 201. DEFINITIONS.

Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended—

(1) by striking paragraphs (1), (25), (31), and (32);

(2) by redesignating paragraphs (2) through (4), (5) through (8), (9) through (24), (26) through (28), (29), (30), (33), and (34) as paragraphs (1) through (3), (7) through (10), (12) through (27), (28) through (30), (32), (33), (35), and (37), respectively;

(3) by inserting after paragraph (3) (as redesignated by paragraph (2) of this section) the following:

''(4) COMMODITY-BASED SWAP.—The term 'commodity-based swap' means a swap that is not a security-based swap, as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

''(5) COMMODITY-BASED SWAP EXECUTION FACILITY.—The term 'commodity-based swap execution facility' means a trading facility registered under section 5h.

''(6) COMMODITY DERIVATIVE.—The term 'commodity derivative' means any derivative that is a contract of sale for future delivery of any commodity (or option on a contract of sale for future delivery of any commodity) subject to the exclusive jurisdiction of the Commission under this Act, other than a swap.'';

(4) by inserting after paragraph (10) (as redesignated by paragraph (2) of this section) the following:

''(11) DERIVATIVE.—The term 'derivative' has the meaning given the term in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).'';

(5) by inserting after paragraph (30) (as redesignated by paragraph (2) of this section) the following:

''(31) PERSON ASSOCIATED WITH A SIGNIFICANT COMMODITY-BASED DERIVATIVES MARKET PARTICIPANT.—

''(A) IN GENERAL.—The term 'person associated with a significant commodity-based derivatives market participant' means—

''(i) any partner, officer, director, or branch manager of a significant commodity-based derivatives market participant (including any individual who holds a similar status or performs a similar function with respect to any partner, officer, director, or branch manager of a significant commodity-based derivatives market participant);

''(ii) any person that directly or indirectly controls, is controlled by, or is under common control with a significant commodity-based derivatives market participant; and

''(iii) any employee of a significant commodity-based derivatives market participant.

''(B) EXCLUSION.—Other than for purposes of section 4s, the term 'person associated with a significant commodity-based derivatives market participant' does not include any person associated with a significant commodity-based derivatives market participant the functions of which are solely clerical or ministerial.'';

(6) in paragraph (32) (as redesignated by paragraph (2) of this section)—

(A) by striking subparagraph (D) and inserting the following:

''(D) a commodity-based swap execution facility registered under section 5h;'';

(B) in subparagraph (E), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(F) a significant commodity-based derivatives market participant; and

''(G) a trade repository under section 4r.'';

(7) by inserting after paragraph (33) (as redesignated by paragraph (2) of this section) the following:

''(34) SIGNIFICANT COMMODITY-BASED DERIVATIVES MARKET PARTICIPANT.—

''(A) IN GENERAL.—The term 'significant commodity-based derivatives market participant' means—

''(i) any person that is engaged in the business of purchasing or selling 1 or more commodity-based swaps for the account of the person or for any other individual or entity, or making a market in commodity-based swaps, and the 1 or more purchases or sales of which are not solely for the purpose of managing the risk associated with—

''(I) an asset that is, or is anticipated to be, owned, produced, manufactured, processed, or merchandised;

''(II) potential changes in the value of services to be purchased or provided, or anticipated to be purchased or provided; or

''(III) a liability incurred or anticipated to be incurred by a person that is not, or is not related to, a commodity-based swap; or

''(ii) any other person designated by the Commission, after consultation with the Securities and Exchange Commission, by rule, regulation, or order as is appropriate to further—

''(I) the interests of the public;

''(II) the protection of market participants; or

''(III) the purposes of this Act.

''(B) EXCLUSION.—The term 'significant commodity-based derivatives market participant' does not include an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.).'';

(8) by inserting after paragraph (35) (as redesignated by paragraph (2) of this section) the following:

''(36) SWAP.—The term 'swap' has the meaning given the term in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).''; and

(9) by adding at the end the following:

''(38) TRADE REPOSITORY.—The term 'trade repository' means any person that collects, calculates, processes, or prepares information with respect to 1 or more transactions or positions in 1 or more commodity-based swaps.''.

SEC. 202. RATIONALIZATION OF FINANCIAL PRODUCT OVERSIGHT.

(a) CFTC AUTHORITY OVER COMMODITY-BASED SWAPS.—

(1) AMENDMENTS TO COMMODITY FUTURES MODERNIZATION ACT OF 2000.—

(A) DEFINITIONS.—Section 402 of the Commodity Futures Modernization Act of 2000 (7 U.S.C. 27) is amended by striking subsection (d).

(B) EXCLUSION OF COVERED SWAP AGREEMENTS.—Section 407 of the Commodity Futures Modernization Act of 2000 (7 U.S.C. 27e) is repealed.

(C) CONTRACT ENFORCEMENT.—Section 408 of the Commodity Futures Modernization Act of 2000 (7 U.S.C. 27f) is amended by striking subsections (b) and (c) and inserting the following:

''(b) PREEMPTION.—This title shall supersede and preempt the application of any State or local law that prohibits or regulates gaming or the operation of bucket shops (other than antifraud provisions of general applicability) in the case of a hybrid instrument that is predominantly a banking product.''.

(2) AMENDMENTS TO COMMODITY EXCHANGE ACT.—

(A) IN GENERAL.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended—

(i) in subsection (a)(1)—

(I) in the first sentence of subparagraph (A), by striking ''subparagraphs (C) and (D)

of this paragraph and subsections (c) through (i) of this section'' and inserting ''subparagraph (C) and subsections (c) through (e)'';

(II) in subparagraph (C), by striking clauses (ii) through (v) and inserting the following:

''(ii) CONTRACTS OF SALE FOR FUTURE DELIVERY.—This Act shall not apply to, and the Commission shall have no jurisdiction to designate a board of trade as a contract market for any contract of sale (or option on such contract) for future delivery—

''(I) of any security, or interest in a security or based on the value of a security (other than an exempted security under section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)), as in effect on the date of enactment of the Futures Trading Act of 1982 (other than any municipal security, as defined in that section 3(a), as in effect on the date of enactment of the Futures Trading Act of 1982), or any group or index of such securities or any interest in a security or based on the value of a security; or

''(II) based on any financial, economic, or commercial occurrence, extent of an occurrence, contingency, or consequence that is related to or based on a security, an interest in a security, or an issuer of a security, or based on the value of any of the foregoing (other than an exempted security under section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)), as in effect on the date of enactment of the Futures Trading Act of 1982 (other than any municipal security, as defined in that section 3(a), as in effect on the date of enactment of the Futures Trading Act of 1982), or any group or index of such securities, or interests in such securities or issuers of such securities, or based on the value of any of the foregoing.''; and

(III) by striking subparagraphs (D), (E), and (F);

(ii) by striking subsections (d), (e), (g), (h), and (i);

(iii) by inserting after subsection (c) the following:

''(d) COMMODITY-BASED SWAPS.—Nothing in this Act (other than subsections (a)(1)(B), (a)(1)(C), (e) and (f), sections 4a, 4b, 4b–1, 4c(a), 4c(b), 4o, 4r, 4s, 4t, 5b, 5c, 5h, 6(c), 6(d), 6c, 6d, 8, 8a, 9, 12(e)(2), 12(f), 13(a), 13(b), 21, and 22(a)(4) and such other provisions of this Act as are applicable by the terms of the provisions to registered entities and Commission registrants) governs or applies to a commodity-based swap.''; and

(iv) by redesignating subsection (f) as subsection (e).

(B) CONFORMING AMENDMENTS.—

(i) Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) (as amended by section 201(2)) is amended in paragraph (35) by inserting before the period at the end the following: ''(as in effect on the day before the date of enactment of the Comprehensive Derivatives Regulation Act of 2009)''.

(ii) Section 5c(a)(1) of the Commodity Exchange Act (7 U.S.C. 7a–2(a)(1)) is amended by striking '', and section 2(h)(7) with respect to significant price discovery contracts,''.

(iii) Section 5d(a) of the Commodity Exchange Act (7 U.S.C. 7a–3(a)) is amended in the second sentence by striking ''subparagraphs (C) and (D) of section 2(a)(1)'' and inserting ''section 2(a)(1)(C)''.

(iv) Section 5e of the Commodity Exchange Act (7 U.S.C. 7b) is amended by striking '', or revocation of the right'' and all that follows through ''significant price discovery contract,''.

(v) Section 6(b) of the Commodity Exchange Act (7 U.S.C. 8(b)) is amended in the first sentence by striking '', or to revoke the right'' and all that follows through ''significant price discovery contract,''.

(vi) Section 22(b)(1)(A) of the Commodity Exchange Act (7 U.S.C. 25(b)(1)(A)) is amended by striking ''section 2(h)(7) or''.

(vii) Section 408(2)(C) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4421(2)(C)) is amended—

(I) by striking '', 2(d), 2(f), or 2(g)''; and

(II) by striking ''2(h) or''.

(3) AMENDMENTS TO THE GRAMM-LEACH-BLILEY ACT.—Section 206 of the Gramm-Leach-Bliley Act (15 U.S.C. 78c note) is amended—

(A) in subsection (a)—

(i) in paragraph (4), by inserting ''or'' after the semicolon at the end;

(ii) in paragraph (5) by striking ''; or'' at the end and inserting a period; and

(iii) by striking paragraph (6);

(B) by striking subsection (b); and

(C) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(b) RATIONALIZATION OF SECURITY FUTURES OVERSIGHT.—

(1) IN GENERAL.—

(A) RULEMAKING AUTHORITY TO ADDRESS DUPLICATIVE REGULATIONS OF DUAL REGISTRANTS.—Section 4d of the Commodity Exchange Act (7 U.S.C. 6d) is amended by striking subsection (c).

(B) REGISTRATION OF FUTURES COMMISSION MERCHANTS, INTRODUCING BROKERS, AND FLOOR BROKERS.—Section 4f(a) of the Commodity Exchange Act (7 U.S.C. 6f(a)) is amended—

(i) in paragraph (1), by striking ''(1)''; and

(ii) by striking paragraphs (2) through (4).

(C) DUAL TRADING.—Section 4j of the Commodity Exchange Act (7 U.S.C. 6j) is repealed.

(D) EXEMPTIONS FOR ASSOCIATED PERSONS OR SECURITIES BROKER-DEALERS.—Section 4k of the Commodity Exchange Act (7 U.S.C. 6k) is amended by striking paragraph (5) (as added by section 252(d) of the Commodity Futures Modernization Act of 2000 (114 Stat. 2763A–448)).

(E) ELECTION TO TRADE EXCLUDED AND EXEMPT COMMODITIES.—Section 5a of the Commodity Exchange Act (7 U.S.C. 7a) is amended by striking subsection (g).

(F) OBLIGATION TO ADDRESS DUPLICATIVE REGULATION OF DUAL REGISTRANTS.—Section 5c of the Commodity Exchange Act (7 U.S.C. 7a–2) is amended by striking subsection (f).

(G) DESIGNATION OF SECURITIES EXCHANGES AND ASSOCIATIONS AS CONTRACT MARKETS.—Section 5f of the Commodity Exchange Act (7 U.S.C. 7b–1) is repealed.

(H) NOTIFICATION OF INVESTIGATIONS AND ENFORCEMENT ACTIONS.—Section 6 of the Commodity Exchange Act is amended by striking subsection (g) (7 U.S.C. 9c).

(I) ACTION TO ENJOIN OR RESTRAIN VIOLATIONS.—Section 6c of the Commodity Exchange Act (7 U.S.C. 13a–1) is amended by striking subsection (h).

(J) PUBLIC DISCLOSURE.—Section 8(a) of the Commodity Exchange Act (7 U.S.C. 12(a)) is amended by striking paragraph (3).

(K) MARKET REPORTS.—Section 16 of the Commodity Exchange Act (7 U.S.C. 20) is amended by striking subsection (e).

(L) OBLIGATION TO ADDRESS DUPLICATIVE REGULATION OF DUAL REGISTRANTS.—Section 17 of the Commodity Exchange Act (7 U.S.C. 21) is amended—

(i) by striking subsection (r); and

(ii) by redesignating subsection (q) (as added by section 233(5) of Public Law 97–444 (96 Stat. 2320)) as subsection (r).

(2) CONFORMING AMENDMENTS TO THE COMMODITY EXCHANGE ACT.—

(A) Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) (as amended by section 201(2)) is amended in paragraph (28), by striking the second sentence.

(B) Section 4(c)(1) of the Commodity Exchange Act (7 U.S.C. 6(c)(1)) is amended by striking ''(except subparagraphs (C)(ii) and (D) of section 2(a)(1), except that the Commission and the Securities and Exchange Commission may by rule, regulation, or order jointly exclude any agreement, contract, or transaction from section 2(a)(1)(D))''.

(C) Section 5a of the Commodity Exchange Act (7 U.S.C. 7a) is amended—

(i) in subsection (b)—

(I) in paragraph (2)—

(aa) by striking subparagraph (D); and

(bb) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively; and

(II) in paragraph (3)(B)(ii), by striking ''or, if the person trades only security futures products on the facility, a national securities association registered under section 15A(a) of the Securities Exchange Act of 1934''; and

(ii) in subsection (e)(1), by striking ''With respect to transactions other than transactions in security futures products, a'' and inserting ''A''.

(D) Section 6(b) of the Commodity Exchange Act (7 U.S.C. 8(b)) is amended in the first sentence by striking ''or section 5f''.

(E) Section 12(e)(2) of the Commodity Exchange Act (7 U.S.C. 16(e)(2)) is amended—

(i) in subparagraph (A), by striking ''an electronic trading facility excluded under section 2(e) of this Act'' and inserting ''a commodity-based swap execution facility'';

(ii) in subparagraph (B)—

(I) by striking '', 2(d), 2(f), or 2(g)'' and inserting ''or 2(e)'';

(II) by striking ''2(h) or''; and

(III) by striking the period at the end and inserting ''; and''; and

(iii) by inserting after subparagraph (B) the following:

''(C) a commodity-based swap.''.

SEC. 203. REQUIRED CLEARING OF STANDARDIZED DERIVATIVES THROUGH CENTRAL COUNTERPARTIES AND USE OF TRADE REPOSITORIES.

(a) IN GENERAL.—The Commodity Exchange Act is amended by inserting after section 4q (7 U.S.C. 6o–1) the following:

''SEC. 4r. REQUIRED CLEARING OF STANDARDIZED DERIVATIVES THROUGH CENTRAL COUNTERPARTIES AND USE OF TRADE REPOSITORIES.

''(a) FINDINGS.—Congress finds that—

''(1) the proliferation of over-the-counter commodity-based swaps poses unacceptable risks to the financial system;

''(2) clearing standardized commodity-based swaps through well-regulated central counterparties would reduce systemic risk in the financial system;

''(3) the markets for standardized commodity-based swaps suffer from a lack of reliable and accurate transaction information that is available to the public, market participants, producers, and regulators; and

''(4) weaknesses in the regulation of markets for standardized commodity-based swaps have detracted from the efficiency and transparency of trading in the markets and hampered the surveillance and oversight of the markets.

''(b) PURPOSES.—The purposes of this section are—

''(1) to establish well-regulated markets for standardized commodity-based swaps that promote efficiency and transparency of trading and enhance the surveillance and oversight of the markets; and

''(2) to promote the public interest, the protection of market participants, and the maintenance of fair and orderly markets by ensuring—

''(A) the prompt and accurate clearance and settlement of transactions in standardized commodity-based swaps;

''(B) the prompt and accurate reporting of transactions in commodity-based derivative

instruments to a trade repository or a derivatives clearing organization;

''(C) the establishment of linked or coordinated facilities for clearance and settlement of transactions in securities, securities options, contracts of sale for future delivery and options on the contracts, commodity options, and derivatives;

''(D) the availability to the public, market participants, producers, and regulators of reliable and accurate quotation and transaction information in commodity-based swaps;

''(E) economically efficient execution of transactions in commodity-based swaps; and

''(F) fair competition among markets in the trading of commodity-based swaps.

''(c) USE OF DERIVATIVES CLEARING ORGANIZATIONS.—

''(1) IN GENERAL.—Any person that is a party to a commodity-based swap that the Commission determines is 'standardized' shall submit such instrument for clearing to a derivatives clearing organization within the period specified by the rules of the Commission.

''(2) DEFINITION OF 'STANDARDIZED'.—

''(A) IN GENERAL.—The Commission shall by rule, define the term 'standardized' for purposes of this section.

''(B) FACTORS.—In defining the term 'standardized', the Commission shall—

''(i) be consistent with—

''(I) the public interest;

''(II) the protection of market participants;

''(III) the safeguarding of commodity-based swap transactions and funds;

''(IV) the maintenance of fair competition among market participants and among derivatives clearing organizations; and

''(V) the purposes of this section;

''(ii)(I) consult with, and consider the views of, the Securities and Exchange Commission and the Board of Governors of the Federal Reserve System; and

''(II) seek to maintain comparability, to the maximum extent practicable, with the Securities and Exchange Commission definition of 'standardized' for purposes of section 17C of the Securities Exchange Act of 1934; and

''(iii) to the extent it is applicable to a particular commodity-based swap or class of commodity-based derivative swaps, consider—

''(I) whether a derivatives clearing organization is prepared to clear the commodity-based swap and the derivatives clearing organization has effective risk management systems;

''(II) the availability or ability to facilitate standard documentation of the terms of the commodity-based swap;

''(III) the liquidity of the commodity-based swap and the underlying commodity or group or index of the commodity-based swap;

''(IV) the ability to value the commodity-based swap, or underlying commodity, consistently with an accepted pricing methodology, including the availability of intraday prices; and

''(V) such other factors as are consistent with the purposes of this section.

''(3) EXEMPTIONS.—

''(A) IN GENERAL.—The Commission, by rule or order, as the Commission considers appropriate in the public interest or the protection of market participants, may conditionally or unconditionally exempt from the requirements of this subsection and the rules issued under this subsection any person, transaction, or standardized commodity-based swap.

''(B) PRIOR CONSULTATION WITH SECURITIES AND EXCHANGE COMMISSION AND BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.—

''(i) CONSULTATION.—Before acting by rule or order to exempt any person, transaction, or standardized commodity-based swap from this subsection, the Commission shall consult with, and consider the views of, the Securities and Exchange Commission and the Board of Governors of the Federal Reserve System concerning whether the exemption is appropriate for the reduction of risk and in the public interest.

''(ii) NOTICE REQUIRED.—Forty-five days prior to issuing any exemption, the Commission shall send a notice to the Securities and Exchange Commission and the Board of Governors of the Federal Reserve System describing such exemption.

''(iii) PROHIBITION ON ISSUANCE.—If either the Securities and Exchange Commission or the Board of Governors of the Federal Reserve System issues a finding that such an exemption does not meet the standard in clause (i), the Commission shall not grant the exemption.

''(iv) DEADLINE.—Any finding by the Securities and Exchange Commission or the Board of Governors of the Federal Reserve System shall be made and received in writing by the Commission not later than 30 days after the date of receipt of a notice of a proposed exemption by the Commission.

''(v) NONDELEGATION.—Action by the Securities and Exchange Commission or the Board of Governors under this subparagraph may not be delegated.

''(d) TRADE REPOSITORIES.—

''(1) USE OF TRADE REPOSITORIES.—

''(A) IN GENERAL.—Any person that enters into or effects a transaction in a commodity-based swap shall submit the transaction for clearing to a derivatives clearing organization or report the transaction to a trade repository registered in accordance with this subsection within the period specified by any rule adopted under subsection (e).

''(B) INFORMATION.—The Commission may, by rule, require any person to report to derivatives clearing organizations and registered trade repositories such transaction information as the Commission considers appropriate to permit the derivatives clearing organizations and trade repositories to meet the purposes of this section.

''(2) REGISTRATION.—A trade repository may register for purposes of this subsection by filing with the Commission an application in such form as the Commission, by rule, may prescribe containing the rules of the trade repository and such other information and documents as the Commission, by rule, may prescribe as appropriate in the public interest, for the protection of market participants, or for the prompt and accurate collection, calculation, processing, and preparation of information regarding transactions and positions in commodity-based swap.

''(3) COMMISSION PROCEDURES FOR APPLICATIONS.—

''(A) IN GENERAL.—On the filing of an application for registration pursuant to paragraph (2), the Commission shall publish notice of the filing and afford interested persons an opportunity to submit written data, views, and arguments concerning the application.

''(B) ACTIONS.—Not later than 90 days after the date of the publication of the notice (or, with the consent of the applicant, a longer period), the Commission shall—

''(i) by order grant the registration; or

''(ii) institute proceedings to determine whether the registration should be denied.

''(C) PROCEDURE FOR DENIALS.—

''(i) IN GENERAL.—The proceedings described in subparagraph (B)(ii) shall—

''(I) include notice of the grounds for denial under consideration and an opportunity for a hearing; and

''(II) be concluded not later than 180 days after the date of publication of notice of the filing of the application for registration.

''(ii) ACTIONS.—At the conclusion of the proceedings the Commission, by order, shall grant or deny the registration.

''(iii) EXTENSIONS.—The Commission may extend the time for the conclusion of the proceedings for—

''(I) not more than 60 days if the Commission—

''(aa) finds good cause for the extension; and

''(bb) publishes a description of the reasons of the Commission for the finding; or

''(II) with the consent of the applicant, a longer period.

''(D) STANDARDS FOR GRANTING REGISTRATION.—The Commission shall grant the registration of a trade repository for purposes of this section if the Commission finds that the trade repository is so organized, and has the capacity—

''(i) to assure the prompt, accurate, and reliable performance of the functions of a trade repository;

''(ii) to comply with this Act (including rules and regulations issued under this Act); and

''(iii) to carry out the functions of a trade repository in a manner consistent with the purposes of this section.

''(E) STANDARD FOR DENIAL OF REGISTRATION.—The Commission shall deny the registration of a trade repository if the Commission does not make a finding described in subparagraph (D).

''(4) WITHDRAWAL OF REGISTRATION.—

''(A) IN GENERAL.—A registered trade repository may, on such terms and conditions as the Commission considers appropriate in the public interest or for the protection of market participants, withdraw from registration by filing a written notice of withdrawal with the Commission.

''(B) CANCELLATION.—If the Commission finds that any trade repository is no longer in existence or has ceased to do business in the capacity specified in the application of the trade repository for registration, the Commission, by order, shall cancel the registration.

''(5) ACCESS TO TRADE REPOSITORY SERVICES.—

''(A) NOTICE OF PROHIBITION OR LIMITATION ON ACCESS.—

''(i) IN GENERAL.—If any registered trade repository prohibits or limits any person access to services offered, directly or indirectly, by the trade repository, the registered trade repository shall promptly file notice of the prohibition or limitation with the Commission.

''(ii) CONTENT.—A notice under clause (i) shall be in such form and contain such information as the Commission, by rule, may prescribe as appropriate in the public interest or for the protection of investors.

''(B) REVIEW BY COMMISSION.—Any prohibition or limitation on access to services with respect to which a registered trade repository is required by subparagraph (A) to file notice shall be subject to review by the Commission on—

''(i) the motion of the Commission; or

''(ii) application by any person aggrieved by the prohibition or limitation filed—

''(I) not later than 30 days after the date on which the notice described in subparagraph (A) has been filed with the Commission and received by the aggrieved person; or

''(II) within such longer period as the Commission may determine.

''(C) STAYS.—

''(i) IN GENERAL.—Application to the Commission for review, or the institution of review by the Commission on the motion of the Commission, shall not operate as a stay

of the prohibition or limitation, unless the Commission otherwise orders, summarily or after notice and opportunity for hearing on the question of a stay.

''(ii) HEARING.—A hearing under clause (i) may consist solely of the submission of affidavits or presentation of oral arguments.

''(iii) EXPEDITED PROCEDURE.—The Commission shall establish for appropriate cases an expedited procedure for consideration and determination of the question of a stay.

''(D) STANDARDS OF REVIEW.—

''(i) DISMISSAL OF PROCEEDINGS.—In any proceeding to review the prohibition or limitation of any person to access to services offered by a registered trade repository, the Commission, by order, shall dismiss the proceeding if the Commission finds, after notice and opportunity for hearing, that—

''(I) the prohibition or limitation is consistent with this Act (including rules and regulations); and

''(II) the person has not been discriminated against unfairly.

''(ii) ACCESS TO SERVICES.—If the Commission does not make a finding described in clause (i) or the Commission finds that the prohibition or limitation imposes any burden on competition that is not appropriate in furtherance of the purposes of this Act, the Commission, by order, shall—

''(I) set aside the prohibition or limitation; and

''(II) require the registered trade repository to permit the person access to the services offered by the registered trade repository to which the prohibition or limitation applied.

''(6) ADMINISTRATIVE PROCEEDING AUTHORITY.—The Commission, by order, may censure or place limitations on the activities, functions, or operations of any registered trade repository or suspend for a period not exceeding 12 months or revoke the registration of any trade repository, if the Commission finds, on the record after notice and opportunity for hearing, that—

''(A) the censure, placing of limitations, suspension, or revocation is appropriate in the public interest, for the protection of market participants, or otherwise in furtherance of the purposes of this Act; and

''(B) the trade repository has violated or is unable to comply with any provision of this Act (including rules or regulations).

''(7) RULEMAKING AUTHORITY.—No registered trade repository shall, directly or indirectly, engage in any activity as a trade repository in contravention of such rules and regulations as the Commission may prescribe—

''(A) as appropriate in the public interest;

''(B) for the protection of market participants; or

''(C) otherwise in furtherance of the purposes of this Act, including to ensure that all persons may obtain on terms that are fair and reasonable and not unreasonably discriminatory such transaction and position information for commodity-based swaps as is disseminated by any derivatives clearing organization or trade repository.

''(8) CONSULTATION.—

''(A) IN GENERAL.—Prior to adopting any rules applicable to trade repositories pursuant to subsection (g), the Commission shall consult with and consider the views of the Securities and Exchange Commission.

''(B) COMPARABILITY.—The Commission and the Securities and Exchange Commission shall seek to maintain comparability, to the maximum extent practicable, of applicable respective recordkeeping and reporting requirements for trade repositories.

''(e) TIMING.—The Commission may by rule specify the date by which persons are required—

''(1) to submit transactions in standardized commodity-based swaps for clearing to a derivatives clearing organization pursuant to subsection (c); and

''(2)(A) to submit transactions in commodity-based swaps for clearing to a derivatives clearing organization; or

''(B) to report transactions in the commodity-based derivative instruments to a registered trade repository pursuant to subsection (d).

''(f) COLLECTION, CONSOLIDATION, AND DISSEMINATION OF INFORMATION ON TRANSACTIONS AND POSITIONS IN COMMODITY-BASED SWAPS.—

''(1) COMMISSION ACTION REQUIRED.—The Commission shall, consistent with the public interest, the protection of market participants, the maintenance of fair and orderly markets, and the purposes of this section, use the authority of the Commission under this Act to facilitate—

''(A) the collection, consolidation, and dissemination of information on transactions and positions in commodity-based swaps; and

''(B) the establishment of coordinated facilities for the consolidation of information on transactions and positions in commodity-based swaps.

''(2) ACTIONS REQUIRED BY REGISTERED ENTITIES.—The Commission, by rule, regulation, or order, may require each derivatives clearing organization that clears transactions in commodity-based swaps, and each registered trade repository registered or applying to become registered, in such form and frequency as the Commission shall prescribe as appropriate in the public interest, for the protection of market participants, or otherwise in furtherance of the purposes of this Act—

''(A) to disseminate certain transaction or position information concerning commodity-based swaps; and

''(B) to ensure the prompt, accurate, reliable, and fair collection, processing, distribution, and publication of information with respect to transactions and positions, as appropriate, cleared by or reported to the derivatives clearing organization or the registered trade repository.

''(g) RECORDS, REPORTS, AND EXAMINATIONS.—

''(1) IN GENERAL.—Each registered trade repository shall make and keep for prescribed periods such records, furnish such copies of the records, and make and disseminate such reports as the Commission, by rule, prescribes as appropriate in the public interest, or otherwise in furtherance of the purposes of this Act.

''(2) EXAMINATIONS.—All records with regard to commodity-based swaps of a registered trade repository shall be subject at any time to such reasonable periodic, special, or other examinations by representatives of the Commission as the Commission considers appropriate in the public interest, for the protection of market participants, or otherwise in furtherance of the purposes of this Act.''.

(b) DERIVATIVES CLEARING ORGANIZATIONS.—Section 5b of the Commodity Exchange Act (7 U.S.C. 7a–1) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) REGISTRATION REQUIREMENT.—It shall be unlawful for a derivatives clearing organization, unless registered with the Commission, directly or indirectly to make use of the mails or any means or instrumentality of interstate commerce to perform the functions of a derivatives clearing organization with respect to a contract of sale of a commodity for future delivery (or option on such a contract) or option on a commodity, or a commodity-based swap, in each case unless the contract, option, or commodity-based swap is not required to be cleared under this Act.

''(b) VOLUNTARY REGISTRATION.—A derivatives clearing organization that clears agreements, contracts, or transactions that are not required to be cleared under this Act may register with the Commission as a derivatives clearing organization.'';

(2) in subsection (c)—

(A) by striking paragraph (1) and inserting the following:

''(1) APPLICATION.—A person desiring to register as a derivatives clearing organization shall submit to the Commission an application in such form and containing the rules of the derivatives clearing organization and such other information and documents as the Commission, by rule, may prescribe as appropriate in the public interest or for the purpose of making the determinations required for approval under this section.'';

(B) in paragraph (2)—

(i) by striking subparagraph (B) and inserting the following:

''(B) FINANCIAL RESOURCES.—The applicant shall demonstrate that the applicant has adequate financial, operational, and managerial resources to discharge the responsibilities of a derivatives clearing organization and to manage all associated risks.''; and

(ii) by adding at the end the following:

''(O) MARKET PARTICIPANT ACCESS.—The applicant shall establish appropriate standards to ensure open and fair access to all persons that meet the ongoing and continuing participant eligibility standards of the organization with respect to commodity-based swaps and to accept for clearing from the participants all commodity-based swaps that meet the product eligibility standards of the organization, regardless of where the transactions are executed.''; and

(C) by adding at the end the following:

''(4) COMMISSION PROCEDURES FOR GRANTING REGISTRATION TO DERIVATIVES CLEARING ORGANIZATIONS FOR CLEARING COMMODITY-BASED SWAPS.—

''(A) IN GENERAL.—The Commission shall, on the filing of an application for registration pursuant to paragraph (2) for purposes of clearing commodity-based swaps, publish notice of the filing and afford interested persons an opportunity to submit written data, views, and arguments concerning the application.

''(B) ACTIONS.—Not later than 90 days after the date of the publication of the notice (or, with the consent of the applicant, a longer period), the Commission shall—

''(i) by order grant the registration; or

''(ii) institute proceedings to determine whether registration should be denied.

''(C) PROCEEDINGS.—

''(i) IN GENERAL.—The proceedings described in subparagraph (B)(ii) shall—

''(I) include notice of the grounds for denial under consideration and opportunity for hearing; and

''(II) be concluded not later than 180 days after the date of publication of notice of the filing of the application for registration.

''(ii) ACTIONS.—At the conclusion of the proceedings the Commission, by order, shall grant or deny the registration.

''(iii) EXTENSIONS.—The Commission may extend the time for the conclusion of the proceedings for—

''(I) not more than 60 days if the Commission—

''(aa) finds good cause for the extension; and

''(bb) publishes the reasons of the Commission for the finding; or

''(II) with the consent of the applicant, a longer period.

''(iv) STANDARD FOR REGISTRATION.—

''(I) IN GENERAL.—The Commission shall grant the registration of a derivatives clearing organization if the Commission finds that the derivatives clearing organization is so organized, and has the capacity, to be able—

''(aa) to ensure the prompt, accurate, and reliable performance of the functions of a derivatives clearing organization;

''(bb) to comply with this Act (including rules and regulations); and

''(cc) to carry out the functions of a derivatives clearing organization in a manner consistent with the purposes and core principles of this section.

''(II) DENIAL.—The Commission shall deny the registration of a derivatives clearing organization if the Commission does not make a finding described in subclause (I).

''(5) WITHDRAWAL OF REGISTRATION.—For purposes of clearing commodity-based swaps, a derivatives clearing organization may, on such terms and conditions as the Commission considers appropriate in the public interest or for the protection of market participants, withdraw from registration by filing a written notice of withdrawal with the Commission.

''(6) ACCESS TO DERIVATIVES CLEARING ORGANIZATION TO CLEAR COMMODITY-BASED SWAPS.—

''(A) NOTICE OF PROHIBITION OR LIMITATION.—

''(i) IN GENERAL.—For purposes of clearing commodity-based swaps, if any derivatives clearing organization prohibits or limits any person access to services offered, directly or indirectly, by the derivatives clearing organization, the derivatives clearing organization shall promptly file notice of the prohibition or denial with the Commission.

''(ii) CONTENTS.—The notice shall be in such form and contain such information as the Commission, by rule, may prescribe as appropriate in the public interest.

''(B) REVIEW BY COMMISSION.—Any prohibition or limitation on access to services with respect to which a derivatives clearing organization is required by subparagraph (A) to file notice shall be subject to review by the Commission on—

''(i) the motion of the Commission; or

''(ii) application by any person aggrieved by the prohibition or limitation filed—

''(I) not later than 30 days after the date the notice described in subparagraph (A) has been filed with the Commission and received by the aggrieved person; or

''(II) within such longer period as the Commission may determine.

''(C) STAYS.—

''(i) IN GENERAL.—Application to the Commission for review, or the institution of review by the Commission on the motion of the Commission, shall not operate as a stay of the prohibition or limitation, unless the Commission otherwise orders, summarily or after notice and opportunity for hearing on the question of a stay.

''(ii) HEARING.—A hearing under clause (i) may consist solely of the submission of affidavits or presentation of oral arguments.

''(iii) EXPEDITED PROCEDURE.—The Commission shall establish for appropriate cases an expedited procedure for consideration and determination of the question of a stay.

''(D) ACTIONS.—

''(i) DISMISSAL OF PROCEEDINGS.—For purposes of clearing commodity-based swaps, in any proceeding to review the prohibition or limitation of any person in respect of access to services offered by a derivatives clearing organization, the Commission, by order, shall dismiss the proceeding if the Commission finds, after notice and opportunity for hearing, that—

''(I) the prohibition or limitation is consistent with this Act (including rules and regulations); and

''(II) the person has not been discriminated against unfairly.

''(ii) ACCESS TO SERVICES.—If the Commission does not make a finding described in clause (i), or if the Commission finds that the prohibition or limitation imposes any burden on competition not appropriate in furtherance of the purposes of this Act, the Commission, by order, shall—

''(I) set aside the prohibition or limitation; and

''(II) require the registered trade repository to permit the person access to the services offered by the derivatives clearing organization to which the prohibition or limitation applied.

''(7) ADMINISTRATIVE PROCEEDING AUTHORITY.—The Commission, by order, may censure or place limitations on the activities, functions, or operations of any derivatives clearing organization that is clearing commodity-based swaps, or suspend for a period not exceeding 12 months or revoke the registration of any derivatives clearing organization, if the Commission finds, on the record after notice and opportunity for hearing, that—

''(A) the censure, placing of limitations, suspension, or revocation is appropriate in the public interest and for the protection of market participants or otherwise in furtherance of the purposes of this Act; and

''(B) the derivatives clearing organization has violated or is unable to comply with any provision of this Act (including rules or regulations).

''(8) RULEMAKING AUTHORIZATION.—For purposes of clearing commodity-based swaps, no derivatives clearing organization shall, directly or indirectly, engage in any activity as a derivatives clearing organization in contravention of such rules and regulations as the Commission may prescribe—

''(A) as appropriate in the public interest;

''(B) for the protection of market participants; or

''(C) otherwise in furtherance of the purposes of this Act.

''(9) RECORDS, REPORTS, AND EXAMINATIONS.—

''(A) IN GENERAL.—Each derivatives clearing organization shall, for purposes of clearing commodity-based swaps, make and keep for prescribed periods such records, furnish such copies of the records, and make and disseminate such reports as the Commission, by rule, prescribes as appropriate in the public interest, or otherwise in furtherance of the purposes of this Act.

''(B) EXAMINATIONS.—For purposes of clearing commodity-based derivative instruments, all records of a derivatives clearing organization shall be subject at any time to such reasonable periodic, special, or other examinations by representatives of the Commission as the Commission considers appropriate in the public interest, for the protection of market participants, or otherwise in furtherance of the purposes of this Act.''.

SEC. 204. PRUDENTIAL SUPERVISION AND REGULATION OF SIGNIFICANT COMMODITY-BASED DERIVATIVES MARKET PARTICIPANTS AND INCENTIVES FOR TRADING ON REGULATED EXCHANGES.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 4r (as added by section 203(a)) the following:

''SEC. 4s. REGULATION OF SIGNIFICANT COMMODITY-BASED DERIVATIVES MARKET PARTICIPANTS.

''(a) DEFINITION OF APPROPRIATE REGULATORY AUTHORITY.—In this section, the term 'appropriate regulatory authority' means—

''(1) the appropriate Federal banking agency (as defined in section 1813(q) of title 12, United States Code), with respect to a significant commodity-based derivatives market participant that is an insured depository institution (as defined in section 1813(c) of title 12, United States Code), but not an affiliate of an insured depository institution;

''(2) the Federal Housing Finance Agency, with respect to a significant commodity-based derivatives market participant that is a regulated entity (as defined in section 4502 of title 12, United States Code);

''(3) the Commission, with respect to a significant commodity-based derivatives market participant that is—

''(A) a futures commission merchant or an introducing broker, other than a futures commission merchant or an introducing broker registered pursuant to section 4f(a) or an affiliate of an insured depository institution; or

''(B) a commodity pool operator or commodity trading advisor, other than an affiliate of an insured depository institution; and

''(4) the Securities and Exchange Commission, with respect to a significant commodity-based derivatives market participant—

''(A) that is a broker or dealer, as those terms are defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) (other than a broker or dealer registered under section 15(b)(11) of that Act (15 U.S.C. 78o(b)(11)) that is not an affiliate of an insured depository institution); or

''(B) for which there is not another appropriate regulatory authority otherwise specified in this subsection.

''(b) REGISTRATION BY SIGNIFICANT COMMODITY-BASED DERIVATIVES MARKET PARTICIPANTS.—It shall be unlawful for any significant commodity-based derivatives market participant to make use of the mails or any means or instrumentality of interstate commerce to effect any transactions in, or to induce or attempt to induce a transaction in, any commodity-based swap unless the significant commodity-based derivatives market participant has registered in accordance with subsection (c).

''(c) MANNER OF REGISTRATION OF SIGNIFICANT COMMODITY-BASED DERIVATIVES MARKET PARTICIPANTS.—

''(1) IN GENERAL.—A significant commodity-based derivatives market participant subject to the registration requirement of subsection (b) may register by filing with the Commission an application for registration in such form and containing such information and documents concerning the significant commodity-based derivatives market participant and any persons associated with the significant commodity-based derivatives market participant as the Commission, by rule, regulation, or order, may prescribe as appropriate in the public interest or for the protection of market participants.

''(2) ACTION BY THE COMMISSION.—

''(A) IN GENERAL.—Not later than 45 days after the date of filing of an application under paragraph (1) (or, with the consent of the applicant, a longer period), the Commission shall—

''(i) by order grant registration; or

''(ii) institute proceedings in accordance with subparagraph (B) to determine whether the registration should be denied.

''(B) PROCEEDINGS.—

''(i) IN GENERAL.—Proceedings initiated under subparagraph (B)(ii) shall include notice of the grounds for denial under consideration and opportunity for hearing.

''(ii) CONCLUSION.—Not later than 120 days after the date of the filing of the application for registration, the Commission shall conclude the proceedings and, by order, grant or deny the registration.

''(iii) EXTENSION.—The Commission may extend the time for the conclusion of a proceedings for up to 90 days (or, with the consent of the applicant, a longer period) if the Commission finds good cause for the extension and publishes the reasons for the extension.

''(C) BASIS FOR DETERMINATION.—

''(i) IN GENERAL.—The Commission shall grant the registration of a significant commodity-based derivatives market participant if the Commission finds that the requirements of this section are satisfied.

''(ii) DENIAL.—The Commission shall deny the registration if the Commission does not make a finding under clause (i) or if the Commission finds that if the applicant were registered, the registration of the applicant would be subject to suspension or revocation under subsection (f).

''(3) WITHDRAWAL.—Any person that has filed an application pursuant to paragraph (1) may, on such terms and conditions as the Commission determines appropriate in the public interest, for the protection of market participants, or otherwise in furtherance of the purposes of this Act, withdraw the application by filing a written withdrawal with the Commission.

''(d) BUSINESS CONDUCT REQUIREMENTS.—

''(1) DEFINITION OF REGULATED PERSON.—In this subsection, the term 'regulated person' means—

''(A) a significant commodity-based derivatives market participant; and

''(B) any other class of persons that the Commission may determine by rule, regulation, or order to be subject to this subsection.

''(2) PROHIBITION.—It shall be unlawful for any regulated person to make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce a transaction in, any commodity-based swap, unless the regulated person complies with such business conduct requirements as the Commission and the Securities and Exchange Commission, in consultation with the appropriate regulatory authorities, may jointly prescribe by rule, regulation, or order, as appropriate in the public interest, for the protection of market participants, and otherwise in furtherance of the purposes of this Act.

''(3) REQUIREMENTS.—Business conduct requirements prescribed under this subsection shall—

''(A) establish the standard of care required for a regulated person to verify that any counterparty meets the eligibility standards for an eligible contract participant or qualified institutional buyer (as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)));

''(B) require disclosure by the regulated person to any counterparty to the transaction of—

''(i) material product-specific information about the risks and characteristics of the commodity-based swap;

''(ii) the source and amount of any fees or other material remuneration that the regulated person would directly or indirectly expect to receive in connection with the commodity-based swap; and

''(iii) any other material incentives or conflicts of interest that the regulated person may have in connection with the commodity-based swap;

''(C) establish a minimum standard of conduct for a regulated person with respect to any counterparty, other than a qualified institutional buyer (as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))), for—

''(i) providing disclosure of the general risks and characteristics of any commodity-based swap;

''(ii) communicating in a fair and balanced manner based on principles of fair dealing and good faith;

''(iii) assessing the appropriateness of any commodity-based swap for the counterparty, except that in the case of a counterparty that is an eligible contract participant specified in clause (iv), the regulated person may rely on the representations described in clause (iv)(VI) that the transaction is appropriate for the counterparty; and

''(iv) with respect to a counterparty that is an eligible contract participant (within the meaning of subclause (I) or (II) of section 1a(15)(A)(vii)), having a reasonable basis to believe that the counterparty has an independent representative that—

''(I) has sufficient knowledge to evaluate the transaction and risks;

''(II) is not subject to a statutory disqualification;

''(III) is independent of the regulated person;

''(IV) undertakes a duty to act in the best interests of the counterparty that the independent representative represents;

''(V) makes appropriate disclosures; and

''(VI) will provide written representations to the eligible contract participant regarding fair pricing and the appropriateness of the transaction;

''(D) require the availability of information about any commodity referenced in a commodity-based swap or on which the commodity-based swap is based; and

''(E) establish such other standards and requirements as the Commission, acting jointly with the Securities and Exchange Commission and in consultation with the appropriate regulatory authorities, may determine are appropriate in the public interest, for the protection of market participants, or otherwise in furtherance of the purposes of this Act.

''(e) STATUTORY DISQUALIFICATION.—Except to the extent otherwise specifically provided by rule, regulation, or order of the Commission, it shall be unlawful for a significant commodity-based derivatives market participant to permit any associated person of the significant commodity-based derivatives market participant who is subject to a statutory disqualification to effect or be involved in effecting transactions in commodity-based swaps on behalf of the significant commodity-based derivatives market participant, if the significant commodity-based derivatives market participant knew, or in the exercise of reasonable care should have known, of the statutory disqualification.

''(f) ADMINISTRATIVE PROCEEDING AUTHORITY.—

''(1) IN GENERAL.—The Commission, by order, shall censure, place limitations on the activities, functions, or operations of, or reject the filing of any significant commodity-based derivatives market participant that has registered with the Commission pursuant to subsection (d) if the Commission finds, on the record after notice and opportunity for hearing, that—

''(A) the censure, placing of limitations, or rejection is in the public interest; and

''(B) the significant commodity-based derivatives market participant, or any person associated with the significant commodity-based derivatives market participant effecting or involved in effecting transactions in commodity-based swaps on behalf of the significant commodity-based derivatives market participant, whether prior or subsequent to becoming so associated, has committed or omitted any act, or is subject to an order or finding, described in paragraphs (2) and (3) of section 8a.

''(2) ASSOCIATED PERSONS.—With respect to any person who is associated, who is seeking to become associated, or who, at the time of the alleged misconduct, was associated or was seeking to become associated with a significant commodity-based derivatives market participant for the purpose of effecting or being involved in effecting commodity-based swaps on behalf of the significant commodity-based derivatives market participant, the Commission, by order, shall censure, place limitations on the activities or functions of the person, or suspend for a period not exceeding 12 months, or bar the person from being associated with a significant commodity-based derivatives market participant, if the Commission finds, on the record after notice and opportunity for a hearing, that—

''(A) the censure, placing of limitations, suspension, or bar is in the public interest; and

''(B) the person has committed or omitted any act, or is subject to an order or finding, described in paragraphs (2) and (3) of section 8a.

''(3) PROHIBITION.—It shall be unlawful—

''(A) for any person with respect to whom an order under paragraph (2) is in effect, without the consent of the Commission, willfully to become, or to be, associated with a significant commodity-based derivatives market participant in contravention of the order; or

''(B) for any significant commodity-based derivatives market participant to permit a person described in subparagraph (A), without the consent of the Commission, to become or remain, a person associated with the significant commodity-based derivatives market participant in contravention of an order under paragraph (2), if the significant commodity-based derivatives market participant knew, or in the exercise of reasonable care should have known, of the order.

''(g) CAPITAL AND MARGIN REQUIREMENTS.—

''(1) IN GENERAL.—It shall be unlawful for any person to conduct business as a significant commodity-based derivatives market participant unless the person meets at all times such minimum capital and margin requirements as the appropriate regulatory authorities shall jointly prescribe, not later than 180 days after the enactment of this section, by rule or regulation as appropriate in the public interest or for the maintenance of fair and orderly markets and consistent with the purposes of this Act to provide safeguards with respect to the financial responsibility and related practices of the significant commodity-based derivatives market participant.

''(2) CAPITAL REQUIREMENTS.—In setting capital requirements for significant commodity-based derivatives market participants, the appropriate regulatory authorities shall consider among other things—

''(A) the liquidity of each commodity-based swap, including whether the commodity-based swap—

''(i) is traded on a liquid market; and

''(ii) is centrally cleared; and

''(B) whether the commodity-based swap is used to offset or hedge another instrument or asset owned by such significant commodity-based derivatives market participant.

''(3) MARGIN REQUIREMENTS.—The appropriate regulatory authorities shall jointly prescribe margin requirements, which may permit the use of noncash collateral, that apply to commodity-based swaps entered into by a significant commodity-based derivatives market participant, as the appropriate regulatory authorities jointly determine to be appropriate for the purpose of, at a minimum—

''(A) preserving the financial integrity of markets trading commodity-based swaps; and

''(B) preventing systemic risk.

''(4) COMMISSION RULES.—Nothing in this Act prevents the Commission from prescribing capital and margin requirements that are higher or more restrictive than the joint rules adopted under this subsection for significant commodity-based derivatives market participants for which the Commission is the appropriate regulatory authority.

''(h) ENFORCEMENT AUTHORITY.—Each appropriate regulatory authority shall have sole authority to enforce compliance with the rules adopted under subsection (g) in the case of each significant derivatives market participant for which the regulatory authority is the appropriate regulatory authority, as defined in subsection (a).''.

SEC. 205. RECORDKEEPING AND REPORTING REQUIREMENTS FOR DERIVATIVES MARKET PARTICIPANTS.

(a) IN GENERAL.—Section 4g of the Commodity Exchange Act (7 U.S.C. 6g) is amended by striking ''SEC. 4g.'' and all that follows through the end of subsection (a) and inserting the following:

''SEC. 4g. RECORDKEEPING AND REPORTING REQUIREMENTS FOR COMMODITY-BASED DERIVATIVES MARKET PARTICIPANTS.

''(a) IN GENERAL.—Each person registered under this Act as a futures commission merchant, introducing broker, floor broker, floor trader, or significant commodity-based derivatives market participant (or any other person that engages in transactions in commodity-based swaps as the Commission, by rule, regulation or order, designates) shall—

''(1) make such reports as are required by the Commission regarding the transactions and positions of the person, and the transactions and positions of the customers of the person, in commodities for future delivery on any board of trade in the United States or elsewhere, in any significant price discovery contract traded or executed on an electronic trading facility, in any agreement, contract, or transaction that is treated by a derivatives clearing organization, whether registered or not registered, as fungible with a significant price discovery contract, and in any commodity-based swap;

''(2) keep books and records pertaining to those transactions and positions in such form and manner and for such period as may be required by the Commission; and

''(3) make those books and records available for inspection by any representative of the Commission or the Department of Justice.''.

(b) DAILY TRADING RECORD.—Section 4g of the Commodity Exchange Act (7 U.S.C. 6g) is amended—

(1) by striking subsections (c) and (d) and inserting the following:

''(c) DAILY TRADING RECORDS.—

''(1) IN GENERAL.—Each floor broker, introducing broker, futures commission merchant, significant commodity-based derivatives market participant, and any other person designated by the Commission pursuant to subsection (a) shall maintain daily trading records for each customer in such manner and form as to be identifiable with the trades referred to in subsection (b).

''(2) FORM AND REPORTS.—

''(A) IN GENERAL.—Daily trading records shall be maintained in a form suitable to the Commission for such period as may be required by the Commission.

''(B) REPORTS.—Reports shall be made from the records maintained at such time, in such manner, and at such places as the Commission may prescribe by rule, order, or regulation in order to protect the public interest and the interest of persons trading in commodity futures or commodity-based swaps.''; and

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

SEC. 206. PROHIBITION OF MARKET MANIPULATION, FRAUD, AND OTHER MARKET ABUSES.

(a) POSITION LIMITS.—

(1) IN GENERAL.—Section 4a(a) of the Commodity Exchange Act (7 U.S.C. 6a(a)) is amended—

(A) by striking ''SEC. 4a. (a) Excessive'' and inserting the following:

''SEC. 4a. EXCESSIVE SPECULATION AS BURDEN ON INTERSTATE COMMERCE.

''(a) EXCESSIVE SPECULATION.—

''(1) IN GENERAL.—Excessive'';

(B) by designating the first through sixth sentences as paragraphs (1) through (6), respectively;

(C) in paragraph (1) (as so designated), by striking ''on electronic trading facilities with respect to a significant price discovery contract'' and inserting ''commodity-based swaps that perform or affect a significant price discovery function'';

(D) in paragraph (2) (as so designated)—

(i) by inserting '', including any group or class of traders,'' after ''held by any person''; and

(ii) by striking ''on an electronic trading facility with respect to a significant price discovery contract,'' and inserting ''commodity-based swaps that perform or affect a significant price discovery function,''; and

(E) by adding at the end the following:

''(7) AGGREGATE POSITION LIMITS AND POSITION REPORTING FOR COMMODITY-BASED SWAPS.—The Commission may, by rule or regulation, establish limits (including related hedge exemption provisions) on, or otherwise prescribe requirements regarding, the aggregate number of positions in commodity-based swaps based on the same underlying commodity that may be held by any person, including any group or class of traders, for each month across—

''(A) contracts listed by designated contract markets;

''(B) contracts traded on a foreign board of trade; and

''(C) commodity-based swaps that perform or affect a significant price discovery function.

''(8) CONSIDERATIONS.—In making a determination whether a commodity-based swap performs or affects a significant price discovery function, the Commission shall consider the extent to which the commodity-based swap has a significant price linkage, price discovery relationship, or other significant price relationship with 1 or more contracts listed by designated contract markets.

''(9) REPORTS.—The Commission may, by rule or regulation, require any person that effects transactions for the account of the person or the account of others in any commodity-based swap to report such information as the Commission may prescribe regarding any position or positions in the commodity-based swaps.

''(10) EXEMPTIONS.—The Commission, by rule or regulation, may conditionally or unconditionally exempt any person or class of persons, any commodity-based swap or class of commodity-based swaps, or any transaction or class of transactions from any requirement the Commission establishes under this section with respect to position limits for commodity-based swaps.''.

(2) CONFORMING AMENDMENTS.—Section 4a(b) of the Commodity Exchange Act (7 U.S.C. 6a(b)) is amended—

(A) in paragraph (1), by striking ''or electronic trading facility'' and inserting ''or 1 or more regulated electronic transparent trade execution systems''; and

(B) in paragraph (2), by striking ''or electronic trading facility'' and inserting ''or regulated electronic transparent trade execution system''.

(b) PROHIBITIONS.—Section 4b of the Commodity Exchange Act (7 U.S.C. 6b) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''or'' after the semicolon at the end;

(B) in paragraph (2)(D)(ii), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(3) for any person, directly or indirectly, by the use of any means or instrumentality of interstate commerce or of the mails, to effect any transaction in, or to induce or attempt to induce a transaction in, any commodity-based swap, in connection with which the person—

''(A) engages in any fraudulent, deceptive, or manipulative act or practice;

''(B) makes any fictitious quotation; or

''(C) engages in any transaction, practice, or course of business that operates as a fraud or deceit on any person.''; and

(2) in subsection (b)—

(A) by striking ''Subsection (a)(2) of this section'' and inserting the following:

''(1) IN GENERAL.—Subsection (a)(2)''; and

(B) by adding at the end the following:

''(2) COMMODITY-BASED SWAPS.—

''(A) IN GENERAL.—For the purposes of subsection (a)(3), the Commission shall, by rule, regulation, or order, define and prescribe means reasonably designed to prevent—

''(i) such transactions, acts, practices, and courses of business as are fraudulent, deceptive, or manipulative; and

''(ii) such quotations as are fictitious.

''(B) REQUIREMENTS.—In adopting rules, regulations, or orders under subparagraph (A), the Commission shall—

''(i) consult with the Securities and Exchange Commission; and

''(ii) seek to maintain comparability of the rules, regulations, or orders with similar rules of the Securities and Exchange Commission.''.

SEC. 207. PROTECTIONS FOR MARKETING COMMODITY-BASED SWAPS TO CERTAIN PERSONS.

(a) DEFINITION OF ELIGIBLE CONTRACT PARTICIPANT.—Paragraph (15) of section 1a of the Commodity Exchange Act (7 U.S.C. 1a) (as redesignated by section 201(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by inserting ''(as defined in paragraph (18) as in effect on the date of enactment of the Comprehensive Derivatives Regulation Act of 2009)'' after ''financial institution'';

(B) in clause (iv)(I), by striking ''total assets'' and inserting ''total net assets'';

(C) in clause (v)—

(i) in subclause (I), by striking ''total assets exceeding $10,000,000'' and inserting ''total net assets exceeding $10,000,000; or'';

(ii) by striking subclause (II);

(iii) by redesignating subclause (III) as subclause (II); and

(iv) in item (aa) of subclause (II) (as so designated), by striking ''a net worth exceeding $1,000,000'' and inserting ''total net assets exceeding $5,000,000'';

(D) in clause (vii), by striking subclause (III) and the undesignated matter following that subclause and inserting the following:

''(III) an instrumentality, agency, or department of an entity described in subclause (I) or (II);

except that the term does not include an entity, political subdivision, instrumentality, agency, or department described in subclause (I) or (III) unless the entity, political

subdivision, instrumentality, agency, or department owns and invests on a discretionary basis $50,000,000 or more in investments, except that, with respect to any State or entity, political subdivision, agency or department of a State, that amount is exclusive of any proceeds from any offering of municipal securities;''; and

(E) by striking clause (xi) and inserting the following:

''(xi) an individual who—

''(I) owns and invests on a discretionary basis not less than $10,000,000;

''(II) owns and invests on a discretionary basis not less than $5,000,000 and who enters into the agreement, contract, or transaction in order to manage the risk associated with an asset owned or liability incurred, or reasonably likely to be owned or incurred, by the individual; or

''(III) is an officer or director of an entity (or a person performing similar functions) and who enters into the agreement, contract, or transaction in order to manage the risk associated with the securities of the entity owned by the individual at the time of entering into the agreement, contract, or transaction;''; and

(2) in subparagraph (C), by inserting ''by rule, jointly with the Securities and Exchange Commission,'' after ''determines''.

(b) LIMITATION ON PARTICIPATION IN COMMODITY-BASED SWAPS.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) (as amended by section 202(a)(2)(A)) is amended by adding at the end the following:

''(f) LIMITATION ON PARTICIPATION IN COMMODITY-BASED SWAPS.—It shall be unlawful for any person, other than an eligible contract participant, to enter into a commodity-based swap.''.

SEC. 208. COMMODITY-BASED SWAP EXECUTION FACILITIES.

The Commodity Exchange Act is amended by inserting after section 5g (7 U.S.C. 7b–2) the following:

''SEC. 5h. COMMODITY-BASED SWAP EXECUTION FACILITIES.

''(a) REGISTRATION.—No person may operate a trading facility for commodity-based swaps, unless the trading facility is registered as a commodity-based swap execution facility under this section.

''(b) CRITERIA FOR REGISTRATION.—

''(1) IN GENERAL.—To be registered as a commodity-based swap execution facility, a facility shall demonstrate to the Commission that the facility meets the criteria specified in this section.

''(2) TRADING AND PARTICIPATION RULES.—The commodity-based swap execution facility shall—

''(A) establish and enforce trading and participation rules that will deter abuses; and

''(B) have the capacity to detect, investigate, and enforce the rules, including the capacity—

''(i) to obtain information necessary to perform the functions required under this section;

''(ii) to provide market participants with impartial access to the market; and

''(iii) to obtain information that may be used in establishing whether rule violations have occurred.

''(3) TRADING PROCEDURES.—The commodity-based swap execution facility shall establish and enforce rules or terms and conditions defining, or specifications detailing, trading procedures to be used in entering and executing orders for commodity-based swaps on the facilities of the commodity-based swap execution facility.

''(4) FINANCIAL INTEGRITY.—The commodity-based swap execution facility shall establish and enforce rules and procedures to ensure the financial integrity of commodity-based swaps entered on or through the facilities of the commodity-based swap execution facility, including the clearance and settlement of commodity-based swaps pursuant to section 2(f).

''(c) PRINCIPLES FOR COMMODITY-BASED SWAP EXECUTION FACILITIES.—

''(1) COMPLIANCE.—

''(A) IN GENERAL.—To maintain registration as a commodity-based swap execution facility, the facility shall comply with the principles specified in this subsection.

''(B) DISCRETION.—Except in cases in which the Commission adopts rules or regulations pursuant to section 8a(5), the commodity-based swap execution facility shall have reasonable discretion in establishing the manner in which the facility complies with this subsection.

''(2) RULES.—The commodity-based swap execution facility shall monitor and enforce compliance with any of the rules of the facility, including—

''(A) the terms and conditions of the commodity-based swaps traded on or through the facility; and

''(B) any limitations on access to the facility.

''(3) PREVENTION OF MANIPULATION.—

''(A) IN GENERAL.—The commodity-based swap execution facility shall permit trading only in commodity-based swaps that are not readily susceptible to manipulation.

''(B) MONITORING.—The commodity-based swap execution facility shall monitor trading in commodity-based swaps to prevent price manipulation, price distortion through surveillance, compliance, and disciplinary practices and procedures, including methods for conducting real-time monitoring of trading and comprehensive and accurate trade reconstructions.

''(4) POSITION LIMITATIONS AND ACCOUNTABILITY.—

''(A) IN GENERAL.—To reduce the potential threat of market manipulation or congestion, and to eliminate or prevent excessive speculation (as described in section 4a(a)), the commodity-based swap execution facility shall adopt for each of the contracts of the facility, as appropriate, position limitations or position accountability for speculators.

''(B) LIMITATION LEVEL.—For any contract that is subject to a position limitation established by the Commission pursuant to section 4a(a), the commodity-based derivative execution facility shall set the position limitations of the facility at a level that is not higher than the Commission limitation.

''(5) INFORMATION SHARING.—The commodity-based swap execution facility shall—

''(A) establish and enforce rules that will allow the facility to obtain any necessary information to perform any of the functions described in this subsection;

''(B) provide the information to the Commission on request; and

''(C) have the capacity to carry out such international information-sharing agreements as the Commission may require.

''(6) ACCESSIBILITY.—The commodity-based swap trade execution facility shall make public timely information on price, trading volume, and other trading data to the extent appropriate for commodity-based swaps.

''(7) MAINTENANCE OF RECORDS.—The commodity-based derivative instrument execution facility shall—

''(A) maintain records of all activities related to the business of the facility, including a complete audit trail, in a form and manner acceptable to the Commission for a period of at least 5 years; and

''(B) submit to the Commission such reports as the Committee may require, at such time, in such manner, and containing such information as is determined by the Commission to be necessary for the Commission to perform the responsibilities of the Commission.

''(8) EMERGENCY AUTHORITY.—The commodity-based swap execution facility shall adopt rules to provide for the exercise of emergency authority, in consultation or cooperation with the Commission, as appropriate, including the authority to suspend or curtail trading in a commodity-based swap.

''(9) CONFLICTS OF INTEREST.—The commodity-based derivative instrument execution facility shall—

''(A) establish and enforce rules to minimize conflicts of interest in the decision-making process of the facility; and

''(B) establish a process for resolving the conflicts of interest.

''(d) TRADING BY CONTRACT MARKETS.—A board of trade that operates a contract market shall, to the extent that the board of trade also operates a commodity-based swap execution facility and uses the same electronic trade execution system for trading on the contract market and the commodity-based swap execution facility, identify whether the electronic trading is taking place on the contract market or the commodity-based swap execution facility.''.

SEC. 209. ENFORCEMENT.

Section 6c of the Commodity Exchange Act (7 U.S.C. 13a–1) (as amended by section 202(b)(1)(I)) is amended by adding at the end the following:

''(h) ENFORCEMENT OF PROVISIONS APPLICABLE TO DERIVATIVES MARKET PARTICIPANTS.—

''(1) DEFINITION OF APPLICABLE PROVISION.—In this subsection, the term 'applicable provision' means any of section 4a(a), subsections (a), (c), and (d) of section 4g, sections 4r and 4s, and subsections (a) through (c)(1), (2), and (4) of section 5b.

''(2) ENFORCEMENT BY OTHER AGENCIES.—In addition to enforcement by the Commission under this Act of compliance with applicable provisions, to the extent applicable to commodity-based swaps, such compliance shall be enforced under—

''(A) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), by the appropriate Federal banking agency, in the case of an insured depository institution, as those terms are defined in section 3 of that Act (12 U.S.C. 1813), but not an affiliate of such an insured depository institution;

''(B) the securities laws, as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)), by the Securities and Exchange Commission, in the case of—

''(i) a broker or dealer, as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) (other than a broker or dealer registered under section 15(b)(11) of that Act (15 U.S.C. 78o(b)(11)) that is not an affiliate of an insured depository institution, as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813));

''(ii) an investment adviser, as defined in section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a));

''(iii) an investment company, as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a–3);

''(iv) any other entity for which the Securities and Exchange Commission is a primary regulator;

''(v) any affiliate of an insured depository institution; or

''(vi) any other person that is not—

''(I) a futures commission merchant or an introducing broker (except a futures commission merchant or an introducing broker registered pursuant to section 4f(a) of this Act or an affiliate of an insured depository institution);

''(II) a commodity pool operator or commodity trading advisor (except an affiliate of an insured depository institution); or

''(III) a person specified in subparagraph (A) or (C); and

''(C) the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.), by the Federal Housing Finance Agency, in the case of a regulated entity, as defined in section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502).

''(3) VIOLATIONS TREATED AS VIOLATIONS OF OTHER LAWS.—

''(A) IN GENERAL.—For purposes of the exercise by any agency referred to in paragraph (2) of the powers of the agency under any provision of law referred to in that paragraph, a violation of any applicable provision, as the provision applies to commodity-based swaps, shall be considered to be a violation of a requirement imposed under that provision of law.

''(B) ADDITIONAL AUTHORITY.—In addition to its powers under any provision of law specifically referred to in paragraph (2), each of the agencies referred to in that paragraph may exercise, for the purpose of enforcing compliance with applicable provisions, as the applicable provisions apply to commodity-based swaps, any other authority conferred on the agency by law.''.

SEC. 210. ENFORCEABILITY OF COMMODITY-BASED SWAPS.

Section 22(a) of the Commodity Exchange Act (7 U.S.C. 25(a)) is amended by striking paragraph (4) and inserting the following:

''(4) CONTRACT ENFORCEMENT BETWEEN ELIGIBLE COUNTERPARTIES.—No agreement, contract, or transaction that is a commodity-based swap shall be void, voidable, or unenforceable by either party to the commodity-based swap, and no party to the commodity-based swap shall be entitled to rescind, or recover any payment made with respect to, the commodity-based swap under this section or any other provision of this Act based solely on the failure of either party to the agreement, contract, or transaction to satisfy its respective obligations under section 4a(a), subsections (a), (c), and (d) of section 4g, sections 4r and 4s, and subsections (a) through (c)(1), (2), and (4) of section 5b with respect to the commodity-based swap.''.

TITLE III—OTHER PROVISIONS

SEC. 301. MARGINING AND OTHER RISK MANAGEMENT STANDARDS FOR CENTRAL COUNTERPARTIES.

(a) AGENCY ACTIONS.—The Securities and Exchange Commission and the Commodity Futures Trading Commission shall each promulgate rules requiring each clearing agency (as defined in section 3(a)(23) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(23))) and derivatives clearing organization (as defined in section 1a(13) of the Commodity Exchange Act (7 U.S.C. 1a(13))) to have robust risk management controls, including risk margin collateral requirements, to assure the ability to meet their settlement obligations.

(b) CONSULTATION REQUIRED.—To assure regulation of risk management controls, the Securities and Exchange Commission and the Commodity Futures Trading Commission shall consult with each other and the Board of Governors of the Federal Reserve System, shall seek to maintain comparability of such rules, and shall give consideration to the recommendations of the Board of Governors of the Federal Reserve System before adopting rules under this section.

SEC. 302. DETERMINING THE STATUS OF SWAPS.

(a) PROCESS FOR DETERMINING THE STATUS OF A SWAP.—

(1) RULEMAKING.—The Securities and Exchange Commission and the Commodity Futures Trading Commission shall jointly issue rules establishing a process for resolving any disagreement between the agencies regarding the status of a derivative as a security-based swap, a commodity-based swap, a security derivative, or a commodity derivative.

(2) CONTENT.—The rules adopted under this section shall—

(A) include a method for determining the status of a derivative as a security-based swap, a commodity-based swap, a security derivative, or a commodity derivative within 90 days after the date of the commencement of the determination process; and

(B) require the agencies to consider, in making such determination, the nature of the derivative, the extent to which the derivative is economically similar to instruments that are subject to regulation by the Securities and Exchange Commission or the Commodity Futures Trading Commission, the appropriateness of regulation of the derivative under either the securities laws or the Commodity Exchange Act, and such other factors as the Securities and Exchange Commission and the Commodity Futures Trading Commission may prescribe.

(b) JUDICIAL RESOLUTION.—

(1) IN GENERAL.—If the Securities and Exchange Commission and the Commodity Futures Trading Commission are unable to determine the status of a derivative as a security-based swap, a commodity-based swap, a security derivative, or a commodity derivative pursuant to the process established in subsection (a), either agency may petition the United States Court of Appeals for the District of Columbia Circuit for a determination of the status of the derivative as a security-based swap, a commodity-based swap, a security derivative, or a commodity derivative.

(2) EXPEDITED REVIEW.—The United States Court of Appeals for the District of Columbia Circuit shall complete all action on a petition filed in accordance with paragraph (1), including rendering a final determination of the status of the derivative as a security-based swap, a commodity-based swap, a security derivative, or a commodity derivative before the end of the 60-day period beginning on the date on which such petition is filed, unless all parties to such proceeding agree to any extension of such period.

(3) STANDARD OF REVIEW.—The court shall determine the status of a new derivative instrument as either a security-based derivative, a security-based swap, a commodity-based swap, a security derivative, or a commodity derivative, based upon the factors described in subsection (a)(2), giving deference neither to the views of the Securities and Exchange Commission nor the Commodity Futures Trading Commission.

(4) SUPREME COURT REVIEW.—Any request for certiorari to the Supreme Court of the United States of any determination of the United States Court of Appeals for the District of Columbia Circuit with respect to a petition for review under this subsection shall be filed with the Supreme Court of the United States as soon as practicable after such determination is made.

(5) JUDICIAL STAY.—The filing of a petition pursuant to paragraph (1) shall operate as a judicial stay of the identification of a derivative as a security-based swap, a commodity-based swap, a security derivative, or a commodity derivative until the date on which the determination of the court is final, including any appeal of such determination.

SEC. 303. STUDY AND REPORT ON IMPLEMENTATION.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study of—

(1) how the Commodity Futures Trading Commission and the Securities and Exchange Commission have implemented this Act and the amendments made by this Act;

(2) the extent to which jurisdictional disputes have created challenges in the process of implementing this Act and the amendments made by this Act; and

(3) the benefits and drawbacks of harmonizing laws implemented by the Commodity Futures Trading Commission and the Securities and Exchange Commission, and merging those agencies.

(b) REPORT REQUIRED.—Not later than 1 year after the date on which all rules are issued under section 304, the Comptroller General shall submit a report on the results of the study required by this section to Congress, the Commodity Futures Trading Commission, and the Securities and Exchange Commission.

SEC. 304. RULEMAKING.

The Securities and Exchange Commission, the Commodity Futures Trading Commission, and the appropriate regulatory authorities (as that term is defined in section 15F(g) of the Securities Exchange Act of 1934, as added by this Act, or section 4s(a) of the Commodity Exchange Act, as added by this Act), as applicable, shall issue rules under sections 15F(b), 15F(c), 15F(f), 17(l), 17C(c)(2), and 17C(d)(2) of the Securities Exchange Act of 1934 (as added by this Act), sections 4r(c)(2), 4r(d)(2), 4s(c), 4s(d), and 4s(g) of the Commodity Exchange Act (as added by this Act), and sections 301 and 302 of this Act, not later than 180 days after the date of enactment of this Act.

SEC. 305. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b) or as specifically provided in the amendments made by this Act, this Act and the amendments made by this Act, shall become effective on the date of enactment of this Act.

(b) OTHER EFFECTIVE DATES.—The amendments made by sections 102(b) and 202(b) of this Act and the provisions of section 15F(a) of the Securities Exchange Act of 1934 (as added by this Act) and section 4s(b) of the Commodity Exchange Act (as added by this Act) shall become effective 6 months after the date of enactment of this Act.

By Mr. LEAHY (for himself, Mr. CARDIN, and Mr. KAUFMAN):

S. 1692. A bill to extend the sunset of certain provisions of the USA PATRIOT Act and the authority to issue national security letters, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, security and liberty are both essential in our free society. Benjamin Franklin wrote: ''Those who can give up essential liberty to obtain a little temporary safety, deserve neither liberty nor safety.'' I have been mindful of this since the devastating attacks of September 11, and each time we have considered the USA PATRIOT Act. The American people of today and those of tomorrow—our children and grandchildren—depend on us to do our best to ensure both security and the preservation of our essential liberties.

After September 11, the Government's power to gather information about those suspected of, or connected to, potential terrorists increased. Because such surveillance may, sometimes by mistake, sweep in U.S. citizens, we must vigilantly monitor these laws to ensure that they are implemented appropriately. This calls for public, judicial and congressional oversight to make sure we maintain the proper respect for security and liberty.

After September 11, I introduced the USA PATRIOT Act, Patriot Act, to give the Government the tools needed to defend this country and aggressively pursue those who would do us harm. Even in those dark days, I insisted on oversight. Working with the then House Majority Leader, Republican Dick Armey, we included sunsets for some of the provisions of the bill that had the greatest potential to directly affect Americans.

We debated the reauthorization of the Patriot Act for several months in 2005 and 2006. I again fought to protect the civil liberties and constitutional rights of Americans. Unfortunately, after a series of short extensions, the reauthorization of 2006 lacked sufficient constitutional protections over the vast authorities it granted to the Government. I had worked to secure increased oversight and to include new sunsets in the bill.

With those sunsets expiring on December 31, 2009, we must once again consider the Patriot Act. Three provisions of the Patriot Act are slated to expire at the end of this year, including the authorization for roving wiretaps, the ''lone wolf'' measure, and orders for tangible things, commonly referred to as the ''library'' provision.

In March, I sent Attorney General Holder a letter requesting the administration's views on these expiring provisions. I reiterated that request at a Senate Judiciary Committee oversight hearing in June. I have recently received a letter from the Attorney General urging us to extend the expiring authorities. I appreciate the President and the Attorney General's emphasis on accountability and checks and balances, and their willingness to consider additional ideas.

Today I am introducing a bill with Senators CARDIN and KAUFMAN that does just that. It will extend the authorization of the three expiring provisions. The bill also updates checks and balances by increasing judicial review of the use of Government powers that capture information on U.S. citizens, and augments congressional oversight. We propose increasing Government accountability through more transparent public reporting of the use of surveillance, and by requiring audits of how these vast authorities have been used since they were last reauthorized. In addition, we propose that, given their extensive use abuse and intrusiveness, we include a sunset for National Security Letters, NSLs. I introduced a bill in 2006, after the most recent Patriot Act reauthorization, to impose a sunset on NSLs. This sunset provision, combined with a comprehensive audit by the Inspector General, will help to hold the Federal Bureau of Investigation, FBI, accountable in its use of this authority.

In developing this bill, I worked closely with Senators FEINGOLD and DURBIN to protect the rights and privacy of Americans, and to expand oversight. Senators FEINGOLD and DURBIN have worked tirelessly over the years to protect the civil liberties of Americans, from the first debate over the Patriot Act in 2001, to the reauthorization in 2006, to the FISA Amendments Act enacted last year. I am pleased that Senators CARDIN, KAUFMAN and I have adopted some of the concepts they proposed in the SAFE Act of 2005, and that were included in the broader Patriot Act reauthorization bill they introduced last week, the JUSTICE Act.

I have long been concerned over the issuance and oversight of NSLs. National Security Letters are, in effect, a form of administrative subpoena. They do not require approval by a court, grand jury, or prosecutor. They are issued in secret, with recipients silenced, under penalty of law. Yet NSLs allow the Government to collect sensitive information, such as personal financial records. As Congress expanded the NSL authority in recent years, I raised concerns about how the FBI handles the information it collects on Americans. I noted that, with no real limits imposed by Congress, the FBI could store this information electronically and use it for large-scale, data-mining operations. We now know that the NSL authority was significantly misused. In 2008 the Department of Justice Inspector General issued a report on the FBI's use of NSLs revealing serious over-collection of information and abuse of the NSL authority.

We should reconsider the breadth of the NSL authority. This bill would also impose more judicial oversight and higher standards on the issuance of NSLs. It would require the FBI to include a statement of facts articulating why the information it is seeking is relevant to an authorized investigation.

The bill also addresses the constitutional deficiency recently identified by the Second Circuit Court of appeals in Doe v. Musasey. The Second Circuit found that the nondisclosure, or ''gag orders,'' issued under NSLs are a constitutional infringement. I have long maintained that position. The bill establishes a procedure whereby the recipient of an NSL has 21 days to notify the Government that it wishes to challenge the nondisclosure requirement. The Government then has 21 additional days to apply for a court order to compel compliance with the nondisclosure requirement. This scheme corrects the constitutional defects found by the Second Circuit. The bill would shift the burden of defending the need for a gag order to the Government. This bill also eliminates the NSL nondisclosure provision that allows the Government to ensure itself of victory by certifying that, in its view, disclosure ''may'' endanger national security or ''may'' interfere with diplomatic relations. The bill further strengthens judicial review of nondisclosure or ''gag orders'' associated with NSLs by imposing a one-year limitation on such orders. To protect on-going law enforcement investigations, it permits renewals of the nondisclosure orders in appropriate cases.

The power of the government to collect records for tangible things under Section 215 of the original Patriot Act, commonly referred to as the ''library records'' provision, is another authority that I worked to reform during the last reauthorization. It is time to redefine the way we describe this authority to accurately reflect the broad scope of information it allows the government to collect. Section 215 allows the FISA court to secretly require any entity to produce any document or other tangible thing with a minimal standard of relevance and a presumption in favor of the Government's showing of relevance. This bill correctly identifies Section 215 orders as orders for ''tangible things'' as opposed to only for ''business records'' as it is in current law.

This bill adopts the reasonable constitutional standard that I supported in 2006 for 215 orders. First, it would eliminate the presumption in favor of the government's assertion that the records it is seeking are relevant to its investigation. This bill would require the Government to make a connection between the records or other things it seeks and a suspected terrorist or spy before it is able to obtain confidential records such as library, medical and telephone records. Section 215 orders for tangible things permit the Government to collect an even broader scope of information than NSLs. For that reason, it is critical that the Government show that the records it seeks are both relevant to an investigation and connected to at least a suspected terrorist or spy.

This bill would also establish more meaningful judicial review of Section 215 orders. First, it repeals the requirement in current law that requires a recipient of a Section 215 nondisclosure order to wait for a full year before challenging that gag order. There is no justification for this mandatory waiting period for judicial review, and this bill eliminates it. It also repeals a provision added to the law in 2006 stating that a conclusive presumption in favor of the Government shall apply where a high level official certifies that disclosure of the order for tangible things would endanger national security or interfere with diplomatic relations. These restraints on meaningful judicial review are unfair, unjustified, and completely unacceptable. I fought hard to keep these two provisions out of the 2006 reauthorization, but the Republican majority at that time insisted they be included.

This bill will strengthen court oversight of Section 215 orders by requiring court oversight of minimization procedures when information concerning a U.S. person is acquired, retained, or disseminated. Requiring FISA Court approval of minimization procedures would simply bring Section 215 orders in line with other FISA authorities—such as wiretaps, physical searches,

and pen register and trap and trace devices—that already require FISA court approval of minimization procedures. This is another common sense modification to the law that was drafted in consultation with Senators FEINGOLD and DURBIN. If we are to allow personal information to be collected in secret, the court must be more involved in making sure the authorities are used responsibly and that Americans' information and personal privacy are protected.

Finally, this bill addresses concerns over the use of pen register or trap and trace devices ''pen/trap''. The bill raises the standard for pen/trap in the same manner as it raises the standard for Section 215 orders. The Government would be required to show that the information it seeks is both relevant to an investigation and connected to a suspected terrorist or spy. This section also requires court review of minimization procedures, which are not required under current law, and adds an Inspector General audit of the use of pen/trap that is modeled on the the audits of Section 215 orders and NSLs.

I look forward to working with the members of the Judiciary Committee, the Senate, the House and with the administration as this bill moves forward, and I welcome the views of others.

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. 1692

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 ''USA PATRIOT Act Sunset Extension Act of 2009''.

SEC. 2. SUNSETS.

(a) SECTIONS 206 AND 215 SUNSET.—

(1) IN GENERAL.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking ''2009'' and inserting ''2013''.

(2) CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 601(a)(1)(D) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(a)(1)(D)) is amended by striking ''section 501;'' and inserting ''section 502 or under section 501 pursuant to section 102(b)(2) the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 50 U.S.C. 1861 note);''.

(B) APPLICATION UNDER SECTION 404 OF THE FISA AMENDMENTS ACT OF 2008.—Section 404(b)(4)(A) of the FISA Amendments Act of 2008 (Public Law 110–261; 122 Stat. 2477) is amended by striking the period at the end and inserting '', except that paragraph (1)(D) of such section 601(a) shall be applied as if it read as follows:

'(D) access to records under section 502 or under section 501 pursuant to section 102(b)(2) the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 50 U.S.C. 1861 note);'.''.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect on December 31, 2013.

(b) EXTENSION OF SUNSET RELATING TO INDIVIDUAL TERRORISTS AS AGENTS OF FOREIGN POWERS.—

(1) IN GENERAL.—Section 6001(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 50 U.S.C. 1801 note) is amended to read as follows:

''(b) SUNSET.—

''(1) REPEAL.—Subparagraph (C) of section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b)(1)), as added by subsection (a), is repealed effective December 31, 2013.

''(2) TRANSITION PROVISION.—Notwithstanding paragraph (1), subparagraph (C) of section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b)(1)) shall continue to apply after December 31, 2013 with respect to any particular foreign intelligence investigation or with respect to any particular offense or potential offense that began or occurred before December 31, 2013.''.

(2) CONFORMING AMENDMENT.—

(A) IN GENERAL.—Section 601(a)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(a)(2)) is amended by striking the semicolon at the end and inserting ''pursuant to subsection (b)(2) of section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 50 U.S.C. 1801 note);''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect on December 31, 2013.

(c) NATIONAL SECURITY LETTERS.—

(1) IN GENERAL.—Effective on December 31, 2013, the following provisions of law are repealed:

(A) Section 2709 of title 18, United States Code.

(B) Section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)).

(C) Subsections (a) and (b) of section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u).

(D) Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v).

(E) Section 802 of the National Security Act of 1947 (50 U.S.C. 436).

(2) TRANSITION PROVISION.—Notwithstanding paragraph (1), the provisions of law referred to in paragraph (1) shall continue to apply after December 31, 2013 with respect to any particular foreign intelligence investigation or with respect to any particular offense or potential offense that began or occurred before December 31, 2013.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TITLE 18.—Title 18, United States Code, is amended—

(i) in the table of sections for chapter 121, by striking the item relating to section 2709;

(ii) by striking section 3511; and

(iii) in the table of sections for chapter 223, by striking the item relating to section 3511.

(B) FAIR CREDIT REPORTING ACT.—The Fair Credit Reporting Act (15 U.S.C. 1681) is amended—

(i) in section 626 (15 U.S.C. 1681u)—

(I) in subsection (d)(1), by striking ''the identity of financial institutions or a consumer report respecting any consumer under subsection (a), (b), or (c)'' and inserting ''a consumer report respecting any consumer under subsection (c)'';

(II) in subsection (h)(1), by striking ''subsections (a), (b), and (c)'' and inserting ''subsection (c)''; and

(ii) in the table of sections, by striking the item relating to section 627.

(C) NATIONAL SECURITY ACT OF 1947.—The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended—

(i) in section 507(b) (50 U.S.C. 415b(b))—

(I) by striking paragraph (5); and

(II) by redesignating paragraph (6) as paragraph (5); and

(ii) in the table of contents, by striking the item relating to section 802.

(D) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect on December 31, 2013.

SEC. 3. FACTUAL BASIS FOR AND ISSUANCE OF ORDERS FOR ACCESS TO TANGIBLE THINGS.

(a) IN GENERAL.—Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended—

(1) in the section heading, by striking ''certain business records'' and inserting ''tangible things'';

(2) in subsection (b)(2), by striking subparagraphs (A) and (B) and inserting the following:

''(A) a statement of facts showing that there are reasonable grounds to believe that the records or other things sought—

''(i) are relevant to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(2) to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities; and

''(ii)(I) pertain to a foreign power or an agent of a foreign power;

''(II) are relevant to the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

''(III) pertain to an individual in contact with, or known to, a suspected agent of a foreign power; and

''(B) a statement of proposed minimization procedures.''; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting ''and that the proposed minimization procedures meet the definition of minimization procedures under subsection (g)'' after ''subsections (a) and (b)''; and

(ii) by striking the second sentence; and

(B) in paragraph (2)—

(i) in subparagraph (D), by striking ''and'' at the end;

(ii) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(F) shall direct that the minimization procedures be followed.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE HEADING.—Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) is amended in the title heading by striking ''CERTAIN BUSINESS RECORDS'' and inserting ''TANGIBLE THINGS''.

(2) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking the items relating to title V and section 501 and inserting the following:

''TITLE V—ACCESS TO TANGIBLE THINGS FOR FOREIGN INTELLIGENCE PURPOSES

''Sec. 501. Access to tangible things for foreign intelligence purposes and international terrorism investigations.''.

SEC. 4. FACTUAL BASIS FOR AND ISSUANCE OF ORDERS FOR PEN REGISTERS AND TRAP AND TRACE DEVICES FOR FOREIGN INTELLIGENCE PURPOSES.

(a) IN GENERAL.—

(1) APPLICATION.—Section 402(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(c)) is amended—

(A) in paragraph (1), by striking ''and'' at the end; and

(B) by striking paragraph (2) and inserting the following:

''(2) a statement of facts showing that there are reasonable grounds to believe that the information likely to be obtained—

''(A) is relevant to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(1) to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities; and

''(B)(i) pertains to a foreign power or an agent of a foreign power;

''(ii) is relevant to the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

''(iii) pertains to an individual in contact with, or known to, a suspected agent of a foreign power; and

''(3) a statement of proposed minimization procedures.''.

(2) MINIMIZATION.—

(A) DEFINITION.—Section 401 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1841) is amended by adding at the end the following:

''(4) The term 'minimization procedures' means—

''(A) specific procedures that are reasonably designed in light of the purpose and technique of an order for the installation and use of a pen register or trap and trace device, to minimize the acquisition and retention, and prohibit the dissemination, of nonpublicly available information concerning unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information;

''(B) procedures that require that nonpublicly available information, which is not foreign intelligence information, as defined in section 101(e)(1), shall not be disseminated in a manner that identifies any United States person, without such person's consent, unless such person's identity is necessary to understand foreign intelligence information or assess its importance; and

''(C) notwithstanding subparagraphs (A) and (B), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes.''.

(B) PEN REGISTERS AND TRAP AND TRACE DEVICES.—Section 402 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842) is amended—

(i) in subsection (d)—

(I) in paragraph (1), by inserting '', and that the proposed minimization procedures meet the definition of minimization procedures under this title'' before the period at the end; and

(II) in paragraph (2)(B)—

(aa) in clause (ii)(II), by striking ''and'' after the semicolon; and

(bb) by adding at the end the following:

''(iv) the minimization procedures be followed; and''; and

(ii) by adding at the end the following:

''(h) At or before the end of the period of time for which the installation and use of a pen register or trap and trace device is approved under an order or an extension under this section, the judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.''.

(C) EMERGENCIES.—Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(i) by redesignating subsection (c) as (d); and

(ii) by inserting after subsection (b) the following:

''(c) If the Attorney General authorizes the emergency installation and use of a pen register or trap and trace device under this section, the Attorney General shall require that the minimization procedures required by this title for the issuance of a judicial order be followed.''.

(D) USE OF INFORMATION.—Section 405(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1845(a)) is amended by striking ''provisions of'' and inserting ''minimization procedures required under''.

SEC. 5. LIMITATIONS ON DISCLOSURE OF NATIONAL SECURITY LETTERS.

(a) IN GENERAL.—Section 2709 of title 18, United States Code, is amended by striking subsection (c) and inserting the following:

''(c) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (4) is provided, no wire or electronic communication service provider, or officer, employee, or agent thereof, that receives a request under subsection (a), shall disclose to any person the particular information specified in the certification during the time period to which the certification applies, which may be not longer than 1 year.

''(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that, absent a prohibition of disclosure under this subsection, there may result—

''(i) a danger to the national security of the United States;

''(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(iii) interference with diplomatic relations; or

''(iv) danger to the life or physical safety of any person.

''(2) EXCEPTION.—

''(A) IN GENERAL.—A wire or electronic communication service provider, or officer, employee, or agent thereof, that receives a request under subsection (a) may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(i) those persons to whom disclosure is necessary in order to comply with the request;

''(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

''(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

''(B) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

''(C) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

''(3) EXTENSION.—The Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office, may extend a nondisclosure requirement for additional periods of not longer than 1 year if, at the time of each extension, a new certification is made under paragraph (1)(B) and notice is provided to the recipient of the applicable request that the nondisclosure requirement has been extended and the recipient has the right to judicial review of the nondisclosure requirement.

''(4) RIGHT TO JUDICIAL REVIEW.—

''(A) IN GENERAL.—A wire or electronic communications service provider that receives a request under subsection (a) shall have the right to judicial review of any applicable nondisclosure requirement and any extension thereof.

''(B) TIMING.—

''(i) IN GENERAL.—A request under subsection (a) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government not later than 21 days after the date of receipt of the request.

''(ii) EXTENSION.—A notice that the applicable nondisclosure requirement has been extended under paragraph (3) shall state that if the recipient wishes to have a court review the nondisclosure requirement, the recipient shall notify the Government not later than 21 days after the date of receipt of the notice.

''(C) INITIATION OF PROCEEDINGS.—If a recipient of a request under subsection (a) makes a notification under subparagraph (B), the Government shall initiate judicial review under the procedures established in section 3511 of this title.

''(5) TERMINATION.—If the facts supporting a nondisclosure requirement cease to exist prior to the applicable time period of the nondisclosure requirement, an appropriate official of the Federal Bureau of Investigation shall promptly notify the wire or electronic service provider, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.''.

(b) IDENTITY OF FINANCIAL INSTITUTIONS AND CREDIT REPORTS.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended by striking subsection (d) and inserting the following:

''(d) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (4) is provided, no consumer reporting agency, or officer, employee, or agent thereof, that receives a request or order under subsection (a), (b), or (c), shall disclose to any person the particular information specified in the certification during the time period to which the certification applies, which may be not longer than 1 year.

''(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that, absent a prohibition of disclosure under this subsection, there may result—

''(i) a danger to the national security of the United States;

''(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(iii) interference with diplomatic relations; or

''(iv) danger to the life or physical safety of any person.

''(2) EXCEPTION.—

''(A) IN GENERAL.—A consumer reporting agency, or officer, employee, or agent thereof, that receives a request or order under subsection (a), (b), or (c) may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(i) those persons to whom disclosure is necessary in order to comply with the request or order;

''(ii) an attorney in order to obtain legal advice or assistance regarding the request or order; or

''(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

''(B) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request or order is issued under subsection (a), (b), or (c) in the same manner as the person to whom the request or order is issued.

''(C) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

''(3) EXTENSION.—The Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office, may extend a nondisclosure requirement for additional periods of not longer than 1 year if, at the time of each extension, a new certification is made under paragraph (1)(B) and notice is provided to the recipient of the applicable request or order that the nondisclosure requirement has been extended and the recipient has the right to judicial review of the nondisclosure requirement.

''(4) RIGHT TO JUDICIAL REVIEW.—

''(A) IN GENERAL.—A consumer reporting agency that receives a request or order under subsection (a), (b), or (c) shall have the right to judicial review of any applicable nondisclosure requirement and any extension thereof.

''(B) TIMING.—

''(i) IN GENERAL.—A request or order under subsection (a), (b), or (c) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government not later than 21 days after the date of receipt of the request or order.

''(ii) EXTENSION.—A notice that the applicable nondisclosure requirement has been extended under paragraph (3) shall state that if the recipient wishes to have a court review the nondisclosure requirement, the recipient shall notify the Government not later than 21 days after the date of receipt of the notice.

''(C) INITIATION OF PROCEEDINGS.—If a recipient of a request or order under subsection (a), (b), or (c) makes a notification under subparagraph (B), the Government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code.

''(5) TERMINATION.—If the facts supporting a nondisclosure requirement cease to exist prior to the applicable time period of the nondisclosure requirement, an appropriate official of the Federal Bureau of Investigation shall promptly notify the consumer reporting agency, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.''.

(c) DISCLOSURES TO GOVERNMENTAL AGENCIES FOR COUNTERTERRORISM PURPOSES.—Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended by striking subsection (c) and inserting the following:

''(c) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (4) is provided, no consumer reporting agency, or officer, employee, or agent thereof, that receives a request under subsection (a), shall disclose to any person the particular information specified in the certification during the time period to which the certification applies, which may be not longer than 1 year.

''(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the head of a government agency authorized to conduct investigations of intelligence or counterintelligence activities or analysis related to international terrorism, or a designee, certifies that, absent a prohibition of disclosure under this subsection, there may result—

''(i) a danger to the national security of the United States;

''(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(iii) interference with diplomatic relations; or

''(iv) danger to the life or physical safety of any person.

''(2) EXCEPTION.—

''(A) IN GENERAL.—A consumer reporting agency, or officer, employee, or agent thereof, that receives a request under subsection (a) may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(i) those persons to whom disclosure is necessary in order to comply with the request;

''(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

''(iii) other persons as permitted by the head of the government agency authorized to conduct investigations of intelligence or counterintelligence activities or analysis related to international terrorism, or a designee.

''(B) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

''(C) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

''(3) EXTENSION.—The head of a government agency authorized to conduct investigations of intelligence or counterintelligence activities or analysis related to international terrorism, or a designee, may extend a nondisclosure requirement for additional periods of not longer than 1 year if, at the time of each extension, a new certification is made under paragraph (1)(B) and notice is provided to the recipient of the applicable request that the nondisclosure requirement has been extended and the recipient has the right to judicial review of the nondisclosure requirement.

''(4) RIGHT TO JUDICIAL REVIEW.—

''(A) IN GENERAL.—A consumer reporting agency that receives a request under subsection (a) shall have the right to judicial review of any applicable nondisclosure requirement and any extension thereof.

''(B) TIMING.—

''(i) IN GENERAL.—A request under subsection (a) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government not later than 21 days after the date of receipt of the request.

''(ii) EXTENSION.—A notice that the applicable nondisclosure requirement has been extended under paragraph (3) shall state that if the recipient wishes to have a court review the nondisclosure requirement, the recipient shall notify the Government not later than 21 days after the date of receipt of the notice.

''(C) INITIATION OF PROCEEDINGS.—If a recipient of a request under subsection (a) makes a notification under subparagraph (B), the Government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code.

''(5) TERMINATION.—If the facts supporting a nondisclosure requirement cease to exist prior to the applicable time period of the nondisclosure requirement, an appropriate official of the government agency authorized to conduct investigations of intelligence or counterintelligence activities or analysis related to international terrorism shall promptly notify the consumer reporting agency, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.''.

(d) FINANCIAL RECORDS.—Section 1114(a)(5) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(5)) is amended by striking subparagraph (D) and inserting the following:

''(D) PROHIBITION OF CERTAIN DISCLOSURE.—

''(i) PROHIBITION.—

''(I) IN GENERAL.—If a certification is issued under subclause (II) and notice of the right to judicial review under clause (iv) is provided, no financial institution, or officer, employee, or agent thereof, that receives a request under subparagraph (A), shall disclose to any person the particular information specified in the certification during the time period to which the certification applies, which may be not longer than 1 year.

''(II) CERTIFICATION.—The requirements of subclause (I) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that, absent a prohibition of disclosure under this subparagraph, there may result—

''(aa) a danger to the national security of the United States;

''(bb) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(cc) interference with diplomatic relations; or

''(dd) danger to the life or physical safety of any person.

''(ii) EXCEPTION.—

''(I) IN GENERAL.—A financial institution, or officer, employee, or agent thereof, that receives a request under subparagraph (A) may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(aa) those persons to whom disclosure is necessary in order to comply with the request;

''(bb) an attorney in order to obtain legal advice or assistance regarding the request; or

''(cc) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

''(II) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subclause (I) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subparagraph (A) in the same manner as the person to whom the request is issued.

''(III) NOTICE.—Any recipient that discloses to a person described in subclause (I) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

''(iii) EXTENSION.—The Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office, may extend a nondisclosure requirement for additional periods

of not longer than 1 year if, at the time of each extension, a new certification is made under clause (i)(II) and notice is provided to the recipient of the applicable request that the nondisclosure requirement has been extended and the recipient has the right to judicial review of the nondisclosure requirement.

''(iv) RIGHT TO JUDICIAL REVIEW.—

''(I) IN GENERAL.—A financial institution that receives a request under subparagraph (A) shall have the right to judicial review of any applicable nondisclosure requirement and any extension thereof.

''(II) TIMING.—

''(aa) IN GENERAL.—A request under subparagraph (A) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government not later than 21 days after the date of receipt of the request.

''(bb) EXTENSION.—A notice that the applicable nondisclosure requirement has been extended under clause (iii) shall state that if the recipient wishes to have a court review the nondisclosure requirement, the recipient shall notify the Government not later than 21 days after the date of receipt of the notice.

''(III) INITIATION OF PROCEEDINGS.—If a recipient of a request under subparagraph (A) makes a notification under subclause (II), the Government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code.

''(v) TERMINATION.—If the facts supporting a nondisclosure requirement cease to exist prior to the applicable time period of the nondisclosure requirement, an appropriate official of the Federal Bureau of Investigation shall promptly notify the financial institution, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.''.

(e) REQUESTS BY AUTHORIZED INVESTIGATIVE AGENCIES.—Section 802 of the National Security Act of 1947 (50 U.S.C. 436), is amended by striking subsection (b) and inserting the following:

''(b) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (4) is provided, no governmental or private entity, or officer, employee, or agent thereof, that receives a request under subsection (a), shall disclose to any person the particular information specified in the certification during the time period to which the certification applies, which may be not longer than 1 year.

''(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the head of an authorized investigative agency described in subsection (a), or a designee, certifies that, absent a prohibition of disclosure under this subsection, there may result—

''(i) a danger to the national security of the United States;

''(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(iii) interference with diplomatic relations; or

''(iv) danger to the life or physical safety of any person.

''(2) EXCEPTION.—

''(A) IN GENERAL.—A governmental or private entity, or officer, employee, or agent thereof, that receives a request under subsection (a) may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(i) those persons to whom disclosure is necessary in order to comply with the request;

''(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

''(iii) other persons as permitted by the head of the authorized investigative agency described in subsection (a).

''(B) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

''(C) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

''(3) EXTENSION.—The head of an authorized investigative agency described in subsection (a), or a designee, may extend a nondisclosure requirement for additional periods of not longer than 1 year if, at the time of each extension, a new certification is made under paragraph (1)(B) and notice is provided to the recipient of the applicable request that the nondisclosure requirement has been extended and the recipient has the right to judicial review of the nondisclosure requirement.

''(4) RIGHT TO JUDICIAL REVIEW.—

''(A) IN GENERAL.—A governmental or private entity that receives a request under subsection (a) shall have the right to judicial review of any applicable nondisclosure requirement and any extension thereof.

''(B) TIMING.—

''(i) IN GENERAL.—A request under subsection (a) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government not later than 21 days after the date of receipt of the request.

''(ii) EXTENSION.—A notice that the applicable nondisclosure requirement has been extended under paragraph (3) shall state that if the recipient wishes to have a court review the nondisclosure requirement, the recipient shall notify the Government not later than 21 days after the date of receipt of the notice.

''(C) INITIATION OF PROCEEDINGS.—If a recipient of a request under subsection (a) makes a notification under subparagraph (B), the Government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code.

''(5) TERMINATION.—If the facts supporting a nondisclosure requirement cease to exist prior to the applicable time period of the nondisclosure requirement, an appropriate official of the authorized investigative agency described in subsection (a) shall promptly notify the governmental or private entity, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.''.

SEC. 6. JUDICIAL REVIEW OF FISA ORDERS AND NATIONAL SECURITY LETTERS.

(a) FISA.—Section 501(f)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(f)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)—

(i) by striking ''a production order'' and inserting ''a production order or nondisclosure order''; and

(ii) by striking ''Not less than 1 year'' and all that follows;

(B) in clause (ii), by striking ''production order or nondisclosure''; and

(2) in subparagraph (C)—

(A) by striking clause (ii); and

(B) by redesignating clause (iii) as clause (ii).

(b) JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.—Section 3511(b) of title 18, United States Code, is amended to read as follows:

''(b) NONDISCLOSURE.—

''(1) IN GENERAL.—

''(A) NOTICE.—If a recipient of a request or order for a report, records, or other information under section 2709 of this title, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act (12 U.S.C. 3414), or section 802 of the National Security Act of 1947 (50 U.S.C. 436), wishes to have a court review a nondisclosure requirement imposed in connection with the request, the recipient shall notify the Government not later than 21 days after the date of receipt of the request or of notice that an applicable nondisclosure requirement has been extended.

''(B) APPLICATION.—Not later than 21 days after the date of receipt of a notification under subparagraph (A), the Government shall apply for an order prohibiting the disclosure of particular information about the existence or contents of the relevant request or order. An application under this subparagraph may be filed in the district court of the United States for any district within which the authorized investigation that is the basis for the request or order is being conducted. The applicable nondisclosure requirement shall remain in effect during the pendency of proceedings relating to the requirement.

''(C) CONSIDERATION.—A district court of the United States that receives an application under subparagraph (B) should rule expeditiously, and may issue a nondisclosure order for a period of not longer than 1 year, unless the facts justify a longer period of nondisclosure.

''(D) DENIAL.—If a district court of the United States rejects an application for a nondisclosure order or extension thereof, the nondisclosure requirement shall no longer be in effect.

''(2) APPLICATION CONTENTS.—An application for a nondisclosure order or extension thereof under this subsection shall include—

''(A) a statement of the facts indicating that, absent a prohibition of disclosure under this subsection, there may result—

''(i) a danger to the national security of the United States;

''(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(iii) interference with diplomatic relations; or

''(iv) danger to the life or physical safety of any person; and

''(B) the time period during which the Government believes the nondisclosure requirement should apply.

''(3) STANDARD.—A district court of the United States may issue a nondisclosure requirement order or extension thereof under this subsection if the court determines that there is reason to believe that disclosure of the information subject to the nondisclosure requirement during the applicable time period will result in—

''(A) a danger to the national security of the United States;

''(B) interference with a criminal, counterterrorism, or counterintelligence investigation;

''(C) interference with diplomatic relations; or

''(D) danger to the life or physical safety of any person.

''(4) RENEWAL.—A nondisclosure order under this subsection may be renewed for additional periods of not longer than 1 year, unless the facts of the case justify a longer period of nondisclosure, upon submission of an application meeting the requirements of

paragraph (2), and a determination by the court that the circumstances described in paragraph (3) continue to exist.''.

(c) MINIMIZATION.—Section 501(g) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(g)) is amended—

(1) in paragraph (1), by striking ''Not later than'' and all that follows and inserting ''At or before the end of the period of time for the production of tangible things under an order approved under this section or at any time after the production of tangible things under an order approved under this section, a judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.''; and

(2) in paragraph (2)(A), by inserting ''acquisition and'' after ''to minimize the''.

SEC. 7. CERTIFICATION FOR ACCESS TO TELEPHONE TOLL AND TRANSACTIONAL RECORDS.

(a) IN GENERAL.—Section 2709(b)(1) of title 18, United States Code, is amended—

(1) by striking ''certifies in writing'' and inserting ''provides a written certification by the Director (or a designee)''; and

(2) by inserting ''that includes a statement of facts showing that there are reasonable grounds to believe'' before ''that the name,''.

(b) IDENTITY OF FINANCIAL INSTITUTIONS AND CREDIT REPORTS.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended—

(1) in subsection (a), by striking ''has determined in writing, that such information is sought for'' and inserting ''provides to the consumer reporting agency a written determination that includes a statement of facts showing that there are reasonable grounds to believe that such information is relevant to''; and

(2) in subsection (b), by striking ''has determined in writing that such information is sought for'' and inserting ''provides to the consumer reporting agency a written determination that includes a statement of facts showing that there are reasonable grounds to believe that such information is relevant to''.

(c) DISCLOSURES TO GOVERNMENTAL AGENCIES FOR COUNTERTERRORISM PURPOSES.—Section 627(a) of the Fair Credit Reporting Act (15 U.S.C. 1681v(a)) is amended by inserting ''that includes a statement of facts showing that there are reasonable grounds to believe'' before ''that such information is necessary for''.

(d) FINANCIAL RECORDS.—Section 1114(a)(5)(A) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(5)(A)) is amended—

(1) by striking ''certifies in writing'' and inserting ''provides a written certification by the Director (or a designee)''; and

(2) by striking ''that such records are sought for foreign counter intelligence purposes'' and inserting ''that includes a statement of facts showing that there are reasonable grounds to believe that such records are relevant to a foreign counterintelligence investigation''.

(e) REQUESTS BY AUTHORIZED INVESTIGATIVE AGENCIES.—Section 802(a)(3) of the National Security Act of 1947 (50 U.S.C. 436(a)(3)), is amended—

(1) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively; and

(2) by inserting after subparagraph (A) the following:

''(B) shall include a statement of facts showing that there are reasonable grounds to believe, based on credible information, that the person is, or may be, disclosing classified information in an unauthorized manner to a foreign power or agent of a foreign power;''.

SEC. 8. PUBLIC REPORTING ON NATIONAL SECURITY LETTERS.

Section 118(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (18 U.S.C. 3511 note) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''concerning different United States persons''; and

(B) in subparagraph (A), by striking '', excluding the number of requests for subscriber information'';

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

''(2) CONTENT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), each report required under this subsection shall include the total number of requests described in paragraph (1) requiring disclosure of information concerning—

''(i) United States persons;

''(ii) persons who are not United States persons;

''(iii) persons who are the subjects of authorized national security investigations; or

''(iv) persons who are not the subjects of authorized national security investigations.

''(B) EXCEPTION.—With respect to the number of requests for subscriber information under section 2709 of title 18, United States Code, a report required under this subsection need not provide information separated into each of the categories described in subparagraph (A).''.

SEC. 9. PUBLIC REPORTING ON THE FOREIGN INTELLIGENCE SURVEILLANCE ACT.

Section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended—

(1) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively;

(2) by inserting after subsection (a) the following:

''(b) PUBLIC REPORT.—The Attorney General shall make publicly available the portion of each report under subsection (a) relating to paragraphs (1) and (2) of subsection (a).''; and

(3) in subsection (e), as so redesignated, by striking ''subsection (c)'' and inserting ''subsection (d)''.

SEC. 10. AUDITS.

(a) TANGIBLE THINGS.—Section 106A of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 120 Stat. 200) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''2006'' and inserting ''2012''; and

(B) in paragraph (5)(C), by striking ''calendar year 2006'' and inserting ''each of calendar years 2006 through 2012'';

(2) in subsection (c), by adding at the end the following:

''(3) CALENDAR YEARS 2007 AND 2008.—Not later than December 31, 2010, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under this section for calendar years 2007 and 2008.

''(4) CALENDAR YEARS 2009 THROUGH 2012.—Not later than December 31, 2011, and every year thereafter through 2013, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under this section for the previous calendar year.'';

(3) in subsection (d)—

(A) in paragraph (1), by striking ''or (c)(2)'' and inserting ''(c)(2), (c)(3), or (c)(4)''; and

(B) in paragraph (2), by striking ''and (c)(2)'' and inserting ''(c)(2), (c)(3), or (c)(4)''; and

(4) in subsection (e), by striking ''and (c)(2)'' and inserting ''(c)(2), (c)(3), or (c)(4)''.

(b) NATIONAL SECURITY LETTERS.—Section 119 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 120 Stat. 219) is amended—

(1) in subsection (b)(1), by striking ''2006'' and inserting ''2012'';

(2) in subsection (c), by adding at the end the following:

''(3) CALENDAR YEARS 2007 AND 2008.—Not later than December 31, 2010, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under this section for calendar years 2007 and 2008.

''(4) CALENDAR YEARS 2009 THROUGH 2012.—Not later than December 31, 2011, and every year thereafter through 2013, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under this section for the previous calendar year.'';

(3) in subsection (d)—

(A) in paragraph (1), by striking ''or (c)(2)'' and inserting ''(c)(2), (c)(3), or (c)(4)''; and

(B) in paragraph (2), by striking ''or (c)(2)'' and inserting ''(c)(2), (c)(3), or (c)(4)''; and

(4) in subsection (e), by striking ''or (c)(2)'' and inserting ''(c)(2), (c)(3), or (c)(4)''.

(c) PEN REGISTERS AND TRAP AND TRACE DEVICES.—

(1) AUDITS.—The Inspector General of the Department of Justice shall perform comprehensive audits of the effectiveness and use, including any improper or illegal use, of pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1841 et seq.) during the period beginning on January 1, 2007 and ending on December 31, 2012.

(2) REQUIREMENTS.—The audits required under paragraph (1) shall include—

(A) an examination of each instance in which the Attorney General or any other attorney for the Government submitted an application for an order or extension of an order under title IV of the Foreign Intelligence Surveillance Act of 1978, including whether the court granted, modified, or denied the application (including an examination of the basis for any modification or denial);

(B) an examination of each instance in which the Attorney General authorized the installation and use of a pen register or trap and trace device on an emergency basis under section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843);

(C) whether the Federal Bureau of Investigation requested that the Department of Justice submit an application for an order or extension of an order under title IV of the Foreign Intelligence Surveillance Act of 1978 and the request was not submitted to the court (including an examination of the basis for not submitting the application);

(D) whether bureaucratic or procedural impediments to the use of pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 prevent the Federal Bureau of Investigation from taking full advantage of the authorities provided under that title;

(E) any noteworthy facts or circumstances relating to the use of a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978, including any improper or illegal use of the authority provided under that title; and

(F) an examination of the effectiveness of the authority under title IV of the Foreign Intelligence Surveillance Act of 1978 as an investigative tool, including—

(i) the importance of the information acquired to the intelligence activities of the Federal Bureau of Investigation or any other department or agency of the Federal Government;

(ii) the manner in which the information is collected, retained, analyzed, and disseminated by the Federal Bureau of Investigation, including any direct access to the information provided to any other department, agency, or instrumentality of Federal, State, local, or tribal governments or any private sector entity;

(iii) with respect to calendar years 2010 through 2012, an examination of the minimization procedures used in relation to pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 and whether the minimization procedures protect the constitutional rights of United States persons;

(iv) whether, and how often, the Federal Bureau of Investigation used information acquired under a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978 to produce an analytical intelligence product for distribution within the Federal Bureau of Investigation, to the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))), or to other Federal, State, local, or tribal government departments, agencies, or instrumentalities; and

(v) whether, and how often, the Federal Bureau of Investigation provided information acquired under a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978 to law enforcement authorities for use in criminal proceedings.

(3) SUBMISSION DATES.—

(A) PRIOR YEARS.—Not later than December 31, 2010, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audit conducted under this section for calendar years 2007 thorough 2009.

(B) CALENDAR YEARS 2010 THROUGH 2012.—Not later than December 31, 2011, and every year thereafter through 2013, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audit conducted under this section for the previous calendar year.

(4) PRIOR NOTICE TO ATTORNEY GENERAL AND DIRECTOR OF NATIONAL INTELLIGENCE; COMMENTS.—

(A) NOTICE.—Not less than 30 days before the submission of a report under subparagraph (A) or (B) of paragraph (3), the Inspector General of the Department of Justice shall provide the report to the Attorney General and the Director of National Intelligence.

(B) COMMENTS.—The Attorney General or the Director of National Intelligence may provide such comments to be included in a report submitted under subparagraph (A) or (B) of paragraph (3) as the Attorney General or the Director of National Intelligence may consider necessary.

(5) UNCLASSIFIED FORM.—A report submitted under subparagraph (A) or (B) of paragraph (3) and any comments included under paragraph (4)(B) shall be in unclassified form, but may include a classified annex.

By Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON):

S. 1694. A bill to allow the funding for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce legislation that will help improve public safety communications.

September is a month when we remember. We remember that 8 years ago we witnessed the impossible horror of September 11th. We remember that 4 years ago we watched the watery devastation of Hurricane Katrina. We remember because even with the passage of time, these are wounds that do not heal and losses we will never forget.

These events also demonstrated the tremendous bravery of our public safety officials. Their courage awes and inspires. So when tragedy strikes, we want to make sure that those who wear the shield have the communications systems they need to do the job. We know now that public safety communications can mean the difference between security and harm.

Yet when it comes to public safety communications, we still have a lot of work to do. Four years ago, Congress took an important first step. In the Digital Television and Public Safety Act of 2005, Congress authorized the National Telecommunications and Information Administration, in consultation with the Department of Homeland Security, to implement the Public Safety Interoperable Communications Grant Program. This program provided a one-time, formula-based, matching grant opportunity for public safety agencies to improve interoperable communications systems.

Governors across the country lined up to designate State agencies to apply for and administer these funds. Under the program, funds were originally available for the purchase and deployment of communications equipment and training for system users. Later, in the Implementing Recommendations of the 9/11 Commission Act of 2007, Congress expanded the program to include planning and coordination activities.

But now millions of these dollars are at risk. The September 30, 2010, deadline for expending funds that is a holdover from the original legislation could inadvertently jeopardize the effectiveness of public safety communications projects in States across the country. Many grantees spent the first year of the grant period developing required plans and justifications and then awaiting approvals from the Department of Homeland Security and the National Telecommunications and Information Administration. As a result, many grantees did not have the full 3-year award period to acquire and deploy interoperable communications equipment. They face the real possibility of reaching the September 30, 2010, deadline with communications projects incomplete. In short, it is no longer sensible to bind the States to this original deadline in 2010.

There is no need to take my word for it. The Inspector General at the Department of Commerce reached exactly the same conclusion. In a report published in March 2009, the Inspector General found that grantees were unlikely to finish their communications projects within the statutory time frames. The Inspector General even recommended that the National Telecommunications and Information Administration work with Congress to extend the deadline for grantees to expend their communications funds from this program. Now the National Governors Association and the Association of Public Safety Communications Officials also have chimed in to support an extension.

I rise today so we can do something about it. By extending the September 30, 2010, deadline by one year and on a case-by-case basis two years, we can make sure that the funds are used exactly as Congress intended. We can make sure that public safety projects are not stranded due to arbitrary deadlines. We can make sure that our first responders have the first class communications systems they desperately need and deserve. For this reason, I urge my colleagues to join me and Senator HUTCHISON and support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed into the RECORD.

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

S. 1694

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

SECTION 1. PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS GRANTS.

(a) Notwithstanding section 3006(a)(2) of the Digital Television Transition and Public Safety Act of 2005 (47U.S.C. 309 note), sums made available to administer the Public Safety Interoperable Communications Grant Program under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) shall remain available until expended, but not beyond September 30, 2012.

(b) The period for performance of any investment approved under the Program as of the date of enactment of this Act shall be extended by one year, but not later than September 30, 2011, except that the Assistant

Secretary of Commerce for Communications and Information may extend, on a case-by-case basis, the period of performance for any investment approved under the Program as of that date for a period of not more than 2 years, but not later than September 30, 2012. In making a determination as to whether an extension beyond September 30, 2011, is warranted, the Assistant Secretary should consider the circumstances that gave rise to the need for the extension, the likelihood of completion of performance within the deadline for completion, and such other factors as the Assistant Secretary deems necessary to make the determination.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 279—MAKING MINORITY PARTY APPOINTMENTS FOR CERTAIN COMMITTEES FOR THE 111TH CONGRESS

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 279

Resolved, That the following be the minority membership on the following committees for the remainder of the 111th Congress, or until their successors are appointed:

COMMITTEE ON ARMED SERVICES: Mr. McCain, Mr. Inhofe, Mr. Sessions, Mr. Chambliss, Mr. Graham, Mr. Thune, Mr. Wicker, Mr. LeMieux, Mr. Burr, Mr. Vitter, and Ms. Collins.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS: Mr. Shelby, Mr. Bennett, Mr. Bunning, Mr. Crapo, Mr. Corker, Mr. DeMint, Mr. Vitter, Mr. Johanns, Mrs. Hutchison, and Mr. Gregg.

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION: Mrs. Hutchison, Ms. Snowe, Mr. Ensign, Mr. DeMint, Mr. Thune, Mr. Wicker, Mr. LeMieux, Mr. Isakson, Mr. Vitter, Mr. Brownback, and Mr. Johanns.

SPECIAL COMMITTEE ON AGING: Mr. Corker, Mr. Shelby, Ms. Collins, Mr. Hatch, Mr. LeMieux, Mr. Brownback, Mr. Graham, and Mr. Chambliss.

SENATE RESOLUTION 280—CELEBRATING THE 10TH ANNIVERSARY OF THE RULE OF LAW PROGRAM OF TEMPLE UNIVERSITY BEASLEY SCHOOL OF LAW

Mr. SPECTER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 280

Whereas in 1997, President William J. Clinton and President Jiang Zemin agreed at the Sino-American Summit to collaborative efforts to enhance legal exchanges between the United States and China;

Whereas in 1999, Temple University established a Master of Laws degree program in Beijing, the first foreign law degree granting program approved by the Chinese Ministry of Education, as a collaborative effort, first with China University of Political Science and Law, and subsequently with Tsinghua University School of Law;

Whereas in 1999, Temple University signed a cooperative agreement with the State Administration of Foreign Expert Affairs of China to deliver rule of law educational programs to Chinese government officials;

Whereas in 2000, Temple University signed a cooperative agreement with the Supreme People's Court of China to conduct judicial training;

Whereas in 2001, Temple University signed a cooperative agreement with the Supreme People's Procuratorate of China to conduct prosecutor training;

Where in 2002, Temple University began a series of scholarly roundtables directed at Chinese law and legal education, with topics including World Trade Organization, Internet, environmental, health, and private international law as well as nongovernmental organization advocacy and experiential legal education;

Whereas Justice Antonin G. Scalia visited Beijing and the Temple University rule of law program as part of a broad legal exchange between the United States and China;

Whereas in 2003, former Temple University School of Law dean Robert Reinstein received the National Friendship Award from Zhu Rongji, former Prime Minister of China in the Great Hall of the People;

Whereas in 2009, Temple University, Tsinghua University, and the State Administration of Foreign Expert Affairs of China will host events in Beijing to commemorate the 10-year anniversary of the rule of law program;

Whereas as of 2009, Temple has educated a total of 903 legal professionals in the rule of law program in China, 78 percent of whom work in the public sector; and

Whereas 391 Chinese legal professionals, including judges, National People's Congress and State Council legislative officers, prosecutors, government officials, law professors, and commercial lawyers have graduated from, or are currently enrolled in, Temple's Beijing Master of Laws program: Now, therefore, be it

Resolved, That the Senate—

(1) commends and congratulates Temple University Beasley School of Law, its faculty, its alumni, its 10th graduating class, and all involved in the 10th anniversary of the China rule of law program; and

(2) recognizes that—

(A) the Temple University Beasley School of Law rule of law program has succeeded in furthering the goal of promoting collaborative legal exchanges between the United States and China; and

(B) Temple University and its partners in China represent the spirit of cooperation and friendship between these 2 great nations, and will surely continue to strengthen those bonds into the future.

Mr. SPECTER. Mr. President, I seek recognition to note the 10th anniversary of Temple University's China Rule of Law Program. The Beasley School of Law housed at Temple University stands as an outstanding leader in promoting cross-cultural partnership between legal professionals in the United States and China. This year, the Beasley School celebrates ten years of cooperation with Tsinghua University in Beijing. Temple University's China Rule-of-Law Program has awarded nearly 400 Master of Laws degrees to Chinese legal professionals to date. The first foreign law degree program to be approved by the Chinese Ministry of Education as well as the American Bar Association, Temple's Rule of Law Program represents a landmark program and step toward increased global understanding of legal procedure by educating Chinese legal professionals in the same manners and by the same standards as those practiced at American law schools. I respectfully submit this resolution to recognize Temple University's outstanding leadership in promoting cross-cultural exchange in the field of international law.

The partnership between Temple University and China's Tsinghua University predates the establishment in 1999 of the Master of Laws Degree program. Shortly after the official reestablishment of diplomatic relations between the United States and China in January of 1979, Temple University awarded Vice Premier Deng Xiaoping with an honorary law degree. Educational and cultural exchange became the centerpieces of renewed cooperation between the two powers over the course of the last three decades. Shortly after President Clinton and President Zemin's mutual call for collaboration in legal exchange in 1997, Temple formally created the China Rule-of-Law Program that merits commendation today.

Cooperating to meet the demands of a global environment in which legal professionals are increasingly required to be trained in international legal standards, American faculty from Temple, Chinese faculty at Tsinghua University, and highly accomplished international practitioners teach courses entirely in English at Tsinghua's facilities in Beijing. The 30 credit curriculum concentrates on American and international law and in particular focuses on the subfields of criminal and business law. The program requires the same standards of scholarship of its Chinese students that ABA accredited American law institutions require at home and requires a full-time student to devote 15 months to complete the program. Students earning their degrees through Temple's Beasley-Tsinghua program participate in the same dialogue-based methods as students in American classrooms; they are also given access to the Lexis and Westlaw legal research tools during their studies. This means that Chinese students receiving the Master of Laws degree from Temple's Beasley Law School at Tsinguah become familiar with the same processes for solving legal puzzles and conducting legal research as those that mark the standard within international circles. Therefore, as a capacity building tool for Chinese professionals within the international legal environment, Temple's China Rule-of-Law program is indispensible.

As a means of promoting bilateral understanding over legal norms and standards, this type of program is even more vital. Legal norms and standards, we must remember, are formed and interpreted within social, cultural, and historical contexts. The continued growth of a strong partnership between our two nations is contingent upon a full understanding of this contextual environment because it serves as the setting in which legal standards are shaped and in which they are applied. In today's international climate, this cooperation is more important than ever before, and Temple should be regarded as an exemplar for its leadership in cultivating such cooperation.

The study abroad component of this program, which brings these Chinese

students to Temple's Philadelphia campus during the summer after the first full year of study, is an important means of achieving this contextual understanding. However, this is just one way in which this landmark program facilitates the integration of Chinese legal professionals into the international legal realm outside of the classroom. An extensive alumni network includes, as previously noted, nearly 400 degree holders, many of whom are involved with the Temple Law Alumni Association of China, which boasts around 550 members. The Rule of Law program has educated over 900 legal professionals through less formal means, including roundtables that have explored topics ranging from the subfields of Internet and Environmental Law to NGO Advocacy and the WTO. The partnership is currently working with the State Administration of Foreign Expert Affairs of China to host a series of events targeted to broadening this exchange in Beijing in the coming months as a celebration of ten successful years, marking an emphasis on continued growth and success.

As our two nations look for additional means of improving and promoting bilateral exchange, Temple University's innovative programming efforts must be celebrated and should be seen as a paradigm for future partnerships. Its increasing alumni network—both of degree holders and of other professionals that have benefitted from the Rule of Law's various programs—must be looked upon as a growing web of future leaders that understand the international legal context upon which international stability, economic development, and global cooperation rely. I urge the Senate to recognize Temple University's contribution to American and Chinese bilateral relations and in setting a high standard for improved and constructive international dialogue.

SENATE CONCURRENT RESOLUTION 40—ENCOURAGING THE GOVERNMENT OF IRAN TO GRANT CONSULAR ACCESS BY THE GOVERNMENT OF SWITZERLAND TO JOSHUA FATTAL, SHANE BAUER, AND SARAH SHOURD, AND TO ALLOW THE 3 YOUNG PEOPLE TO REUNITE WITH THEIR FAMILIES IN THE UNITED STATES AS SOON AS POSSIBLE

Mr. SPECTER (for himself, Mr. CASEY, Mr. NELSON of Florida, Ms. KLOBUCHAR, Mr. FRANKEN, and Mrs. BOXER) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 40

Whereas, on July 31, 2009, officials of the Government of Iran took 3 United States citizens, Joshua Fattal, Shane Bauer, and Sarah Shourd, into custody near the Ahmed Awa region of northern Iraq, after the 3 United States citizens reportedly crossed into the territory of Iran while hiking in Iraq;

Whereas officials of the Government of Iran have confirmed that they are holding the 3 United States citizens; and

Whereas officials of the Government of Iran have not allowed consular access by the Embassy of the Government of Switzerland (in its formal capacity as the representative of the interests of the United States in Iran) to the 3 young United States citizens in accordance with the Vienna Convention on Consular Relations, done at Vienna April 24, 1963: Now, therefore, be it

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

(1) encourages the Government of Iran to grant consular access by the Government of Switzerland to Joshua Fattal, Shane Bauer, and Sarah Shourd, and to allow the 3 young people to communicate by telephone with their families in the United States; and

(2) encourages the Government of Iran to allow Joshua Fattal, Shane Bauer, and Sarah Shourd to reunite with their families in the United States as soon as possible.

Mr. SPECTER. Mr. President, I seek recognition to discuss legislation I have introduced encouraging the Government of Iran to grant consular access to and promptly release three young Americans who have been detained in Iran for the past 8 weeks after they reportedly crossed into Iran while on a hike in Iraqi Kurdistan.

On July 31, 2009, University of California, Berkeley graduates Joshua Fattal, 27, Shane Bauer, 27, and Sarah Shourd, 30, went ''on a hike near the border of Iraqi Kursdistan and Iran in an area known for beautiful views and a waterfall, along an unmarked section of the border that zigzags.'' The three inadvertently crossed into Iranian territory and were detained by Iranian officials.

While the Government of Iran has confirmed it is holding Joshua, Shane and Sarah, it has yet to grant the Embassy of the Government of Switzerland, in its formal capacity as the representative of the interests of the United States in Iran, consular access to the three in accordance with the Vienna Convention on Consular Relations. Nor has the Government of Iran allowed Joshua, Shane and Sarah to telephone their families in the United States to let them know they are well.

Based on news accounts I have read, I have every confidence that the three entered Iranian territory accidentally, perhaps due to, as I understand it, the absence of clear border markers in the region near Ahmed Awa. On August 8, an Iraqi government official was quoted as saying the three young Americans crossed the border ''unintentionally and mistakenly.''

The legislation which I have introduced encourages the Government of Iran to: Grant consular access by the Embassy of the Government of Switzerland to the three United States citizens in accordance with the Vienna Convention on Consular Relations; Allow Joshua, Shane and Sarah to communicate by telephone with their families in the U.S.; and Allow Joshua, Shane and Sarah to reunite with their families in the U.S. at the soonest possible opportunity.

It is clear to me that Joshua, Shane and Sarah made a careless navigational mistake which they will not soon repeat. It is my sincere hope that the Government of Iran quickly comes to this conclusion and releases them so they can be reunited with their families in the U.S. at the earliest opportunity, as all have anguished too much already.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2470. Mr. NELSON, of Nebraska (for himself, Mr. GRASSLEY, Mr. THUNE, Mr. JOHNSON, and Mr. JOHANNS) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2471. Mr. BARRASSO (for himself, Mr. KYL, Mr. ENSIGN, Mr. MCCAIN, Mr. RISCH, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra.

SA 2472. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2473. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2474. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2475. Mr. BARRASSO (for himself, Mr. BENNETT, and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2476. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2477. Mr. HARKIN (for himself, Mr. NELSON, of Nebraska, Mr. GRASSLEY, Mr. THUNE, Mr. JOHNSON, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2478. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, and Mr. SPECTER) submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2479. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2480. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2481. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2456 submitted by Mr. CARPER (for himself, Mr. MERKLEY, and Ms. KLOBUCHAR) to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2482. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2483. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2484. Mr. JOHANNS submitted an amendment intended to be proposed by him

to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2485. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill H.R. 3293, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2486. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 1434, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2487. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 1407, 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 2488. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 1432, making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2489. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2490. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2491. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2492. Mr. BINGAMAN (for himself, Mr. CRAPO, Mr. WYDEN, Mr. RISCH, Mr. BAUCUS, Ms. MURKOWSKI, Mrs. MURRAY, Mr. UDALL, of Colorado, Mr. BENNET, Mr. AKAKA, Mr. UDALL, of New Mexico, Mr. BEGICH, Mr. MERKLEY, Ms. CANTWELL, Mr. TESTER, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2493. Mr. BINGAMAN (for himself, Ms. MURKOWSKI, Mrs. BOXER, Mr. WYDEN, Mr. UDALL, of New Mexico, Mr. TESTER, Ms. CANTWELL, Mr. UDALL, of Colorado, Mr. MERKLEY, Mr. BENNET, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2494. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra.

SA 2495. Mr. SCHUMER (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2496. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2497. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2498. Ms. COLLINS (for herself, Mr. VITTER, Mr. ISAKSON, and Mr. ROBERTS) submitted an amendment intended to be proposed by her to the bill H.R. 2996, supra.

SA 2499. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2500. Mr. DEMINT (for himself and Mr. MCCAIN) proposed an amendment to the bill H.R. 2996, supra.

SA 2501. Mr. RISCH submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2502. Mr. WHITEHOUSE (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2503. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2504. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra.

SA 2505. Mr. CARPER (for himself, Mr. MERKLEY, Ms. KLOBUCHAR, and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2506. Mr. CARPER (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 2477 submitted by Mr. HARKIN (for himself, Mr. NELSON of Nebraska, Mr. GRASSLEY, Mr. THUNE, Mr. JOHNSON, and Mr. BOND) and intended to be proposed to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2507. Mr. TESTER (for himself, Mr. BARRASSO, Mr. CRAPO, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2508. Mr. VITTER proposed an amendment to the bill H.R. 2996, supra.

SA 2509. Mr. ROBERTS (for himself, Mr. BROWNBACK, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2510. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 2477 submitted by Mr. HARKIN (for himself, Mr. NELSON of Nebraska, Mr. GRASSLEY, Mr. THUNE, Mr. JOHNSON, and Mr. BOND) and intended to be proposed to the bill H.R. 2996, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2470. Mr. NELSON of Nebraska (for himself, Mr. GRASSLEY, Mr. THUNE, Mr. JOHNSON, and Mr. JOHANNS) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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 240, between lines 13 and 14, insert the following:

SEC. 423. E15 FUEL.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) E15 FUEL.—The term ''E15 fuel'' means transportation fuel that consists of—

(A) 85 percent gasoline; and

(B) 15 percent ethanol.

(3) TRANSPORTATION FUEL.—The term ''transportation fuel'' has the meaning given the term in section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)).

(4) WAIVER.—The term ''waiver'' means a waiver from the requirements of paragraphs (1), (2), and (3) of section 211(f) of the Clean Air Act (42 U.S.C. 7545(f)).

(b) WAIVER.—Not later than December 1, 2009, the Administrator shall issue a waiver for E15 fuel.

(c) FAILURE TO ISSUE A WAIVER.—If the Administrator fails to issue a waiver for E15 fuel under subsection (b) by the date specified in that subsection, none of the funds made available under this or any Act may be used by the Administrator to enforce section 211(f) of the Clean Air Act (42 U.S.C. 7545(f)).

SA 2471. Mr. BARRASSO (for himself, Mr. KYL, Mr. ENSIGN, Mr. MCCAIN, Mr. RISCH, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 240, between lines 13 and 14, insert the following:

SEC. 423. PROHIBITION ON USE OF WILDLAND FIRE MANAGEMENT STIMULUS FUNDS IN THE DISTRICT OF COLUMBIA.

Notwithstanding any other provision of law, none of the funds made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115) for wildland fire management shall be used in the District of Columbia.

SA 2472. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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 240, between lines 13 and 14, insert the following:

SEC. 423. PROHIBITION ON USE OF FUNDS TO IMPLEMENT AN ORDER OF THE SECRETARY OF THE INTERIOR RELATING TO CLIMATE CHANGE.

None of the funds made available by this Act shall be used to implement the order of the Secretary of the Interior relating to climate change numbered 3289 and dated September 14, 2009.

SA 2473. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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 240, between lines 13 and 14, insert the following:

SEC. 423. PROHIBITION ON USE OF FUNDS TO IMPLEMENT A CERTAIN GREENHOUSE GAS RULE UNTIL A PROCEEDING IS CONDUCTED.

None of the funds made available by this Act shall be used to finalize or implement the proposed rule of the Administrator of the Environmental Protection Agency entitled ''Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act'' (74 Fed. Reg. 18886 (April 24, 2009)) until the Administrator of the Environmental Protection Agency conducts the proceeding requested by the U.S. Chamber of Commerce in the petition entitled ''Petition of the Chamber of

Comm. of the U.S.A. for EPA to Conduct Its Endangerment Finding Proceeding On The Record Using APA §§ 556 and 557'' (EPA Docket No. EPAHQ–OAR–2009–0171–3411.1 (June 23, 2009)).

SA 2474. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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 240, between lines 13 and 14, insert the following:

SEC. 423. PROHIBITION ON USE OF FUNDS TO IMPLEMENT A GREENHOUSE GAS RULE UNTIL A CERTAIN INVESTIGATION IS CONDUCTED.

None of the funds made available by this Act shall be used to finalize, implement, or issue regulations based on the proposed rule of the Administrator of the Environmental Protection Agency entitled ''Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act'' (74 Fed. Reg. 18886 (April 24, 2009)) until the Inspector General of the Environmental Protection Agency conducts the investigation requested by Senator John Thune in the letter to Mr. Bill A. Roderick, Acting Inspector General, dated June 30, 2009, regarding the suppression by the Environmental Protection Agency of a report prepared by Dr. Carlin.

SA 2475. Mr. BARRASSO (for himself, Mr. BENNETT, and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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 121, strike lines 10 through 14 and insert the following:

to remain available until expended, and in addition,

SA 2476. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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 127, strike lines 11 through 13 and insert the following:

resources, $1,245,786,000, to remain available until September 30, 2011, except as otherwise provided herein: *Provided*, That not less than $1,900,000 of that amount shall be for research on, and monitoring and prevention of, white nose bat syndrome: *Provided further*, That $2,500,000 is for high-priority projects, which

On page 128, line 24, strike ''$82,790,000'' and insert ''$81,390,000''.

On page 129, line 4, after ''2004'', insert '', and not more than $1,400,000 shall be for the Wallkill National Wildlife Refuge''.

SA 2477. Mr. HARKIN (for himself, Mr. NELSON of Nebraska, Mr. GRASSLEY, Mr. THUNE, Mr. JOHNSON, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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 192, between lines 6 and 7, insert the following:

GENERAL PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY

RENEWABLE FUEL PROGRAM

SEC. 201. None of the funds made available for the Environmental Protection Agency under this title may be expended by the Administrator of the Environmental Protection Agency to carry out any activities relating to the inclusion of international indirect land use change emissions in the implementation of the renewable fuel program established under section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)): *Provided*, That nothing in this section prevents the Administrator from promulgating renewable fuel requirements for calendar year 2010 or any subsequent calendar year under section 211(o) of that Act.

SA 2478. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, and Mr. SPECTER) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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 129, line 2, strike ''not more than $1,500,000 shall be for land conservation partnerships authorized by the Highlands Conservation Act of 2004: *Provided*, That'' and insert ''not more than $4,000,000 shall be for land conservation partnerships authorized by the Highlands Conservation Act (Public Law 108-421; 118 Stat. 2375): *Provided*, That $2,500,000 of that amount shall be derived from amounts made available under this title for maintenance and facilities of the Department of the Interior: *Provided further*, That''.

SA 2479. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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 120, line 22, strike ''$965,721,000'' and insert ''$970,721,000''.

On page 121, lines 15 through 17, strike ''$36,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program'' and insert ''$41,696,000 is for Mining Law Administration program operations (including the cost of administering the mining claim fee program), of which $5,000,000, to be derived by transfer from unobligated amounts made available by the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), shall be made available to hire additional staff to address permitting delays of filed mining claims''.

On page 121, line 21, strike ''$965,721,000'' and insert ''$970,721,000''.

SA 2480. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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. ___. In the matter under the heading ''NATIONAL PARK SERVICE'' under the heading ''DEPARTMENT OF THE INTERIOR'' of title I—

(1) reduce the overall amount made available under the heading ''NATIONAL RECREATION AND PRESERVATION'' by $1,000,000 by eliminating any funding for the Sewall-Belmont House; and

(2) increase the overall amount made available under the heading ''CONSTRUCTION'' by $1,000,000 to be used for maintenance, repair, or rehabilitation projects for constructed assets.

SA 2481. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2456 submitted by Mr. CARPER (for himself, Mr. MERKLEY, and Ms. KLOBUCHAR) to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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. ___. (a) In this section, the term ''conference'' means a meeting that—

(1) is held for consultation, education, awareness, or discussion;

(2) includes participants who are not all employees of the same Federal agency;

(3) is not held entirely at a facility of a Federal agency;

(4) involves costs associated with travel and lodging for some participants; and

(5) is sponsored by 1 or more Federal agencies, 1 or more organizations that are not Federal agencies, or a combination of such Federal agencies or organizations.

(b) Notwithstanding any other provision of this Act, the aggregate amount made available under this Act for expenses of the Environmental Protection Agency relating to conferences in fiscal year 2010, including expenses relating to conference programs, staff, travel costs, and other conference matters, may not exceed $15,000,000.

SA 2482. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

Beginning on page 173, strike line 1 and all that follows through page 174, line 5, and insert the following:

NORTHERN PLAINS HERITAGE AREA, AMENDMENT

SEC. 115. (a) IN GENERAL.—Section 8004 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1240) is amended—

(1) by redesignating subsections (g) through (i) as subsections (h) through (j), respectively;

(2) in subsection (h)(1) (as redesignated by paragraph (1)), in the matter preceding subparagraph (A), by striking ''subsection (i)'' and inserting ''subsection (j)''; and

(3) by inserting after subsection (f) the following:

''(g) REQUIREMENTS FOR INCLUSION AND REMOVAL OF PROPERTY IN A NATIONAL HERITAGE AREA.—

''(1) PRIVATE PROPERTY INCLUSION.—No privately owned property shall be included in a National Heritage Area unless the owner of the private property provides to the management entity a written request for the inclusion.

''(2) PROPERTY REMOVAL.—

''(A) PRIVATE PROPERTY.—At the request of an owner of private property included in a National Heritage Area pursuant to paragraph (1), the private property shall be immediately withdrawn from the National Heritage Area if the owner of the property provides to the management entity a written notice requesting removal.

''(B) PUBLIC PROPERTY.—

''(i) INCLUSION.—Only on written notice from the appropriate State or local government entity may public property be included in a National Heritage Area.

''(ii) WITHDRAWAL.—On written notice from the appropriate State or local government entity, public property shall be immediately withdrawn from a National Heritage Area.''.

(b) PROHIBITION ON USE OF FUNDS.—None of the funds made available by this Act shall be made available for a Heritage Area that does not comply with section 8004(g) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1240) (as amended by subsection (a)).

SA 2483. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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. ___. MAINTENANCE BACKLOG.

Notwithstanding any other provision of this Act, any funds provided from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–5) to an agency under this Act for Federal land acquisition shall be used by the agency for maintenance, repair, or rehabilitation projects for constructed assets.

SA 2484. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 263, between lines 10 and 11, insert the following:

SEC. 9____. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

SA 2485. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill H.R. 3293, making appropriations for the Departments of Labor, Health and Human Services, and Education, 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 267, between lines 14 and 15, insert the following:

SEC. 4____. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

SA 2486. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 1434, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, between lines 12 and 13, insert the following:

GENERAL PROHIBITION ON USE OF FUNDS

SEC. 70____. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

SA 2487. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 1407, 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 60, after line 24, insert the following:

SEC. 6____. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

SA 2488. Mr. JOHANNS submitted an amendment intended to be proposed by him to the bill S. 1432, making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 166, between lines 14 and 15, insert the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

SA 2489. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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 240, between lines 13 and 14, insert the following:

PROHIBITION ON USE OF FUNDS

SEC. 4__. None of the funds made available in this Act may be used to promulgate or implement any regulation of carbon dioxide emissions under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) that will result in significant job loss in manufacturing- or coal-dependent regions of the United States such as the Midwest, Great Plains or South.

SA 2490. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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 240, between lines 13 and 14, insert the following:

PROHIBITION ON USE OF FUNDS

SEC. 4__. None of the funds made available in this Act may be used to promulgate or implement any regulation of carbon dioxide emissions under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) that will result in an increase in retail prices of fertilizer or fuels used for agricultural production.

SA 2491. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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 240, between lines 13 and 14, insert the following:

SEC. 423. NATIONAL FOREST FOUNDATION.

(a) MEMBERSHIP OF BOARD OF DIRECTORS.—Section 403(a) of the National Forest Foundation Act (16 U.S.C. 583j-1(a)) is amended, in the first sentence, by striking ''fifteen Directors'' and inserting ''not more than 30 Directors''.

(b) ADMINISTRATIVE SERVICES AND SUPPORT.—Section 405 of the National Forest Foundation Act (16 U.S.C. 583j-3) is amended—

(1) in subsection (a), by striking ''section 410(a)'' and inserting ''section 410''; and

(2) in subsection (b), by striking ''section 410(b)'' and inserting ''section 410''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 410 of the National Forest Foundation Act (16 U.S.C. 583j-8) is amended to read as follows:

''SEC. 410. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to the Secretary of Agriculture to carry out this title $3,000,000 for fiscal year 2009 and each fiscal year thereafter, to be made available to the Foundation to match, on a 1-for-1 basis, private contributions that are made to the Foundation.''.

SA 2492. Mr. BINGAMAN (for himself, Mr. CRAPO, Mr. WYDEN, Mr. RISCH, Mr. BAUCUS, Ms. MURKOWSKI, Mrs. MURRAY, Mr. UDALL of Colorado, Mr. BENNET, Mr. AKAKA, Mr. UDALL of New Mexico, Mr. BEGICH, Mr. MERKLEY, Ms. CANTWELL, Mr. TESTER, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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 197, line 11, strike ''$2,586,637,000'' and insert ''$2,576,637,000''.

On page 198, line 10, strike ''$350,285,000'' and insert ''$340,285,000''.

On page 200, between lines 13 and 14, insert the following:

COLLABORATIVE FOREST LANDSCAPE RESTORATION FUND

For expenses authorized by section 4003(f) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(f)), $10,000,000, to remain available until expended.

SA 2493. Mr. BINGAMAN (for himself, Ms. MURKOWSKI, Mrs. BOXER, Mr.

WYDEN, Mr. UDALL of New Mexico, Mr. TESTER, Ms. CANTWELL, Mr. UDALL of Colorado, Mr. MERKLEY, Mr. BENNET, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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 159, line 25, strike ''$979,637,000'' and insert ''$904,637,000''.

On page 197, line 11, strike'' $2,586,637,000'' and insert ''$1,827,637,000''.

On page 240, between lines 13 and 14, insert the following:

SEC. 423. FLAME FUND FOR EMERGENCY WILDFIRE SUPPRESSION ACTIVITIES.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means—

(A) public land, as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702);

(B) units of the National Park System;

(C) refuges of the National Wildlife Refuge System;

(D) land held in trust by the United States for the benefit of Indian tribes or members of an Indian tribe; and

(E) land in the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(2) FLAME FUND.—The term ''Flame Fund'' means the Federal Land Assistance, Management, and Enhancement Fund established by subsection (b).

(3) SECRETARIES.—The term ''Secretaries'' means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(4) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of the Interior, with respect to Federal land described in subparagraphs (A), (B), (C), and (D) of paragraph (1); and

(B) the Secretary of Agriculture, with respect to National Forest System land.

(b) ESTABLISHMENT OF FLAME FUND.—There is established in the Treasury of the United States a fund to be known as the ''Federal Land Assistance, Management, and Enhancement Fund'', consisting of—

(1) such amounts as are appropriated to the Flame Fund; and

(2) such amounts as are transferred to the Flame Fund under subsection (d).

(c) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to the Flame Fund such amounts as are necessary to carry out this section.

(B) CONGRESSIONAL INTENT.—It is the intent of Congress that the amounts appropriated to the Flame Fund for each fiscal year should be not less than the combined average amount expended by each Secretary concerned for emergency wildfire suppression activities over the 5 fiscal years preceding the fiscal year for which amounts are appropriated.

(C) AVAILABILITY.—Amounts appropriated to the Flame Fund shall remain available until expended.

(2) APPROPRIATION.—There is appropriated to the Flame Fund, out of funds of the Treasury not otherwise appropriated, $834,000,000.

(3) SENSE OF CONGRESS ON DESIGNATION OF FLAME FUND APPROPRIATIONS AS EMERGENCY REQUIREMENT.—It is the sense of Congress that—

(A) further amounts appropriated to the Flame Fund should be designated as amounts necessary to meet emergency needs; and

(B) the new budget authority and outlays resulting from the appropriations should not be considered for the purposes of titles III and IV of the Congressional Budget Act of 1974 (2 U.S.C. 631 et seq.).

(4) NOTICE OF INSUFFICIENT FUNDS.—The Secretaries shall notify the congressional committees described in subsection (h)(2) if the Secretaries estimate that only 60 days worth of funding remains in the Flame Fund.

(d) TRANSFER OF EXCESS WILDFIRE SUPPRESSION AMOUNTS INTO FLAME FUND.—At the end of each fiscal year, the Secretary concerned shall transfer to the Flame Fund amounts that—

(1) are appropriated to the Secretary concerned for wildfire suppression activities for the fiscal year; but

(2) are not obligated for wildfire suppression activities before the end of the fiscal year.

(e) USE OF FLAME FUND.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), amounts in the Flame Fund shall be available to the Secretary concerned to pay the costs of emergency wildfire suppression activities that are separate from amounts annually appropriated to the Secretary concerned for routine wildfire suppression activities.

(2) DECLARATION REQUIRED.—

(A) IN GENERAL.—Amounts in the Flame Fund shall be made available to the Secretary concerned only after the Secretaries issue a declaration that a wildfire suppression activity is eligible for funding from the Flame Fund.

(B) DECLARATION CRITERIA.—A declaration by the Secretaries under subparagraph (A) may be issued only if—

(i) in the case of an individual wildfire incident—

(I) the fire covers 300 or more acres; and

(II) the Secretaries determine that the fire has required an emergency Federal response based on the significant complexity, severity, or threat posed by the fire to human life, property, or resources; or

(ii) the cumulative costs of wildfire suppression activities for the Secretary concerned have exceeded the amounts appropriated to the Secretary concerned for those activities (not including funds deposited in the Flame Fund).

(3) TRANSFER OF AMOUNTS TO SECRETARY CONCERNED.—After issuance of a declaration under paragraph (2) and on request of the Secretary concerned, the Secretary of the Treasury shall transfer from the Flame Fund to the Secretary concerned such amounts as the Secretaries determine are necessary for wildfire suppression activities associated with the declaration.

(4) STATE, PRIVATE, AND TRIBAL LAND.—Use of the Flame Fund for emergency wildfire suppression activities on State land, private land, and tribal land shall be consistent with any existing agreements in which the Secretary concerned has agreed to assume responsibility for wildfire suppression activities on the land.

(f) TREATMENT OF ANTICIPATED AND PREDICTED ACTIVITIES.—

(1) IN GENERAL.—Subject to subsection (e)(2)(B)(ii), the Secretary concerned shall continue to fund routine wildfire suppression activities within the appropriate agency budget for each fiscal year.

(2) CONGRESSIONAL INTENT.—It is the intent of Congress that funding made available through the Flame Fund be used—

(A) to supplement the funding otherwise appropriated to the Secretary concerned; and

(B) only for purposes in, and instances consistent with, this section.

(g) PROHIBITION ON OTHER TRANSFERS.—Any amounts in the Flame Fund and any amounts appropriated for the purpose of wildfire suppression on Federal land shall be obligated before the Secretary concerned may transfer funds from non-fire accounts for wildfire suppression.

(h) ACCOUNTING AND REPORTS.—

(1) ACCOUNTING AND REPORTING SYSTEM.—The Secretaries shall establish an accounting and reporting system for the Flame Fund that is compatible with existing National Fire Plan reporting procedures.

(2) ANNUAL REPORT.—Annually, the Secretaries shall submit to the Committee on Natural Resources, the Committee on Agriculture, and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources, the Committee on Indian Affairs, and the Committee on Appropriations of the Senate and make available to the public a report that—

(A) describes the use of amounts from the Flame Fund; and

(B) includes any recommendations that the Secretaries may have to improve the administrative control and oversight of the Flame Fund.

(3) ESTIMATES OF WILDFIRE SUPPRESSION COSTS TO IMPROVE BUDGETING AND FUNDING.—

(A) IN GENERAL.—Consistent with the schedule provided in subparagraph (C), the Secretaries shall submit to the committees described in paragraph (2) an estimate of anticipated wildfire suppression costs for the applicable fiscal year and the subsequent fiscal year.

(B) PEER REVIEW.—The methodology for developing the estimates under subparagraph (A) shall be subject to periodic peer review to ensure compliance with subparagraph (D).

(C) SCHEDULE.—The Secretaries shall submit an estimate under subparagraph (A) during—

(i) the first week of February of each year;

(ii) the first week of April of each year;

(iii) the first week of July of each year; and

(iv) if a bill making appropriations for the Department of the Interior and the Forest Service for the following fiscal year has not been enacted by September 1, the first week of September of each year.

(D) REQUIREMENTS.—An estimate of anticipated wildfire suppression costs shall be developed using the best available—

(i) climate, weather, and other relevant data; and

(ii) models and other analytic tools.

(i) TERMINATION OF AUTHORITY.—The authority under this section shall terminate at the end of the third fiscal year in which no appropriations to or withdrawals from the Flame Fund have been made for a period of 3 consecutive fiscal years.

SEC. 424. COHESIVE WILDFIRE MANAGEMENT STRATEGY.

(a) STRATEGY REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture, acting jointly, shall submit to Congress a report that contains a cohesive wildfire management strategy, consistent with the recommendations described in recent reports of the Government Accountability Office regarding management strategies.

(b) ELEMENTS OF STRATEGY.—The strategy required by subsection (a) shall provide for—

(1) the identification of the most cost-effective means for allocating fire management budget resources;

(2) the reinvestment in non-fire programs by the Secretary of the Interior and the Secretary of Agriculture;

(3) employing the appropriate management response to wildfires;

(4) assessing the level of risk to communities;

(5) the allocation of hazardous fuels reduction funds based on the priority of hazardous fuels reduction projects;

(6) assessing the impacts of climate change on the frequency and severity of wildfire; and

(7) studying the effects of invasive species on wildfire risk.

(c) REVISION.—At least once during each 5-year period beginning on the date of the submission of the cohesive wildfire management strategy under subsection (a), the Secretaries shall revise the strategy submitted under that subsection to address any changes affecting the strategy, including changes with respect to landscape, vegetation, climate, and weather.

SA 2494. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 240, between lines 13 and 14, insert the following:

SEC. 423. JUNGO DISPOSAL SITE EVALUATION.

Using funds made available under this Act, the Director of the United States Geological Survey shall conduct an evaluation of the aquifers in the area of the Jungo Disposal Site in Humboldt County, Nevada (referred to in this section as the ''site''), to evaluate—

(1) how long it would take waste seepage (including asbestos, discarded tires, and sludge from water treatment plants) from the site to contaminate local underground water resources;

(2) the distance that contamination from the site would travel in each of—

(A) 95 years; and

(B) 190 years;

(3) the potential impact of expected waste seepage from the site on nearby surface water resources, including Rye Patch Reservoir and the Humboldt River;

(4) the size and elevation of the aquifers; and

(5) any impact that the waste seepage from the site would have on the municipal water resources of Winnemucca, Nevada.

SA 2495. Mr. SCHUMER (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the interior, environment, 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 193, line 13, insert before '': *Provided*'' the following: ''and of which $2,000,000 may be made available to the Pest and Disease Revolving Loan Fund established by section 10205(b) of the Food, Conservation, and Energy Act of 2008 (16 U.S.C. 2104a(b))''.

SA 2496. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the interior, environment, 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. ___. PROHIBITION ON USE OF FUNDS FOR THE NATIONAL ENDOWMENT FOR THE ARTS.

None of the funds made available under this Act may be used for the National Endowment for the Arts.

SA 2497. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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. _____. PROHIBITION ON USE OF FUNDS FOR CALIFORNIA NATIONAL HISTORIC TRAIL INTERPRETIVE CENTER, NEVADA.

None of the funds made available under this Act may be used for the California National Historic Trail Interpretive Center in the State of Nevada.

SA 2498. Ms. COLLINS (for herself, Mr. VITTER, Mr. ISAKSON, and Mr. ROBERTS) submitted an amendment intended to be proposed by her to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

FUNDING LIMITATION

SEC. ___. None of the funds made available by this Act or any other Act may be used for the administrative expenses of any official identified by the President to serve in a position without express statutory authorization and which is responsible for the interagency development or coordination of any rule, regulation, or policy unless—

(1) the President certifies to Congress that such official will respond to all reasonable requests to testify before, or provide information to, any congressional committee with jurisdiction over such matters; and

(2) such official submits a report biannually to each congressional committee with jurisdiction over such matters, describing the activities of the official and the office of such official, any rule, regulation, or policy that the official or the office of such official participated or assisted in the development of, or any rule, regulation, or policy that the official or the office of such official directed be developed by the department or agency with statutory responsibility for the matter.

SA 2499. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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 209, line 21, before the period at the end, insert '': *Provided further*, That if the Indian Health Service has reserved unobligated funds for contract health services for fiscal year 2009, the Service shall pay, not later than 90 days after the date of enactment of this Act, the Indian Health Service share of contract health service obligations that were approved for payment before October 1, 2009, and incurred after October 1, 1999, for contract health care provided to contract health service-eligible users in the Schurz Service Unit''.

SA 2500. Mr. DEMINT (for himself and Mr. MCCAIN) proposed an amendment to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

None of the funds made available by this Act may be used by the Secretary of the Interior to restrict, reduce, or reallocate any water, as determined in—

(1) the biological opinion published by the United States Fish and Wildlife Service and dated December 15, 2008; and

(2) the biological opinion published by the National Marine Fisheries Service and dated June 4, 2009.

SA 2501. Mr. RISCH submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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 122, line 11, insert before the period at the end the following: '': *Provided*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111–8 (123 Stat. 524), the amount of $2,000,000 made available for the Henry's Lake ACEC in the State of Idaho (as described in the table entitled ''Congressionally Designated Spending'' contained in section 430 of that joint explanatory statement) shall be made available for the Upper Snake/South Fork River ACEC/SRMA in the State of Idaho''.

SA 2502. Mr. WHITEHOUSE (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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. ___. (a) The Senate finds that—

(1)(A) mercury was used in switches found in the convenience lighting and anti-lock brake systems of old cars, including models manufactured overseas before 1992 and models manufactured in the United States before 2003;

(B) if those switches are not removed from a car prior to crushing, the resulting scrap metal will contain mercury;

(C) every year, the steel industry melts down 12,000,000 to 14,000,000 used cars as valuable feedstock for steel;

(D) when the scrap is melted, mercury is released through the stacks of the furnaces and into the air people breathe;

(E) while each switch is small, the quantity of mercury found in the switches adds up quickly;

(F) in 2003, the cars recycled by the steel industry contained 8,500,000 switches and approximately 10 tons of mercury;

(G) steel is the fourth largest emitter of mercury in the United States; and

(H) vehicle switches are the largest source of mercury for the steel industry;

(2)(A) in August 2006, 9 organizations launched the National Vehicle Mercury Switch Recovery Program (referred to in this section as the ''Program'') to increase the recovery of mercury-filled switches found in old cars, including—

(i) the American Iron and Steel Institute;

(ii) the Steel Manufacturers Association;

(iii) the Automotive Recyclers Association;

(iv) the Institute of Scrap Recycling Industries;

(v) the End of Life Vehicles Corporation;

(vi) the Environmental Defense Fund;

(vii) the Ecology Center;

(viii) the Environmental Council of the States; and

(ix) the Environmental Protection Agency;

(B) the Program is operating through the End of Life Vehicles Corporation (referred to in this section as ''ELVS''), a nonprofit organization established and operated by automobile manufacturers and other founders of the national voluntary Program; and

(C) ELVS—

(i) educates scrappers on how to recover mercury switches;

(ii) provides sealed containers for the scrappers to use when shipping the switches to ELVS;

(iii) negotiates responsible disposal of the switches;

(iv) pays incentive bounties for each recovered switch; and

(v) handles the receipt and responsible disposal of switches from States with mandatory mercury switch recycling laws;

(3)(A) in February 2008, after 18 months of operation, the Program collected 1,000,000 switches; and

(B) collection has picked up since with more than 1,000,000 switches recovered during the 12 month-period beginning in August 2008; and

(4)(A) since August 2009, however, the bounty fund established by the auto and steel industry had been empty;

(B) funding for the operation of ELVS itself is in jeopardy; and

(C) the timing is particularly unfortunate in light of the success of the Cash for Clunkers Temporary Vehicle Trade-In Program, which has resulted in another 670,000 old cars being taken off the road and recycled.

(b) It the sense of the Senate that the Senate—

(1) supports the National Vehicle Mercury Switch Recovery Program; and

(2) urges the founders of the effective Program find a way to fund the Program so that the successful efforts of the Program to prevent mercury pollution may continue.

SA 2503. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

Beginning on page 144, strike line 11 and all that follows through page 146, line 23, and insert the following:

$2,334,322,000, to remain available until September 30, 2011 except as otherwise provided herein; of which not to exceed $8,500 may be for official reception and representation expenses; of which not to exceed $74,915,000 shall be for welfare assistance payments: *Provided*, That in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster; of which, notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $154,794,000 shall be available for payments for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2010, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; of which not to exceed $566,702,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2010, and shall remain available until September 30, 2011; of which $50,000,000 is appropriated to the Emergency Fund for Indian Safety and Health, established by section 601 of Public Law 110–293 (25 U.S.C. 443c); and of which not to exceed $60,958,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided further*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $43,373,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2009 for the operation of Bureau-funded schools, and up to $500,000 within and only from such amounts made available for administrative cost grants shall be available for the transitional costs of initial administrative cost grants to grantees that assume operation on or after July 1, 2009, of Bureau-funded schools: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2011, may be transferred during fiscal year 2012 to an Indian forest land assistance account established for the benefit of the holder of the funds within the holder's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2012: *Provided further*, That in order to enhance the safety of Bureau field employees, the Bureau may use funds to purchase uniforms or other identifying articles of clothing for personnel.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $200,000,000, to remain available

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SA 2504. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 219, line 5, before ''and including'', insert the following: ''of which $5,000,000 may be made available to the Secretary of the Interior to develop, in conjunction with Morehouse College, a program to catalogue,preserve, provide public access to and research on, develop curriculum and courses based on, provide public access to, and conduct scholarly forums on the important works and papers of Dr. Martin Luther King, Jr. to provide a better understanding of the message and teachings of Dr. Martine Luther King, Jr.;''.

SA 2505. Mr. CARPER (for himself, Mr. MERKLEY, Ms. KLOBUCHAR, and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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 192, between lines 6 and 7, insert the following:

GENERAL PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY

BLACK CARBON

SEC. 201. (a) Not later than 18 months after the date of enactment of this Act, the Administrator, in consultation with other Federal agencies, may carry out and submit to Congress the results of a study to define black carbon, assess the impacts of black carbon on global and regional climate, and identify the most cost-effective ways to reduce black carbon emissions—

(1) to improve global and domestic public health; and

(2) to mitigate the climate impacts of black carbon.

(b) In carrying out the study, the Administrator shall—

(1) identify global and domestic black carbon sources, the quantities of emissions from those sources, and cost-effective mitigation technologies and strategies;

(2) evaluate the public health, climate, and economic impacts of black carbon;

(3) identify current and practicable future opportunities to provide financial, technical, and related assistance to reduce domestic and international black carbon emissions; and

(4) identify opportunities for future research and development to reduce black carbon emissions and protect public health in the United States and internationally.

(c) Of the amounts made available under this title under the heading ''ENVIRONMENTAL PROGRAMS AND MANAGEMENT'' for operations and administration, up to $2,000,000 shall be—

(1) transferred to the account used to fund the Office of Air Quality Planning and Standards of the Environmental Protection Agency; and

(2) used by the Administrator to carry out this section.

SA 2506. Mr. CARPER (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 2477 submitted by Mr. HARKIN (for himself, Mr. NELSON of Nebraska, Mr. GRASSLEY, Mr. THUNE, Mr. JOHNSON, and Mr. BOND) and intended to be proposed to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

Beginning on page 1, strike line 6 and all that follows through page 2, line 5, and insert the following:

SEC. 201. The funds made available for the Environmental Protection Agency under this title may be expended by the Administrator of the Environmental Protection Agency to promulgate regulations for the renewable fuel program established under section 211(o) of the Clean Air Act (42U.S.C. 7545(o)) only if the regulations take into consideration an appropriate characterization, as determined by the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Agriculture and the Secretary of Energy, of the uncertainty in calculating the international indirect land use change emissions in the implementation of the renewable fuel program.

SA 2507. Mr. TESTER (for himself, Mr. BARRASSO, Mr. CRAPO, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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 193, line 9, strike ''$1,556,329,000'' and insert ''$1,552,429,000''.

On page 193, line 20, insert before the period at the end the following: '': *Provided further*, that $282,617,000 shall be made available for recreation, heritage, and wilderness''.

On page 240, between lines 13 and 14, insert the following:

SEC. 423. CABIN USER FEES.

Notwithstanding any other provision of law, none of the funds made available by this Act shall be used to increase the amount of cabin user fees under section 608 of the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6207) to an amount beyond the amount levied on December 31, 2009.

SA 2508. Mr. VITTER proposed an amendment to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 240, between lines 13 and 14, insert the following:

SEC. 423. PROHIBITION ON USE OF FUND TO DELAY DRAFT PROPOSED OUTER CONTINENTAL SHELF OIL AND GAS LEASING PROGRAM 2010–2015.

None of the funds made available by this Act shall be used to delay the Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010–2015 issued by the Secretary of the Interior under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344).

SA 2509. Mr. ROBERTS (for himself, Mr. BROWNBACK, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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 IV, add the following:

BUYOUT AND RELOCATION

SEC. 4____. (a) As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator'') is encouraged to consider all appropriate criteria, including cost-effectiveness, relating to the buyout and relocation of residents of properties in Treece, Kansas, that are subject to risk relating to, and that may endanger the health of occupants as a result of risks posed by, chat (as defined in section 278.1(b) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act)).

(b) For the purpose of the remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) that includes permanent relocation of residents of Treece, Kansas, any such relocation shall not be subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(c) Nothing in this section shall in any way affect, impede, or change the relocation or remediation activities pursuant to the Record of Decision Operable Unit 4, Chat Piles, Other Mine and Mill Waste, and Smelter Waste, Tar Creek Superfund Site, Ottawa County, Oklahoma (OKD980629844) issued by the Environmental Protection Agency Region 6 on February 20, 2008, or any other previous Record of Decision at the Tar Creek, Oklahoma, National Priority List Site, by any Federal agency or through any funding by any Federal agency.

SA 2510. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 2477 submitted by Mr. HARKIN (for himself, Mr. NELSON of Nebraska, Mr. GRASSLEY, Mr. THUNE, Mr. JOHNSON, and Mr. BOND) and intended to be proposed to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

Beginning on page 1, strike line 6 and all that follows through page 2, line 5, and insert the following:

SEC. 201. The funds made available for the Environmental Protection Agency under this title may be expended by the Administrator of the Environmental Protection Agency to promulgate regulations for the renewable fuel program established under section 211(o) of the Clean Air Act (42U.S.C. 7545(o)) only if the regulations take into consideration an appropriate characterization of ranges, as determined by the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Agriculture and the Secretary of Energy, of the uncertainty in calculating the international indirect land use change emissions in the implementation of the renewable fuel program.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing previously announced for September 17, 2009, has been rescheduled before the Senate Committee on Energy and Natural Resources. The hearing will now be held on Thursday, October 1, 2009, at 9:45 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on Energy and Related Economic Effects of Global Climate Change Legislation.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to *Gina_Weinstock@energy.senate.gov*.

For further information, please contact Jonathan Black at (202) 224–6722 or Gina Weinstock at (202) 224–5684.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 22, 2009, at 9 a.m., in room 216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 22, 2009, at 10 a.m. to conduct a hearing entitled ''World at Risk: The Weapons of Mass Destruction Prevention and Preparedness Act of 2009.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 22, 2009 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TERRORISM AND HOMELAND SECURITY

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Terrorism and Homeland Security, be authorized to meet during the session of the Senate, on September 22, 2009, at 2:30 p.m. in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Strengthening Security and Oversight at Biological Research Laboratories.''

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING MINORITY PARTY COMMITTEE APPOINTMENTS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 279, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 279) making minority party appointments for certain committees for the 111th Congress.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SANDERS. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 279) was agreed to, as follows:

S. RES. 279

Resolved, that the following be the minority membership on the following committees for the remainder of the 111th Congress, or until their successors are appointed:

COMMITTEE ON ARMED SERVICES: Mr. McCain, Mr. Inhofe, Mr. Sessions, Mr. Chambliss, Mr. Graham, Mr. Thune, Mr. Wicker, Mr. LeMieux, Mr. Burr, Mr. Vitter, and Ms. Collins.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS: Mr. Shelby, Mr. Bennett, Mr. Bunning, Mr. Crapo, Mr. Corker, Mr. DeMint, Mr. Vitter, Mr. Johanns, Mrs. Hutchison, and Mr. Gregg.

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION: Mrs. Hutchison, Ms. Snowe, Mr. Ensign, Mr. DeMint, Mr. Thune, Mr. Wicker, Mr. LeMieux, Mr. Isakson, Mr. Vitter, Mr. Brownback, and Mr. Johanns.

SPECIAL COMMITTEE ON AGING: Mr. Corker, Mr. Shelby, Ms. Collins, Mr. Hatch, Mr. LeMieux, Mr. Brownback, Mr. Graham, and Mr. Chambliss.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to the provisions of Public Law 99–93, as amended by Public Law 99–151, appoints the Senator from Idaho, Mr. RISCH, as a member of the United States Senate Caucus on International Narcotics Control.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SANDERS. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 304, 428, 430, 431, 432, 433, and 434; that the nominations be confirmed en bloc and the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Carmen R. Nazario, of Puerto Rico, to be Assistant Secretary for Family Support, Department of Health and Human Services.

DEPARTMENT OF STATE

David C. Jacobson, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Canada.

Lee Andrew Feinstein, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Poland.

Barry B. White, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Norway.

Michael H. Posner, of New York, to be Assistant Secretary of State for Democracy, Human Rights, and Labor.

Robert D. Hormats, of New York, to be an Under Secretary of State (Economic, Energy, and Agricultural Affairs).

Robert D. Hormats, of New York, to be United States Alternate Governor of the International Bank for Reconstruction and Development for a term of five years; United States Alternate Governor of the Inter-American Development Bank for a term of five years; United States Alternate Governor of the African Development Bank for a term of five years; United States Alternate Governor of the African Development Fund; United States Alternate Governor of the Asian Development Bank; and United States Alternate Governor of the European Bank for Reconstruction and Development.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

Mr. SANDERS. 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.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, are we in a period of morning business?

The PRESIDING OFFICER. Yes, we are.

Mr. REID. I ask unanimous consent that we terminate morning business and move to the legislation that is before the Senate.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—Continued

The PRESIDING OFFICER. The clerk will report the title of the bill.

The legislative clerk read as follows:

A bill, (H.R. 2996) making appropriations for the Department of the Interior, environment and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk on the substitute amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee substitute amendment to Calendar No. 98, H.R. 2996, the Interior Appropriations Act for Fiscal Year 2010.

Harry Reid, Dianne Feinstein, Patrick J. Leahy, Edward E. Kaufman, Debbie Stabenow, Patty Murray, Barbara A. Mikulski, Barbara Boxer, Daniel K. Inouye, Ben Nelson, Sherrod Brown, Michael F. Bennet, Tom Harkin, Bill Nelson, Richard J. Durbin, Sheldon Whitehouse, John F. Kerry.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk with respect to the bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Calendar No. 98, H.R. 2996, the Interior Appropriations Act for Fiscal Year 2010.

Harry Reid, Dianne Feinstein, Patrick J. Leahy, Edward E. Kaufman, Debbie Stabenow, Patty Murray, Barbara A. Mikulski, Barbara Boxer, Daniel K. Inouye, Ben Nelson, Sherrod Brown, Michael F. Bennet, Tom Harkin, Bill Nelson, Richard J. Durbin, Sheldon Whitehouse, John F. Kerry.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorums required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, SEPTEMBER 23, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Wednesday, September 23; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for 90 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the majority controlling the first 45 minutes and the Republicans controlling the second 45 minutes; that following morning business, the Senate resume consideration of Calendar No. 98, the Interior appropriations.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, there will be some rollcall votes during tomorrow's session, the extent of which has not been determined at this time. Cloture motions were filed earlier on the committee substitute amendment and on the bill itself. As a result, there is a filing deadline for first-degree amendments to H.R. 2996 of 1 p.m. tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. 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 7:43 p.m., adjourned until Wednesday, September 23, 2009, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Tuesday, September 22, 2009:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CARMEN R. NAZARIO, OF PUERTO RICO, TO BE ASSISTANT SECRETARY FOR FAMILY SUPPORT, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

DEPARTMENT OF STATE

DAVID C. JACOBSON, OF ILLINOIS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO CANADA.

LEE ANDREW FEINSTEIN, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF POLAND.

BARRY B. WHITE, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NORWAY.

MICHAEL H. POSNER, OF NEW YORK, TO BE ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS, AND LABOR.

ROBERT D. HORMATS, OF NEW YORK, TO BE AN UNDER SECRETARY OF STATE (ECONOMIC, ENERGY, AND AGRICULTURAL AFFAIRS).

ROBERT D. HORMATS, OF NEW YORK, TO BE UNITED STATES ALTERNATE GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS; UNITED STATES ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT FUND; UNITED STATES ALTERNATE GOVERNOR OF THE ASIAN DEVELOPMENT BANK; AND UNITED STATES ALTERNATE GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.

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

LAUDING TURKEY AND ARMENIA FOR STEPS TOWARD NORMALIZATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Ms. GRANGER. Madam Speaker, the Republics of Turkey and Armenia took a major step forward in August moving closer to normalizing diplomatic relations and developing productive bilateral relations. Such a step chips away at the past tension between the two nations.

The protocols agreed to by the two parties will ultimately lead to the opening of the border between the two countries. This will not only ease tensions between Armenia and Turkey but will also enhance stability in the region. These protocols also established a timetable and process for normalizing relations. As a Co-Chair of the Congressional Caucus on Turkey, I support the statements by the international community such as the NATO Secretary General and the U.S. Department of State in welcoming improvements in Turkey-Armenia relations.

These efforts are a tremendous step in the proper direction, but there are still further steps to come. I encourage the two governments to move forward with their internal consultations and parliamentary ratifications of the protocols as quickly as possible, so that a new chapter in the Turkish-Armenia bilateral relationship can begin to unfold. This is an historic change that will benefit both nations, and the United States wholeheartedly supports these actions.

STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2009

SPEECH OF

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. FORBES. Madam Speaker, I voted to oppose H.R. 3221, the Student Aid and Fiscal Responsibility Act of 2009, because I cannot support legislation that amounts to a government takeover of student loans, and at the expense of private industry. The same legislation does continue several efforts I have championed throughout my time as a Member of Congress, and it is regretful that these initiatives were not taken up separately to make it easier for students to get the financial aid they need to get a college degree.

I support increasing the amount of aid available to college students through Pell Grants awards and voted to do so twice in the 110th Congress (H.R. 4137 and H.R. 2669). This program is vital to ensuring the accessibility of higher education for all Americans and I'm pleased this bill continues this increase in Pell Grants.

In addition, I supported efforts to cut interest rates on federal student loans in half (H.R. 5) and to expand eligibility for parents to qualify for education loans for their children (H.R. 5715). I have also been a strong supporter of funding for Historically Black Colleges and Universities (HBCUs) and Minority Serving Institutions, which received valuable support in this bill as well.

I was a proud supporter and original sponsor of legislation that would help bridge economic opportunity and the digital divide between minority institutions and their counterparts (H.R. 4137 in the 110th). I will continue to fight for these critical initiatives and others to improve access and quality in American education.

Pell Grants awards, HBCUs, community college funding, and pre–K programs are too important to include them in the same bill alongside reckless provisions that restrict the student loan market and place the fate of student access to financial aid under the care and supervision of the federal government.

HONORING B. TODD JONES

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Mr. ELLISON. Madam Speaker, I rise today to congratulate B. Todd Jones on his confirmation as the U.S. Attorney for Minnesota.

For U.S. Attorney Jones, my dear friend, this appointment represents the latest record in a life time of proud service to his beloved State of Minnesota, and to his country.

Upon graduating from the University of Minnesota Law School in 1983, B. Todd served on active duty for six years in the Marine Corps. He was called back to active duty and served with distinction in Operation Desert Storm.

In the private sector, B. Todd has tirelessly worked to uphold equal justice under the law. As an attorney with several Minnesota law firms, his diligent work on behalf of his clients has earned him broad respect in the legal community.

Also noteworthy are his efforts to promote diversity in the legal community so that it may better serve all Americans. To this end, B. Todd helped found, and served on the executive board of, Twin Cities Diversity in Practice.

Mr. Jones previously served as the U.S. District Attorney for Minnesota from 1998 to 2001. Based on a life steeped in public service, I have every confidence that B. Todd Jones will once more serve Minnesota and our nation with distinction.

Madam Speaker, let me again extend my most sincere congratulations to my friend and wish him well as he continues his service to our country.

HONORING MESOTHELIOMA AWARENESS DAY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to highlight the importance of September 26, which the Illinois House of Representatives has declared as Mesothelioma Awareness Day.

According to the National Cancer Institute, about 2,000 cases of mesothelioma are diagnosed each year in the United States. Understanding that diagnosing mesothelioma is often difficult and could be years and years after exposure, a biopsy is required to make a confirmation. This means that many people may go without proper diagnosis and medical care.

Research is being conducted, funded by the National Cancer Institute, pharmaceutical companies, and the Mesothelioma Applied Research Foundation. The Mesothelioma Applied Research Foundation is the beneficiary of a fundraiser on September 26 in Alton, Illinois—the Miles for Meso 5K.

I want to congratulate the law firm of Simmons Browder Gianaris Angelides & Barnerd, the many volunteers who put together Miles for Meso, and all the participants in the 5K run and walk.

The Simmons firm and its employees and John and Jane Simmons personally have shown their commitment to the region as evident in their efforts at Miles for Meso and through many other community service projects and donations.

STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2009

SPEECH OF

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

The House in Committee of the Whole House on the State of the Union had under consideration of the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for other purposes:

Mr. POMEROY. Madam Chair, I rise today in support of H.R. 3221, important legislation that will provide critical resources for community colleges and expand access to higher education for our nation's students. While I have some remaining concerns with this bill that need to be addressed before enactment, I am voting to move this measure forward in the process because it strengthens our student aid programs while decreasing our federal deficit by $10 billion.

H.R. 3221 provides an historic investment in Pell Grants and ensures that interest rates remain low on need-based federal student

loans. I am a strong supporter of making college more accessible for everyone, and am pleased that the bill invests $90 million in North Dakota for the Pell Grant program. This increased level of funding means that 17,143 student will be eligible for a Pell Grant award in the 2010–2011 academic year, an increase of 37 percent over the 12,467 North Dakota students eligible in the 2007–2008 school year. And by 2019, the number of students receiving Pell Grants will nearly double from 2007–2008 levels to 21,410. Under this legislation, the maximum Pell Grant scholarship will ultimately reach $6,900 by 2019, representing over a 45 percent increase in the maximum Pell Grant Award over the next 10 years from today's maximum Pell Grant level of $4,731. This is good news for students.

However, there are a few issues of remaining concern with H.R. 3221. First, I strongly believe that student loans should be affordable. I have heard concerns from several North Dakota institutions that under the new Direct Perkins loans program, students are required to pay interest accrued on Direct Perkins loans while they are in school. The final proposal of this bill must weigh these concerns with the number of new students who will enter the Perkins loan program as a result of increasing the loan authority of this program.

Second, it is important to ensure that rural and rural-serving community colleges receive their fair share of funding from the new Higher Education Federal Assistance for Community College Modernization and Construction program. Rural and rural-serving colleges face unique challenges in providing critical educational opportunities for our nation's rural students, and should receive an appropriate portion of the funding provided under this program. I also believe that the Veterans Resource Officer Grant program should be modified to better ensure that rural and small schools have access to this program.

Third, as the only state-owned bank in the country, the Bank of North Dakota should continue to be allowed to provide student loans. The Bank of North Dakota currently serves about 75 percent of North Dakota students and has been a wonderful partner for students and their families. The Bank of North Dakota's service should not be disrupted. This is why I led an amendment that was made in order that ensures that non-profit entities like the Bank of North Dakota can continue to provide valuable student borrower services, including delinquency prevention, default aversion, and loan counseling. In addition, I appreciate Chairman MILLER'S commitment on the floor to work with me in conference to ensure that this important institution will continue to have a role in federal student lending programs.

Having received the Chairman's assurances to work together on these issues in conference, I am going to vote to move this bill forward. I hope by furthering this bill, we can build on its historic investments in the Pell Grant program and strengthen its provisions for North Dakota schools and students.

IN RECOGNITION OF JOHN TRACY FOR BEING NAMED THE 2009 AGRICULTURIST OF THE YEAR BY THE KERN COUNTY FAIR

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Mr. COSTA. Madam Speaker, I rise today to honor Mr. John Tracy of Buttonwillow, California, the recipient of the 2009 Agriculturist of the Year Award from the Kern County Fair.

A fourth generation Californian, John Tracy was born in Bakersfield in 1947, the third of four sons to Tilton and Kathryn Tracy. John attended Wildwood Grammar School and graduated in 1965 from Wasco High School, where he was active in athletics and student government. Immediately following high school, Mr. Tracy attended California Polytechnic State University, San Luis Obispo, earning a degree in Farm Management in 1969. While at Cal Poly, Mr. Tracy met his wife, Donna Allen. They married in 1970 and have two children, Allen and Jessica.

Mr. Tracy is a member of the Historic Tracy Ranch, established in 1862 in Buttonwillow. He is also a founding partner of the Buttonwillow Land and Cattle Company. Primarily an agricultural operation, the enterprise has ventured into other business interests such as commercial property, a hotel, and a feedlot in Texas. Mr. Tracy's business sense and work ethic are excellent examples of his fine character and success.

Mr. Tracy is involved with several community and professional organizations including the Kern County Cattleman's Association, California Cattleman's Association, National Cattleman's Beef Association, California Feeders Association, California Beef Council, Cattle PAC and the Kern County Ag Foundation. He also has been active in the Buttonwillow Lions Club, Kern County Law Enforcement Association, Pismo Beach Moose Lodge, Los Flojos and Rancheros Visitadores. Mr. Tracy also served as Mayor of Buttonwillow in 1982.

Mr. Tracy has been involved with the Kern County Fair throughout his life. He showed animals during his youth, and then helped his children, as well as countless others, do the same. His family's support of the junior livestock auction is also a testament to Mr. Tracy's contributions to the Kern County Fair and the community.

John Tracy is a man of integrity, honesty and compassion. He genuinely cares for his community and is willing to share his vast knowledge with others. In addition, he and I share the same passion for the well-being of California's San Joaquin Valley. For this and so much more, I am honored to consider John Tracy a friend and certainly commend him for all his accomplishments and extend my most sincere congratulations for receiving this prestigious award from the Kern County Fair. As a respected agriculturalist in our nation, it is fitting and proper that John be so honored.

NORMALIZATION OF RELATIONS BETWEEN TURKEY AND ARMENIA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Mr. HASTINGS of Florida. Madam Speaker, on August 31, 2009, the Republic of Turkey and the Republic of Armenia announced their intention to normalize relations. The leaders of these two countries, working together with the Swiss Federal Department of Foreign Affairs, have agreed to begin discussions that will culminate in the signing of two protocols within the next six weeks. The protocols will then be submitted to the respective Parliaments for ratification on each side. These two protocols provide for a framework for the normalization of relations, including the establishment of diplomatic relations and opening of the common border.

This development has significant implications not only for Turkey and Armenia, but for the entire Caucasus region, which has had a turbulent and sometimes troubled history. The successful efforts of Turkey and Armenia to open borders, develop trade relations and other economic benefits, and create a long-lasting dialogue will serve to promote peace and stability throughout the region. I believe that we all should welcome this development and strongly support it.

Madam Speaker, I applaud the leadership of Turkey and Armenia and encourage these two nations to work diligently in the weeks ahead to create a framework that will advance peaceful and fruitful relations for many years to come.

HONORING KENNEDY CHILD STUDY CENTER

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Mrs. MCCARTHY of New York. Madam Speaker, I rise in honor of the Kennedy Child Study Center to commemorate its remarkable contributions to the youth of America. Celebrating its 50th anniversary, the Kennedy Child Study Center has helped thousands of children overcome major developmental obstacles. Through a wide range of programs, the Kennedy Child Study Center, and its highly qualified staff, have provided children with guidance and encouragement. For this, the Kennedy Child Study Center and its staff, both present and past, are deserving of recognition.

The Kennedy Child Study Center has done much for the communities in Manhattan and the Bronx in New York City. Over the past half-century, thousands of children have been given the opportunity to receive the proper care, education and social interactions they deserve through the Kennedy Child Study Center. This organization fully understands the significance early diagnosis of learning disabilities has on a child's achievements in school and everyday life. Through preschool and early intervention programs they are able to detect developmental problems and then provide the proper guidance and developmental assistance. They offer a wide spectrum of programs to enhance a child's lifestyle. A few examples of these services include special early

childhood education, physical therapy, nursing, psychological testing and music and art supervision. As the Kennedy Child Study Center celebrates its 50th anniversary, it is a great time to reflect on all the positive work its organization has done for the youth of America and to look towards a future where children with developmental disabilities have access to quality care and educational success.

The dedicated work of the Kennedy Child Study Center is inspiring to us all, and I am immensely grateful to them for all that they have accomplished. I ask my colleagues to join me in expressing the gratitude of the U.S. Congress for their extensive contributions to society.

ADVANCED VEHICLE TECHNOLOGY ACT OF 2009

SPEECH OF

HON. PHIL HARE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3246) to provide for a program of research, development, demonstration and commercial application in vehicle technologies at the Department of Energy:

Mr. HARE. Mr. Chair, I rise today in strong support of H.R. 3246, the Advanced Vehicle Technology Act of 2009. I commend our colleague from Michigan, Representative GARY PETERS, for authoring this important legislation, which will create the most comprehensive national vehicle research and development program to date. I would also like to acknowledge my colleague from the Illinois delegation, Representative JUDY BIGGERT, for her efforts in working with Representative PETERS to bring this bill to the floor.

Today, our nation faces many serious challenges such as rising unemployment, energy demands that continue to increase exponentially, fierce global competition in technology innovation and the threat of a warming planet, yet the Advanced Vehicle Technology Act provides hope in many of these areas. As one of the largest and busiest bases of manufacturing in the U.S., my home state of Illinois stands to greatly benefit from H.R. 3246. New opportunities are created for Illinois engine and equipment manufacturers, such as John Deere, to build and use products that excel in terms of efficiency and productivity, and contribute to our sustainability. The bill also ensures that American manufacturers remain competitive worldwide by allowing for the collaboration between the Department of Energy and American automakers and commercial, transit, and non-road vehicle manufacturers to develop cutting edge, environmentally friendly technologies.

Additionally, I strongly urge the passage of Chairman GORDON's amendment to H.R. 3246, that includes a small—but important—change to this measure that I authored, which broadens the playing field for those wanting to collaborate with the Department of Energy under this program to include non-road mobile equipment manufacturers. I believe this change in language is critical as many states have petitioned the Environmental Protection Agency with their concerns over greenhouse gas emissions from non-road vehicles and have stated that these vehicles and pieces of equipment are worthy of consideration for partnership with the Department of Energy. Put simply, this amendment makes a great bill even better by allowing manufacturers of non-road mobile equipment in the fields of agriculture, construction and mining and forestry a chance to work with the Department of Energy to find innovative ways to reduce America's dependence on foreign oil and the harmful emissions that cause global warming.

The Gordon amendment and the overall bill both help keep American innovation within U.S. borders, and importantly do the same for the research, development and manufacturing jobs that come with those innovations. Furthermore, this bill has the support of a broad range of groups such as Deere & Company, Caterpillar, the U.S. Chamber of Commerce, the Natural Resources Defense Council, and the Sierra Club. The wide array of support this bill has drawn from both ends of the spectrum is evidence of the need for this legislation to become law.

The Advanced Vehicle Technology Act creates and preserves American jobs while having the potential to greatly impact our environment. Again, I applaud and thank my friends GARY PETERS and JUDY BIGGERT, who serve on the Science and Technology Committee for leading the charge on this important legislation. I would also like to thank Chairman GORDON and Ranking Member HALL for their support of this bill. Madam Speaker, I urge the House to adopt both the Gordon amendment and H.R. 3246, the Advanced Vehicle Technology Act of 2009.

SAFETY CENTER INCORPORATION CELEBRATES ITS 75TH ANNIVERSARY

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Ms. MATSUI. Madam Speaker, I rise today to congratulate the civic leaders, city officials and community members who have contributed to making Safety Center Incorporation a success for the past 75 years. This organization started in 1934 and has created a number of innovative programs to help educate thousands of people around the Sacramento area regarding safety on and off the road. I ask all my colleagues to join me in saluting Safety Center Inc. on the 75th anniversary of their founding.

Since its inception, Safety Center Inc. (SCI), formerly known as Sacramento Safety Council, has created several safety training programs for children, teens, disabled adults and seniors. In 1935, 1 year after establishing the organization, SCI conducted its first safe driving training to Sacramento High School students; and in 1936, SCI opened a traffic school for teens. By means of this traffic school program, young drivers were able to use the SCI testing device to learn how quickly they would react in potential driving scenarios. After much excitement between the 1930s and 1950s, the SCI was formally incorporated into the State of California in 1959.

In the 1970s, SCI continued to expand its horizons. On December 9, 1971, SCI authorized the establishment of a drinking and driving program. One week after SCI authorized this program, the State mandated that drunk drivers attend remedial classes, in order to help prevent future drivers from this illegal and unsafe driving behavior. Due to a high Spanish-speaking population, the organization offered Spanish-language defensive driving courses, as well as Courts Alcohol Re-Education (CARE) programs by the mid-1970s.

Within the last quarter-century, Safety Center Inc. has educated more than 2,000 teens in defensive driving techniques, almost 900 seniors in mature driving and more than 600 students in motorcycle riding safety. To include children in their efforts to keep all Californians safe, SCI established a life-saving safety education center known as Safetyville. Children, preschool through third grade, are taken on a tour through a town-like setting, in which they learn fire, pedestrian, stranger danger and railroad safety precautions. This children's program has provided life-saving safety education and training to more than 125,000 children since 1984.

On September 26, 2009, SCI will celebrate 75 years of stability, innovation and of course, safety. I am honored to congratulate and its members who have helped train and protect thousands of people. Madam Speaker, as my constituents gather to celebrate the Safety Center Inc.'s 75th anniversary, I ask all my colleagues to join me in honoring the organization's monumental history and success.

RECOGNIZING THE HUBBARD FAMILY

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Mr. NUNES. Madam Speaker, on behalf of myself and Congressman GEORGE RADANOVICH I rise to offer gratitude to the heroism and strength of the Hubbard family.

Jeff and Peggy Hubbard lost their son Jared, a Marine, in Iraq in 2004. Six months later, their remaining two sons, Nathan and Jason, both enlisted together in the Army—to honor Jared and serve their country.

Both Nathan and Jason served in the same unit in Iraq. In August of 2006, Nathan lost his life while defending freedom, leaving Jason as the remaining sole survivor of his family.

Since then, the Hubbard family has shown grace and strength during these most difficult of times. Because of their sacrifice, in 2008, Congress passed and President Bush signed into law the Hubbard Act which provides benefits to those soldiers who separate honorably as a sole survivor.

The Hubbards have shared the burden of service to this Nation with honor and focused resolve.

Today, I ask that this legislative body recognize the strength of their family, the bravery of Jared and Nathan and the ultimate sacrifice they paid for our country.

SUPPORTING AMERICAN LEGION DAY

SPEECH OF

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 2009

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in strong support of H. Res. 679, Supporting the goals and Ideals of American Legion Day.

The American Legion was chartered by Congress in 1919 as a patriotic, war-time veteran's organization, devoted to mutual helpfulness.

The American Legion has been a guardian of our national ensign, and the first ''Flag Code'' was drafted during a conference called by The American Legion in Washington, D.C. The code eventually was adopted by Congress in 1942. And today, the Legion is at the forefront of efforts to gain a constitutional amendment to protect the American flag from physical desecration.

The American Legion's voice has been instrumental in establishing the Veterans Administration, then later advocated for it to become a cabinet level department, creating a GI bill, and fighting for compensation for Vietnam vets exposed to Agent Orange and for veterans diagnosed with Gulf War Syndrome.

The American Legion became the largest single contributor to the ''Vietnam Wall'' in Washington, DC—its members collectively donated $1 Million dollars.

And today, the American Legion is a strong advocate for today's servicemen and women returning from the battlefields of Iraq and Afghanistan—assisting combat wounded veterans receive compensation for their injuries and helping to create a 21st Century GI Bill.

The reason that we are free today is because brave men and women have answered our Nation's call in our time of need. They have sweated, bled and sacrificed for our freedom.

And as it is written on the Korean War Memorial in Washington, D.C, freedom isn't free—the cost is readily apparent in the rows of crosses in Arlington, where many generations of American warriors have been laid to rest.

We owe our veterans a debt that can never be fully repaid, but I personally want to thank them for your service and sacrifice. I will continue to work to ensure that our veterans get the care, help, and benefits they so richly deserve.

Let us remember our obligations to our Nation's veterans, as Abraham Lincoln said in his Second Inaugural Address, ''to care for him who shall have borne the battle, and for his widow and his orphan.''

The American Legion has been there for our Nation's veterans for over 90 years, and I'm proud to support this resolution, and I yield back the balance of my time.

COMMEMORATING THE HEROES OF THE FIRST BAPTIST CHURCH OF MARYVILLE, IL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to highlight the actions of 3 men who unselfishly risked their lives in the defense of others.

At the early service on Sunday morning, March 8, 2009, an armed gunman entered the First Baptist Church of Maryville, Illinois. He confronted, shot, and killed Pastor Fred Winters as he was conducting the service. Three church members, Keith Melton, Terry Bullard, and Patrick Presson, rushed to the aid of Pastor Winters and to subdue the gunman. In the ensuing confrontation Mr. Melton was the first person to reach the gunman. He was immediately stabbed and forced to withdraw.

Undaunted, Mr. Bullard and Mr. Presson, at great personal risk, engaged the gunman and managed to physically subdue him. In the struggle Mr. Bullard was critically wounded. Once the gunman was under control Patrick's attention instantly turned to assisting his friend Terry. With the assistance of another churchgoer, Jason Shutty, Mr. Presson carried Mr. Bullard to the entrance of the church, secured transportation, and took Mr. Bullard to the emergency room of Anderson Hospital a short distance away.

The immediate, decisive, and courageous actions of these three men undoubtedly saved other lives on that Sunday morning. Mr. Presson's continued actions are credited with saving Mr. Bullard's life. These men are the embodiment of courage and heroism. They are deserving of recognition by and in the United States House of Representatives, in order that a permanent record of their individual and collective character can be preserved.

In a time when the term is often overused, these men are true American heroes, who, when faced with danger, unselfishly launched themselves into harm's way. Their actions were taken without consideration or regard for their personal well-being and unquestionably prevented a horrible situation from becoming worse. These individuals should be held up as examples of ordinary citizens whose behavior and exemplary character shined through in a most dangerous situation.

THE REAL STORY ABOUT COPTIC CHRISTIANS IN EGYPT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Mr. WOLF. Madam Speaker, the Egyptian Embassy in Washington, DC, recently sent the following e-mail to their distribution list:

''Egypt has the largest and oldest Christian community in the Middle East, and is home to 2,069 churches.

''The Coptic Orthodox Church was founded in Alexandria by the apostle Mark in AD 57, making it one of the oldest churches in the world.

''A law requiring Presidential approval for church construction was changed in 2005, transferring that duty instead to the country's governors who are obligated to process churches' requests within 30 days.

''In 2003, President Mubarak declared Coptic Christmas, celebrated on January 7, a national holiday.''

In spite of these overtures by the Egyptian government, the situation for Coptic Christians in Egypt is far from ideal. According to the State Department's 2008 International Religious Freedom Report, ''The approval process for church construction continued to be hindered by lengthy delays, often measured in years. Although government officials maintain that President Mubarak approves all requests for permits presented to him, independent critics charge that delays by the MOI and/or local authorities cause many requests to reach the President slowly or not at all. Some churches have complained that local security officials have blocked church repairs or improvements even when a permit has been issued. Others suggest unequal enforcement of the regulations pertaining to church and mosque projects. Many churches face difficulty in obtaining permits from provincial officials.''

On September 7, The Los Angeles Times reported that Egyptian authorities arrested 155 people in Aswan for publicly eating, drinking or smoking during daylight in the month of Ramadan, including non-Muslims.

There is clearly much that needs to be done by the Egyptian government to ensure the preservation of the Coptic community in Egypt.

MEDIA DOWNPLAY 9/12 PROTESTS

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Mr. SMITH of Texas. Madam Speaker, The national media's coverage of the conservative 9/12 protests was scarce and antagonistic, according to an analysis by the Media Research Center (MRC).

According to MRC, the three TV networks did not offer any pre-rally coverage before the 9/12 protests.

And their coverage afterward intentionally tried to paint a negative picture of the protestors.

Furthermore, a regular commentator on MSNBC dismissed the protestors as ''the fringe of the fringe,'' although they were everyday Americans.

And The New York Times buried its coverage of the protests on page A37 of Sunday's paper.

In contrast, the media gave significantly more—and more positive—coverage to liberal protests recently.

The national media should give fair coverage to protests on both sides, rather than downplaying conservative demonstrations.

WES WATKINS AGRICULTURAL RESEARCH LAB AND POST OFFICE

SPEECH OF

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. SULLIVAN. Madam Speaker, it is with great pleasure that I rise today to honor my

friend and former colleague, Wesley "Wes" Watkins. H.R. 1713 would name the United States Department of Agriculture's South Central Research Laboratory in Lane, Oklahoma, and the facility of the U.S. Postal Service in Bennington, Oklahoma, in honor of the former Congressman Wes Watkins, who represented Oklahoma for 20 years.

Throughout Congressman Watkins's career, he devoted his life to the people of Oklahoma. He began his career of public service in 1974 when he was elected to serve in the Oklahoma State Senate. After U.S. House Speaker Carl Albert announced his retirement after 30 years in office, Congressman Watkins was elected to Congress in 1976. During his time in office, Wes would become the only Oklahoma Congressman to serve on all three major House financial committees, including Appropriations, Budget, and Ways and Means, where he used his influence to increase funding for rural economic development and education programs in the Third District of Oklahoma.

Wes is a man of principal. I am honored to know him and to have worked with him in Congress. He served the great state of Oklahoma and America proudly. I ask that you all join me in supporting H.R. 1713 which recognizes and honors a great public servant to Oklahoma and our Nation.

CELEBRATING THE 100TH ANNIVERSARY OF CRAGIN AND PIKE INSURANCE

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Ms. BERKLEY. Madam Speaker, today I urge my colleagues to join me in recognizing the centennial anniversary of Cragin and Pike Insurance in Las Vegas.

In 1909, the first insurance company in Las Vegas opened its doors in newly incorporated Clark County, Nevada. Peter Buol, the original owner, provided real estate and insurance services to the citizens of the newly established City of Las Vegas. The business philosophy established by Peter Buol was carried on by partners Ernie Cragin and William Pike. Their combined dedication to and vision for our community contributed immensely to the political, economical, and environmental development and history of Southern Nevada.

Ernie Cragin served as Las Vegas Mayor for 25 years and was instrumental in establishing the Helldorado Days celebration and parade downtown. He also worked to bring the U.S. Army's Aerial Gunnery School, which is now known as the world famous Nellis Air Force Base to Southern Nevada.

William Pike, who began as an assistant to Peter Buol and would later own the company, witnessed the construction of the Hoover Dam and helped many of the workers meet their financial and insurance needs.

After the passing of Ernie Cragin and William Pike, Paul McDermott and Frank Kerestesi continued the name of Cragin & Pike Insurance. The current partners—Tom Kerestesi, Mark McKinley, Greg McKinley and Tom Burns continue the Cragin & Pike tradition of personal service by providing insurance, risk management and surety products to Southern Nevadans.

On September 24, 2009, Cragin & Pike Insurance celebrates 100 years of continuously doing business in Southern Nevada. I urge my colleagues to join me in celebrating Cragin and Pike Insurance on their 100th Anniversary.

TRIBUTE TO MR. JOHN LINDSAY

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Mr. SIMPSON. Madam Speaker, I rise today to acknowledge the outstanding contributions of John Lindsay and to wish him well in his next endeavors.

For the past four years, John Lindsay has directed the communications activities of Idaho National Laboratory, INL. During that time, INL has achieved great success as the lead laboratory for the Department of Energy's Office of Nuclear Energy. INL has increased the size of its research portfolio, achieved success in its pursuit and receipt of R&D 100 awards, and played a leading role communicating the technical facts behind the growing nuclear renaissance we see developing in the U.S. and especially around the world. John Lindsay has had a steady hand communicating the lab's success, and he has assembled a strong team that will continue on after he departs.

John's most important contribution to Idaho may have been his leading role in the formation of a public organization known as the Partnership for Science and Technology, which seeks to bring balance and facts into the discussion of science and energy matters. The Partnership has become an effective and trusted resource that can respond quickly to misrepresentations and misstatements regarding nuclear power and any other clean energy source. Indeed, the Partnership mobilized the citizens of Idaho to express their views of nuclear issues to such an extent that this visible public support became a major factor in the decision by AREVA to site its next uranium enrichment plant in Idaho.

John Lindsay is a true professional and a valued member of the communities of eastern Idaho. John is recognized and respected as a true gentleman—he always treats everyone he meets with respect and dignity, and he has brought great respect to Idaho National Lab as one of its most visible leaders.

While we will miss them, on behalf of eastern Idaho, I want to wish John and Terri all the best in their future endeavors.

IN HONOR OF MIKE FUOSS

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Mr. ROGERS of Michigan. Madam Speaker, I rise today in memoriam of Mike Fuoss, who was shot and killed on Friday, September 11, 2009. Mike was a small business owner, father, brother and friend to many in the greater Owosso community.

Mike was born February 7, 1948, in Owosso. He graduated from Corunna High School in 1966. He went on to study Diesel Mechanics and Business at Ferris State University. In 1999, he married his wife, Barbara.

Mike co-owned a number of small businesses throughout Owosso, including Fuoss Gravel Co. and Eddie O'Flynns.

He was a member of the Owosso Home Builders Association, and the Shiawassee County Chamber of Commerce.

Mike loved restoring old cars and hot rods, enjoyed riding his Harley, and was a fan of NASCAR.

Fuoss was a good American who died tragically. The people whose lives he touched through his contributions to the community will miss him dearly.

STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2009

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

The House in Committee of the Whole House on the State of the Union had under consideration of the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for other purposes:

Mr. LANGEVIN. Madam Chair, I rise in support of H.R. 3221, the Student Aid and Fiscal Responsibility Act. This legislation makes urgently-needed investments in our education system by helping students and their families pay for college, modernizing schools and curricula, and training our future workforce for the 21st Century.

H.R. 3221 will provide reliable, affordable, high-quality federal student loans for all families. Beginning July 1, 2010, all new federal student loans will be originated through the Direct Loan Program, which is insulated from market swings and can guarantee students access to low-cost federal loans in any economy.

I am also pleased that $40 billion of the money saved from switching all loans to the Direct Loan Program will go to boosting Pell Grants. Over the next ten years, this measure will invest more than $154.6 million in Rhode Island to increase the maximum annual Pell Grant scholarships to $5,550 in 2010 and to $6,900 by 2019. In the 2010–2011 academic school year, this will help nearly 12,000 eligible students in my congressional district.

Far too many students face unnecessary barriers when it comes to pursuing a college degree. This measure will make it easier to apply for financial aid by simplifying the FAFSA form, which many families find confusing and overly burdensome, and allowing applicants to use the information on their tax returns. Meanwhile, under this bill, Rhode Island will receive $3.8 million over the next five years for the College Access Challenge Grant program, which will bolster college access and completion support programs, increase financial literacy education, and help retain and graduate students.

H.R. 3221 also strengthens our state's seven community colleges that teach more than 15,000 students each year. Community colleges excel at meeting the needs of students from all backgrounds and work with businesses to ensure students have the skills they need to fulfill local workforce needs. This

measure will establish a competitive grant program for community colleges to raise graduation rates, modernize facilities, and create new online learning opportunities.

This legislation not only invests in our college students, but also focuses on the next generation of students by ensuring that all children have the preparation and skills they need on their very first day of school. By creating the Early Learning Challenge Fund, competitive grants will be awarded to states that implement comprehensive reform of birth-to-five early learning programs. H.R. 3221 also provides more than $13.7 million over the next two years to Rhode Island school districts for school modernization, renovation and repair projects that will create healthier, safer and more energy-efficient teaching and learning climates.

Madam Chair, this measure will have long-term benefits for our economy. Going forward, we must continue to build upon these advances so the next generation is encouraged to pursue their dreams.

IN HONOR OF THE 100TH ANNIVERSARY OF THE CAMBRIA COUNTY ASSOCIATION OF TOWNSHIP OFFICIALS

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Mr. MURTHA. Madam Speaker, I rise today in honor of the 100th Anniversary of the Cambria County Association of Township Officials. This organization and the townships that comprise it have seen many changes over the last century since its inception.

When Cambria County's townships first formed, they were primarily agrarian. Farms dotted the landscape and were valuable contributors to the local, state, and national economies. However, as America was quickly industrializing, the townships changed as many of their citizens began working in the coal mines that were opening throughout the county. Even today, the economies are again changing as Cambria County's townships are becoming the center of new, high-tech industries.

Madam Speaker, while the county's industries have changed over the years, Cambria County's townships have adapted by adding and diversifying its businesses. Instead of changing entirely, the townships are now home to agriculture, mining, and high-tech industries.

The townships are also quality places to live, with many who work elsewhere choosing to live and raise families there. They are among the county's assets.

Finally, like the County itself, the townships have endured much hardship, surviving severe flooding in 1889, 1936, and 1977. They also survived the collapse of the steel industry and the ripple effects throughout the entire county. Their resilience is a reflection of the strong people who live and work there.

Over the years, as the townships experienced the economic ups and downs, they have had a constant advocate. The Cambria County Association of Township Officials has been there to lobby on behalf of its members. They meet on a monthly basis, gathering to discuss common issues. The group is also a member of the Pennsylvania State Association of Township Officials.

Madam Speaker, I conclude my remarks by commending the Cambria County Association of Township Officials, as well as the townships themselves, for their hard work and dedication to the people of Cambria County.

CONGRATULATING THE KERN COMMUNITY FOUNDATION ON ITS 10TH ANNIVERSARY

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Mr. MCCARTHY of California. Madam Speaker, I rise today to honor the Kern Community Foundation (KCF) on its 10th anniversary serving the citizens of the southern San Joaquin Valley. KCF was formally established in 1999, but it actually organized in 1995. The Foundation was created to build endowments to address Kern County's changing needs over time, help donors create charitable legacies, and assist nonprofit groups to deliver services to manage their donated funds.

In 2002, KCF joined the League of California Community Foundations, and received re-granting funds from the California Endowment for health needs in Kern County. KCF then launched the Nonprofits' Resource Center in 2003 to assist Kern County's nonprofit organizations with training, discussions of community issues, technical assistance, grant-writing help, e-blast communications, and program support.

In 2005, KCF introduced the Women's & Girls' Fund of Kern County as its first Field of Interest Fund. The Women's & Girls' Fund provides ongoing support to nonprofit organizations that serve Kern's women and girls. To date, the Fund has introduced the concepts of ''collective giving'' and '' giving circles'' to more than 300 donors. KCF's Women's & Girls' Fund has been model for other small foundations in California to emulate.

Also in 2005, the Kern Community Foundation entered strategic re-granting partnerships with private foundations, all of which continue in 2009. These partners include the California Wellness Foundation, the Weingart Foundation, and the James Irvine Foundation. The Kern Community Foundation achieved compliance with ''National Standards for U.S. Community Foundations'' in 2006.

Since its inception, the Kern Community Foundation has promoted philanthropy to individuals, nonprofits and civic groups in numerous Kern communities including Bakersfield, Ridgecrest, Shafter, Wasco and the Kern River Valley area. With new funds added each year, KCF currently holds 90 charitable funds to suit various donors' intent. The Foundation has operated several grant making programs to benefit Kern County: Discretionary Grants; Kern Community Wellness Grants; Weingart-KCF Grants; Kern Community Response Grants; School-to-Career Grants; Women's & Girls' Fund Grants; and GABY (Grant Advisory Board for Youth) Grants.

The Kern Community Foundation has given the County of Kern ten years of dedicated service. I commend KCF for its service to Kern County residents in standing by their mission statement of ''enhancing the quality of life for all of the people of Kern County by encouraging philanthropy, by providing services to donors, and by assisting those who serve to meet the needs of the community.'' I applaud KCF's admirable service to Kern County and will continue to do so for years to come.

HONORING THE LIFE OF FORMER CONGRESSMAN JAMES EDWARD BROMWELL

HON. DAVID LOEBSACK

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Mr. LOEBSACK. Madam Speaker, today I would like to make note of the life of former Congressman James Edward Bromwell. Mr. Bromwell served his country in WWII as an officer after finishing his undergraduate degree at the University of Iowa. Upon honorable discharge from the U.S. Army in 1946, Mr. Bromwell received his MBA from Harvard University and then returned home to receive his JD from the University of Iowa in 1950. Mr. Bromwell served as Assistant Linn County Attorney before being elected as the Representative for the 2nd Congressional District in 1960. As Representative of the 2nd District, Mr. Bromwell sat on the Judiciary Committee and was imperative in contributing and ultimately helping pass the historic Civil Rights Act of 1964. This landmark legislation corrected a serious social injustice within our society. Mr. James Edward Bromwell passed away on July 11, 2009. The service that James Bromwell performed for his country and state will not be forgotten.

TRIBUTE TO THE CLIFTON JEWISH CENTER

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the work of an outstanding religious institution, The Clifton Jewish Center in Clifton, New Jersey, which this year is celebrating its 66th Anniversary of dedicated service and support to the Jewish Community.

It is only fitting that The Clifton Jewish Center be honored in this, the permanent record of the greatest democracy ever known, for the spiritual home it has provided to Jewish American families, especially those just embarking on their American dream, and its dedication to the entire community. This dedication keeps this deeply-rooted institution growing towards the future.

The Clifton Jewish Center is a Conservative Egalitarian Synagogue providing worship, comfort and friendship to the Jewish community. From its beginnings in 1943, with only a handful of families, the Center has been a constant source of cultural and spiritual events for all age groups. The Center's main purpose has always been to enrich the lives of the people of Clifton by providing creative programming of an educational, cultural and recreational nature.

Jewish culture relies a great deal upon the passing of information from one generation to another. The Center offers youth activities such as lectures, workshops, religious school and Hebrew High for students after their bar or bat mitzvah, all aimed at teaching children about the Jewish faith. Events for adult and senior members continue to carry the traditions of the culture and faith as well as provide opportunities for socializing.

The most important service that The Clifton Jewish Center provides is that of being a sounding board and a voice for the thriving Jewish community in the greater Clifton area. Its sponsorship and participation with interfaith programs, human relations and civic improvement reach across the lines of faith to help promote the interests and values of their membership. Under the leadership of Rabbi Ari Korenblit, it is successfully contacting and connecting with all the other organizations in the area.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to learning about and recognizing the efforts of wonderful, thriving community institutions such as The Clifton Jewish Center.

Madam Speaker, I ask that you join the members and clergy of The Clifton Jewish Center, all whose faith has been enriched throughout the years and me in recognizing the outstanding contributions of The Clifton Jewish Center to the Jewish community and beyond.

EARMARK DECLARATION

HON. JASON CHAFFETZ

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Mr. CHAFFETZ. Madam Speaker, I wish to make the following disclosure in accordance with the Republican Earmark Transparency Standards requiring Members to place a statement in the Congressional Record prior to floor vote on a bill that includes earmarks they have requested.

Specifically, H.R. 2265, the Magna Water District Water Reuse and Groundwater Recharge Act of 2009, which I introduced on May 6, 2009, contains an earmark as defined under House Rule XXI, clause 9. The earmark in H.R. 2265 authorizes appropriations for projects under Title XVI of Public Law 102–575, the Reclamation Wastewater and Groundwater Study and Facilities Act.

The project authorized in H.R. 2265 is an advanced water treatment facility and reuse water system in the township of Magna, Utah, located in the northwest quadrant of Salt Lake County. Magna relies on drinking water from two well fields, one of which has been impacted by the contaminant perchlorate, a by-product of decades of manufacturing of rocket motors and explosives by the defense and aerospace industries. Additionally, the EPA changed the standard for arsenic in drinking water, an unfunded mandate for which water suppliers across the Nation must comply. Because of this contamination and the unfunded federal mandate, the Magna Water District is attempting to restore the Barton Well Field, a valuable water resource. Therefore, reclamation of this drinking water source necessitates federal assistance.

This legislation would authorize $12 million to allow for the planning, design, and construction of the Magna Water District (District) water reuse and groundwater recharge project. The District constructed an electrodialysis reversal (EDR) drinking water treatment plant to remove harmful arsenic and perchlorate from the Barton Well Field. To address the water shortage issues facing the citizens of northwest Salt Lake County, the District developed a state-of-the-art, first of its type in the world water reuse and recharge facility, known as BIOBROx, that treats the waste stream from the EDR plant to produce high quality effluent that can be used for outdoor irrigation. In doing so, the District will be saving over 580 million gallons/year of drinkable water that was formerly being used for irrigation purposes.

The project also includes additional pumping facilities, distribution system upgrades, and storage facilities required to deliver reuse water to the District's customers.

The Magna Water District has invested $36 million in the project and is seeking the $12 million federal appropriation to complete construction of the project.

I certify that this project does not have any foreseeable effect on any of my financial interests, nor the interests of any member of my family. Consistent with the Republican Conference's policy on earmarks, I hereby certify that to the best of my knowledge, this request (1) is not directed to an entity or program that will be named after a sitting Member of Congress; (2) is not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

CAPTAIN DREW BESSINGER

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Mr. COSTA. Madam Speaker, I rise today to pay tribute to an extraordinary public safety officer who has spent his entire career serving the public. I am speaking of Captain Drew Bessinger, of the Clovis Police Department (CPD) in Clovis, California. Captain Bessinger will conclude his years of service in law enforcement and retire from the Clovis Police Department this year.

Captain Bessinger was born in the Garden State of New Jersey, where he graduated from high school in 1975. Upon his graduation, he enlisted in the United States Army. During his tenure in the Army, Captain Bessinger was a Military Police Officer; serving in Germany and achieving the rank of Sergeant.

Upon returning from his service overseas, Captain Bessinger worked for the Department of Defense Police in Virginia. Santa Barbara Police Department hired Captain Bessinger which brought him to California in 1980 and he served there until 1984. In 1984, he accepted a position with the University Police Department of Fresno State, my alma mater. He was then hired by the Clovis Police Department in 1987, where he remained for twenty two years in a variety of roles helping the community of Clovis.

At Clovis Police Department, Captain Bessinger served in patrol, investigations, neighborhood policing, youth services, administration, planning and neighborhood services assignments. He continued his years of service with undoubtedly flawless service to the community and people of Clovis, he climbed the ranks from Corporal in October, 1992, and only five years later in 1997 became Sergeant. At the height of his career, he became Captain in April 2007.

During his tenure at Clovis Police Department, Captain Bessinger helped design: the shoulder patch policemen wear on their uniforms for CPD; the department's Honor Guard Badge; and Challenge coin. He also led the Honor Guard Unit, participated in the Peace Officers Memorial at Pelco Company, participated in the Annual Peace Officers Memorial in Fresno's Courthouse Park, the State Officers Memorial in Sacramento, and was an officer at the funeral for fallen Marine Jared Hubbard and Army Soldier Nathan Hubbard. The Hubbard's where sons of a retired department sergeant. Captain Bessinger volunteered for the Special Olympics and also managed to oversee several operations in the CPD including Youth Services, Animal Services, Communications, and administrative duties ranging from writing/updating Municipal Codes, Homeland Security and Grants, Internal Affairs and Audits, Workers Comp, and Public Information.

Aside from serving the public as a Policeman throughout his life, one of Captain Bessinger's proudest accomplishments has been raising his two sons; Derek who is twenty nine and Chris who is twenty five. Singlehandedly, he raised his two boys from the ages of four and sixteen months, a responsibility any father would fathom. During this time, he managed the duties of a father, police officer, and as a student earning his college degree. Captain Bessinger celebrates with his wife Yvonne, their ninth anniversary this year. I ask that my colleagues please salute Captain Bessinger for his years of service in the law enforcement field and to wish him well as he retires from the Clovis Police Department.

RECOGNIZING 15TH ANNIVERSARY OF THE VIOLENCE AGAINST WOMEN ACT

SPEECH OF

HON. PHIL HARE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 2009

Mr. HARE. Mr. Speaker, I rise today in strong support of recognizing the 15th anniversary of the Violence Against Women Act (VAWA) of 1994. I commend our distinguished colleague from New York, Representative SLAUGHTER, for introducing this resolution which recognizes a significant achievement in the women's rights movement.

This landmark legislation, originally authored by our former colleague, Senator JOSEPH BIDEN, set a new standard for preventing violence against women and provides resources necessary for coping with attacks that have occurred. Since the enactment of VAWA fifteen years ago, this country has made significant progress in our response to domestic and dating violence, sexual assaults and stalking.

Provisions of VAWA have allowed for additional training for law enforcement officers dedicated to these issues. Additionally, VAWA authorized funding for an office within the Department of Justice, which is dedicated to ending violence against women. Notably this legislation created a national domestic violence hotline, which has provided information and help to millions of women in crisis.

VAWA has brought communities together in order to address domestic violence and rally support for survivors. It is important for Congress and all Americans to recognize the achievements of this legislation. Since VAWA's inception, this country's awareness of domestic violence has increased and resources to help victims have become more readily available and accessible.

Though we have made great progress, the instances of domestic violence, sexual assault, stalking and dating violence are still too high. Far too many women in our great nation are victims of violence. We must take further action to keep women safe and provide justice for those who have been victims. Too many communities remain underserved and lack the resources to provide services to victims of sexual violence. We need to continue to increase awareness about sexual violence, provide funding to programs that prevent and punish that violence and educate women about the help that is available to victims.

I am proud of the achievements made in the past fifteen years, and I look forward to supporting the renewal of the Violence Against Women Act in 2010. Again, I thank my friend from New York for introducing H. Res. 738 which commemorates this landmark legislation.

IN HONOR OF ROBERT CHILES

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to highlight the actions of Robert Chiles as well as honor all American citizens who embody the spirit of our early patriots.

Beginning on April 15, 2009, Mr. Chiles began circulating a Tea Party Declaration in Springfield, Illinois, requesting the end of ''massive government driven bailouts,'' ''so-called economic stimulus plans,'' ''trillion dollar spending schemes,'' and ''out of control government spending.''

This petition is nearly 60 feet long and contains about 1,000 signatures. The organizer, Mr. Robert Chiles of Rochester, Illinois, says that the petition is signed by ''electricians, plumbers, construction workers, doctors, lawyers, nurses, ministers, teachers, democrats, republicans, law enforcement officers, retired military, stay at home moms, small business owners, you name it.''

The document begins, ''When, in the course of human events, it becomes necessary for like-minded patriotic Americans to rally as one against the powers that threaten to alter, diminish and destroy this country we love. Proper respect for the opinions of our fellow citizens requires that we should clearly state the grievances that impel us to gather at this Springfield, Illinois, tea party to protest peacefully, but passionately in the tradition of our forefathers whose Boston Tea Party resonated around the world.''

I salute these modern day patriots and want to publicly thank them for this petition.

CONGRATULATING WILLIAM HOWARD BRONSON, JR. ON THE OCCASION OF HIS RETIREMENT FROM MOBILE'S PRESS-REGISTER

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Mr. BONNER. Madam Speaker, it is with great pride that I rise to honor the long and distinguished career of William Howard Bronson, Jr. on the occasion of his retirement as president and publisher of Mobile's Press-Register.

A 17-year veteran of the Press-Register, Howard brought profound changes to the paper. Under his leadership, the paper received several prestigious awards and greatly increased its readership. In the days following his retirement, the paper published a tribute stating ''Howard Bronson leaves an extensive legacy of accomplishments and contributions to the southwest Alabama community and, indeed, the entire state.''

Howard and his wife, Dorsey, moved to Mobile from Shreveport, Louisiana, where he was president and publisher of The Times, owned by Gannett Company, Inc. He served as president and general manager of the Newspaper Production Co., while in Shreveport from 1977 to 1991. He was regional vice president responsible for the launch and first year of operation of three USA Today print and distribution sites in Dallas, New Orleans and Houston in 1983–84.

Howard also has held regional responsibility with Gannett for publications in Monroe, Louisiana; Gainesville, Georgia; Muskogee, Oklahoma; Springfield, Missouri; Jackson, Mississippi; Hattiesburg, Mississippi; and Jackson, Tennessee.

As president and publisher of the Press-Register, he was involved in a number of professional organizations, including the Alabama Press Association, the Newspaper Association of America and the American Newspaper Publisher's Association. Howard serves as a board member of several civic organizations, including the Mobile Area Chamber of Commerce, the Business Council of Alabama, Spring Hill College and the United Way of Southeast Alabama, Inc. He is also a member of Forward Mobile and Mobile United.

Madam Speaker, I ask my colleagues to join me in recognizing a dedicated journalist, a respected executive and friend to many throughout southwest Alabama. I am certain that his family—his wife, Dorsey, and their four children—along with all those at the Press-Register and his many friends in Mobile join me in praising his accomplishments and extending thanks for his considerable service to the city of Mobile and all of southwest Alabama.

On behalf of a grateful community, allow me to wish Howard Bronson the very best of luck in all of his future endeavors.

CELEBRATING GEAR UP DAY

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Mr. FATTAH. Madam Speaker, I rise today to recognize the ambitious and important work being performed every day by students, program staff, parents and teachers to ensure that college dreams become reality for students attending high poverty schools. In particular, I would like to join with GEAR UP programs across the country who celebrated GEAR UP Day on September 18, 2009.

In order to meet the challenge posed by President Obama that ''by 2020, America will once again have the highest proportion of college graduates in the world,'' we will need to draw students from communities where high school graduation, let alone college attendance, is the exception rather than the rule. This ambitious goal, and the global competitiveness that comes with it, will require a dramatic increase in college attendance for students who are the first in their families to pursue higher education.

I want to thank the GEAR UP programs who organized these events and the elected officials who participated:

In Fairmont, West Virginia, they hosted a reception to thank the faculty and staff and to highlight the successes of GEAR UP while the Governor declared a West Virginia GEAR UP Day.

In Cleveland, the program received a proclamation from the Governor of Ohio.

In Eau Claire, Wisconsin, the Governor proclaimed September 18, 2009 as GEAR UP Day and the program celebrated with a community outreach event.

In Iowa City, a GEAR UP principal gave remarks and received proclamations from the Governor and Mayor.

In Wilburton and McAlester, Oklahoma, they received a proclamation from the Governor.

In Pago Pago, American Samoa, the program received a gubernatorial proclamation and Valasi Lam Yuen was recognized as their Teacher of the Year.

In Portland, Maine, the GEAR UP site also received a gubernatorial proclamation.

In La Grande, Oregon, the mayor officially proclaimed September 18, 2009 GEAR UP Day.

In Waco, Texas, parents, students, faculty and staff were on hand to receive a proclamation from the Mayor.

In New York City they held a National GEAR UP Day breakfast at the partner middle school for parents, students, teachers, and administrators. The middle school scholars sent an oversized thank you card to the Honorable Senator CHARLES SCHUMER. The Mayor of New York City, Michael R. Bloomberg has proclaimed September 18, 2009 as National GEAR UP Day.

In Tucson, the Mayor proclaimed GEAR UP Day and students are creating a GEAR UP Wall of Dreams.

In San Marcos, California, GEAR UP received a proclamation from the city.

In Kalamazoo, Michigan, they had an all-school assembly which included the Superintendent and Michigan State Representative Robert Jones.

In Cincinnati, students signed promise cards and invited the Mayor and grant partners to participate.

In Baltimore, students, staff and administrators celebrated GEAR UP Day on Friday and will continue their recognition on October 1, 2009.

In Bangor, Michigan, they had an all school assembly at Bangor High School which included a speaker on career opportunities after high school.

In Boone, North Carolina, GEAR UP leaders visited high schools to talk about GEAR UP and preparing for college.

In Brooklyn, students participated in the 9/11 Day of Service.

In Columbia, South Carolina, they recognized all the wonderful teachers, staff members, tutors, and volunteers who work with their GEAR UP students with an ''Energy Breakfast'' and by giving out thank you notes with Life Savers candy to let these people know they are GEAR UP's life savers.

In Columbus County, North Carolina, students and program staff will be celebrating GEAR UP Day this week and will be creating a GEAR UP Wall of Dreams.

In Edinburg, Texas, the GEAR UP site held a press conference to talk about the program, including a video message from Congressman HINOJOSA.

In El Paso, Texas, over 3200 GEAR UP students visited the UTEP Don Haskins Special Events Center for the GEAR UP Day Motivating Aspiring Scholars.

In Harrison County, West Virginia, they had daily announcements about GEAR UP and had every 10th and 11th grade student write their goals for the future on a strip of paper. The strips of paper have been linked together into a chain to display in the commons area.

In Jamaica, NY, the grantees hosted a round table discussion and invited Congresswoman MALONEY, Mayor Bloomberg and Councilman Peter Vallone.

In Lancaster, Pennsylvania, announcements were made every day last week with facts about college. To continue the celebration, I will be visiting this GEAR UP site next week.

In Lincoln City, Oregon, students participated in sessions on college preparation, overcoming obstacles to higher education, and college and career planning.

In Long Island, students participated in the 9/11 Day of Service.

In Lowell, Massachusetts, they received proclamations from Congresswoman NICOLA S. TSONGAS as well as Mayor Edward C. Caulfield in recognition of the National GEAR UP Day. The proclamations were read to students on Friday in an assembly. In addition, parents of GEAR UP students prepared and served breakfast to teachers and students to commemorate the 10th year anniversary of GEAR UP.

In Vista, California, the City issued a proclamation.

North Hollywood, CA hosted a bagels and college awareness meeting with teachers, parents and students at GEAR UP schools.

In Passaic, New Jersey student graduates presented to the New Jersey Commission on Higher Education.

In Philadelphia, they recognized and awarded certificates to the current 8th grade students in cohort schools. GEAR UP students received an award certificate, a GEAR UP Banner to display prominently in their schools, and a check in the amount of $3000 to assist with offsetting costs for student support.

In Ponce, Puerto Rico, GEAR UP program staff displayed street banners on the university campus and at participating schools. They also coordinated a television presentation with students to urge their classmates and students in general to stay in school and plan their postsecondary studies.

In Reno, current high school and college students (GEAR UP alumni) are being recognized today at a rally.

In Sacramento, they organized a presentation to the Superintendent, student presentations and campus tours.

In San Francisco, they celebrated with an address from principals, student workshops and an ice cream social.

In Santa Ana, California, GEAR UP conducted outreach and students pledged their commitment to college on cards.

In Syracuse, New York, students participated in the 9/11 Day of Service.

In Yakima, Washington they held an open house, college fair and reception.

In Yonkers, New York, administrators issued a ''call to action'' to the partner schools by requesting teachers and administrators engage students in developing a personal learning plan, help students locate various colleges on a map, teachers and administrators wear their college sweatshirts/t-shirts, talk about college, start a college dream journal with students, take pictures of all activities, and above all make it fun.

In Albany they hosted a GEAR UP Awareness Day in which the GEAR UP students shared their experiences with the program during the announcements. Program information and progress will be placed on tents and set on each table in the cafeteria. Stewarts Ice Cream was provided during lunch periods.

In Jefferson, New York, students and parents visited college campuses.

In Helena, Montana, they celebrated GEAR UP Day during their annual fall conference.

I am proud of all that GEAR UP has done, and will continue to do, to improve life for families and build a stronger, more competitive nation. I encourage my colleagues to join me in this celebration.

HONORING THE MEMORY OF TERRENCE BARNICH

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Mr. QUIGLEY. Madam Speaker, I rise today to honor the memory of Terrence (Terry) Barnich and the sacrifice he made for his country. Terrence was serving as the Deputy Director of the Iraq Transition Office in Baghdad when his motorcade was attacked by an improvised explosive device on May 25, 2009. He had dedicated his life to his country, leaving a comfortable life in Chicago and signing on for multiple tours in Iraq where he worked for more than two years.

Terrence was an exemplary and valiant U.S. citizen. Volunteering to serve in Iraq in a time of war attests to his loyalty and dedication to our country. As the Deputy Director of the Iraq Transition Group, he lent his skills to rebuilding and improving Iraq's energy infrastructure in an effort to help build a better future for the people of Iraq. His leadership in Iraq's transition has benefited thousands and will continue to affect generations to come. This is a great loss not only to the Illinois 5th District, but also to the United States and Iraq.

Terry will be remembered by the American people as a selfless public servant whose memory will live on through his great accomplishments both here and in Iraq. On behalf of my family and the people of the 5th Congressional District of Illinois, I extend my deep condolences to his family. I hope that time and memories will help lessen the burden of their grief.

CELEBRATING THE INTERNATIONAL RIGHT OF WAY ASSOCIATION 75TH ANNIVERSARY

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Mr. UPTON. Madam Speaker, I rise today to pay tribute to the International Right of Way Association, which is celebrating its 75th Anniversary on Friday, October 16, 2009. IRWA is responsible for educating and cultivating top talent in the industry that has led us to many of today's modern conveniences and landmarks.

The United States is home to many accomplished and dedicated Right of Way professionals—the IRWA has been providing the path to success and adamant professionalism for members since its inception as a not-for-profit association in 1934. IRWA has united the efforts of its members toward professional development, improved service to employers and the public, and continues to make advancements within the Right of Way profession.

Right of Way professionals play a leading role in the development and advancement of our transportation, water, and energy projects, while advancing America for future generations. IRWA has nearly 10,000 professional members comprised of engineers, appraisers, property managers, acquisition agents, lawyers, surveyors, title experts, environmentalists, and relocation assistance agents.

Right of way professionals improve the lives of citizens across our nation through the building of infrastructure projects that transform our community. Infrastructures the country over have benefited from the hard work of IRWA professionals—the highways we drive on, utilities in our homes, and telephone towers that enable us to communicate—have all benefitted because a Right of Way professional applied their unique expertise in creating the nation's infrastructure.

TRIBUTE REGARDING THE COMMISSIONING OF THE USS ''WAYNE E. MEYER'' (DDG 108)

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Mr. SKELTON. Madam Speaker, let me take this means to celebrate and pay tribute to the commissioning of the USS *Wayne E. Meyer* (DDG 108).

On October 10, 2009, the United States Navy will commission this guided missile destroyer named in honor of a native Missourian,

Rear Admiral Wayne E. Meyer. Long regarded as the ''Father of Aegis,'' Rear Admiral Meyer dedicated his life to serving our country. The USS *Wayne E. Meyer* will be commissioned in Philadelphia, Pennsylvania, and home ported in San Diego, California.

Madam Speaker, I am certain that my colleagues will join me in congratulating the Commanding Officer, Officers and Crew upon the commissioning of this beautiful ship.

REMEMBERING MARTHA L. LEWIS, DADE CITY, FL

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to pay tribute to a woman who thrived amidst adversity and dedicated her life to educating others so that they might not have to endure the same hardships that were bestowed upon her.

A lifelong Florida resident, Martha L. Lewis was born on November 4, 1922 in Lake Butler, Florida. Growing up, she had a strong desire to become a teacher. After graduating from high school, she saved up enough money to attend Bethune-Cookman College. She graduated first in her class earning a bachelor of science degree in elementary education.

While attending Bethune-Cookman, she also met her future husband, Andrew N. Lewis Jr. He was the first African American to earn a high school diploma in Dade City. In their 48 years of marriage, they raised three children; Andrea, Angela and Andrew III. They were separated only by his death on July 24, 1995.

Martha continued her education earning her masters of education degree in 1957. She parlayed her education into a long and fulfilling career as a teacher in Pasco County. She began as a teacher at Moore Academy; the first all black school in Dade City prior to integration, was later appointed principal of Moore Elementary School in 1968 and, in 1970 was promoted to administrative supervisor of the Migrant Education Program for Pasco County.

She retired in 1973 after 27 years of devoted service to the public schools of Florida as a teacher, principal, and supervisor. Like her husband, she too will forever hold a place in Pasco County's history: upon her death, she was the only living black administrator of the Moore-Mickens Complex.

She spent the next 25 years as a pianist and choirmaster for the St. Paul Missionary Baptist Church in Dade City. After retiring in 2003, she pursued a new found love of travel: she visited four of the seven continents.

Martha leaves behind a litany of loved ones to cherish her memory and pass on her legacy to the many generations to come.

IN HONOR OF MIKE FUOSS

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Mr. CAMP. Madam Speaker, I rise today in memoriam of Mike Fuoss, who was shot and killed on Friday, September 11, 2009. Mike was a small business owner, father, brother, and friend to many in the greater Owosso community.

Mike was born February 7, 1948, in Owosso. He graduated from Corunna High School in 1966. He went on to study Diesel Mechanics and Business at Ferris State University. In 1999, he married his wife, Barbara.

Mike co-owned a number of small businesses throughout Owosso, including Fuoss Gravel Co. and Eddie O'Flynns.

He was a member of the Owosso Home Builders Association, and the Shiawassee County Chamber of Commerce.

Mike loved restoring old cars and hot rods, enjoyed riding his Harley, and was a fan of NASCAR.

Fuoss was a good American who died tragically. The people whose lives he touched through his contributions to the community will miss him dearly.

100TH ANNIVERSARY OF BROOKS 1ST CONSTRUCTION

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Mr. SOUDER. Madam Speaker, I rise to recognize the 100th Anniversary of Brooks 1st Construction. Brooks Construction is the consummate local family business. It started in 1909 as a partnership between two friends, James Brooks and Lester Ginn, with a $7,000 dollar investment from a Fort Wayne businessman, and today has grown into a leader in the construction development industry.

The capable hands of Brooks 1st Construction were responsible for much of the Third District's early infrastructure development. What is known today as Old Maumee Road was originally constructed by Brooks in 1911 to connect the cities of New Haven and Fort Wayne and was the first concrete road in the state of Indiana. With the growth of automobiles, Brooks Construction established itself as a leader in highway and road construction and in 1957 was charged with constructing the first section of the Indiana Toll Road.

Today, it is the premier contractor in Northeast Indiana, constructing highways, paving residential and commercial areas, and installing underground utilities across the Midwest. It is the standard for quality—its expansion of I–69 was selected as one of only eight finalists for the 1999 National Quality Initiative Award and five of its plants have received Diamond Awards from the National Association of Pavement and Development Association for excellence in appearance, safety, permitting and compliance, operations, environmental practices, and community relations.

Over the years, innovation has also defined Brooks 1st Construction, and its developments have led to the advances throughout the construction industry. They were one of the first companies to use self propelled concrete mixers. When the limitations of early trucks and drivers led to difficulty transporting materials, James Brooks developed a 'turntable' to automatically turn around trucks and allow for accurate unloading. Early construction projects were often hindered by mobility and the amount of time it would take to move from one job to the next. To address this issue, Brooks Construction helped design ''portable'' plants, enabling them to move within 3 to 4 days. Their design soon became the industry standard greatly increasing efficiency.

More recently, Brooks' innovative spirit has led to environmental advances. In collaboration with National Serv-All, it developed a Landfill Gas Energy Recovery Project that utilizes waste gases created at an area landfill to heat one of its asphalt production plants. It also attempts to incorporate recycled materials in its products working to constantly find new ways to reduce costs and create a green product.

Throughout its long and successful history, Brooks 1st Construction has retained strong ties to the community where it got its start. The main facilities are still in Mishawaka, Goshen, Auburn and Fort Wayne Indiana. It is active with a number of local charities including Habitat for Humanity, the Boys and Girls Club, Family and Children Services to name a few. Brooks' contributions to educate young people and help them develop the leadership and entrepreneurial skills needed to succeed resulted in the company being inducted into the Junior Achievement Greater Business Hall of Fame.

I ask my colleagues to join me in recognizing the 100th Anniversary of Brooks 1st Construction.

ON THE PASSING OF RICHARD SHADYAC

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Mr. COHEN. Madam Speaker, I rise today to honor the life of Mr. Richard Shadyac, the former C.E.O. of the American Lebanese Syrian Associated Charities (ALSAC), the fundraising arm of St. Jude Children's Research Hospital.

Mr. Shadyac passed away last Wednesday at the age of 80. For many years, he split his time between Memphis, Tennessee and the Washington, D.C. area.

He was widowed in 2001 when he lost his first wife, Juliette. He leaves behind their two children, Richard and Thomas, as well as two grandchildren. Richard followed his father's footsteps and recently assumed the position of C.E.O. of ALSAC on September first of this year. Thomas is a celebrated comedian, producer, director and writer in Los Angeles. Mr. Shadyac also leaves behind his wife of seven years, Lynn Caruthers Shadyac of McLean, Virginia.

Here in Washington, Mr. Shadyac was well known for advocating on behalf of the government of Libya. He also had a hand in the founding of the American-Arab Anti-Discrimination Committee.

Mr. Shadyac received his Juris Doctor from Boston University in 1952. He served in the Army Judge Advocate General's Corps during the Korean War. After he left the Army, Mr. Shadyac went to work at the Justice Department. Later, he became a founding partner of two law firms: McGinnis, Berg, Shadyac and Nolan and Metzger, Shadyac and Schwartz.

Thirty years after becoming a board member for St. Jude, Richard Shadyac became the

C.E.O. of the hospital's fundraising operation in 1992. He held this position for 13 years, leading an effort that raised millions upon millions of dollars for the purpose of researching and treating childhood cancer and other diseases.

In 1985, St. Jude seriously considered leaving Memphis, Tennessee to relocate to Washington University in St. Louis, Missouri. It was through Richard Shadyac's efforts that the hospital remains in Memphis today. I first met him when I was a Tennessee State Senator. He was on one of his many trips to Nashville, where he would adroitly encourage state officials to work to keep St. Jude in Tennessee. He advocated for his cause throughout the halls of the Tennessee State Capitol, and it was through these efforts that we became friends. I cherished his friendship in Memphis for many years, as well as in Washington D.C. when I joined the United States Congress.

After the death of his good friend and St. Jude's founder, Danny Thomas, Mr. Shadyac took the reins to ensure that the hospital would remain stable and secure. Without Mr. Thomas to publicly promote the hospital, it was Richard who decided that the children should be the new face of St. Jude. Under his leadership, St. Jude's donations increased four-fold.

Mr. Shadyac displayed a great interest in the individual well-being of St. Jude's patients. He would often visit the children and their families at the hospital. It was Mr. Shadyac who gave them a voice in the fight against cancer.

Upon his retirement, St. Jude's fundraising operation, the American Lebanese Syrian Associated Charities, was ranked among the three largest health care charities in the country.

My heart goes out to Mr. Shadyac's family, as well as the St. Jude community. Richard Shadyac dedicated his life to finding a cure for childhood cancer. He leaves behind a strong legacy of good will and deeds, and will forever be remembered by the Memphis and St. Jude communities.

WORLD ALZHEIMER'S DAY

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Ms. WATERS. Madam Speaker, yesterday was World Alzheimer's Day—a day to call attention to and raise awareness of this fatal, neurodegenerative disease afflicting over 5 million Americans.

In this country, someone develops Alzheimer's every 70 seconds, and total healthcare costs are more than three times higher for people with Alzheimer's and other dementias than for people the same age without the disease. Experts estimate that it could affect as many as 10 million baby boomers as they age. The bottom line is this: Alzheimer's disease poses a significant public health threat to our Nation.

In my State of California, there will be as many as 480,000 people age 65 and older who will have Alzheimer's disease by 2010. And Alzheimer's doesn't just strike the individual—it is a family disease. According to the Alzheimer's Association's 2009 Alzheimer's Disease Facts and Figures, there are nearly 10 million Alzheimer's caregivers providing unpaid care valued at $94 billion. In California alone, there are over 1 million caregivers grappling with the tremendous challenges of Alzheimer's disease every day.

In order to assist caregivers with these daunting challenges, I plan to reintroduce the Alzheimer's Treatment and Caregiver Support Act this month (H.R. 1032 in the 110th Congress). This bill provides grants to public and nonprofit organizations to improve treatment services for Alzheimer's patients and expand training and support services for families and caregivers. Expanding access to training and support services would improve the ability of caregivers to provide effective, compassionate care and allow more people with Alzheimer's disease to remain in their homes with people who love them. This bill had over 100 cosponsors in the 110th Congress, and I hope the 111th Congress will pass this important bill and send it to the President's desk.

We can also fight this disease with the Alzheimer's Breakthrough Act, H.R. 3286, of which I am proud to be a cosponsor. This legislation seeks to find breakthroughs in Alzheimer's disease by increasing research funding to $2 billion per year. It also calls for a national summit on Alzheimer's disease to look at promising research possibilities and programs that are important in fighting this disease.

As we recognize World Alzheimer's Day 2009, I urge my colleagues to join with me and cosponsor the Alzheimer's Treatment and Caregiver Support Act and the Alzheimer's Breakthrough Act. Let us commit to take every possible action to improve treatments for Alzheimer's patients, support caregivers, and invest in research to find a cure for this disease.

RECOGNIZING OHIO'S EMANCIPATION DAY

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Mr. AUSTRIA. Madam Speaker, I rise to recognize Ohio's Emancipation Day. On this day in 1862, following the battle of Antietam, President Abraham Lincoln issued a preliminary executive order, essentially setting a date for the emancipation of all slaves in rebellious states. Lincoln would go on to sign the final Emancipation Proclamation in January of 1863, thereby abolishing slavery altogether.

My home state of Ohio has long acknowledged September 22nd as Emancipation Day, and therefore I would like to take this opportunity to reflect on this milestone in our nation's history.

In addition, I would like to recognize Mr. Paul LaRue, a well-respected educator at Washington Court House High School and the efforts he and his students have made to educate the public about the importance of honoring this day. I will conclude with a quote from Ohio Congressman, James Ashley, who held office at the time the Emancipation Proclamation was issued: ''If slavery is wrong and criminal, as the great body of enlightened and Christian men admit, it is certainly our duty to abolish it.''

STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2009

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

The House in Committee of the Whole House on the State of the Union had under consideration of the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for other purposes:

Mr. ETHERIDGE. Madam Chair, I rise in support of H.R. 3221, the Student Aid and Fiscal Responsibility Act. As the first member of my family to graduate from college, I know that the opportunity to go to college was the key to any success that I have had in life. I understand firsthand that pursuing education after high school can be a challenging financial decision. Working families struggle to enable their children to go to college, and individuals who wish to pursue a second degree must weigh the costs carefully. This bill takes significant steps to make college more affordable and to ease the burden of debt for those who take out loans to pay for higher education.

H.R. 3221 continues our work to increase Pell Grants to keep up with increasing educational costs, raising the maximum grant to $6,900 over the next ten years. It invests $3 billion in efforts that improve access to college and support students throughout their education, like the successful initiatives of the College Foundation of North Carolina and the North Carolina Educational Assistance Authority in my state. The legislation also strengthens Perkins Loans by making more students eligible and keeping interest rates low.

H.R. 3221 makes critical investments in our historically black colleges and universities and minority-serving institutions, and strengthens community colleges and training programs to ensure every student has the opportunity to succeed in school and gain the skills they need for success in our 21st century technological economy. It also invests in quality early education opportunities that plant the seeds of success for the next generation of college graduates. Finally, it makes all of these investments in a fiscally-responsible manner, even devoting $10 billion in savings to pay down the deficit.

I am pleased that Chairman MILLER worked with me to ensure that non-profits and state agencies, like the North Carolina College Foundation and the North Carolina Educational Assistance Authority, continue to have a role in providing services to college-bound students. Millions of North Carolina families turn to these institutions for help with college counseling, loan support, and default prevention. It would be a tragedy to lose the local knowledge and expertise they provide. Student loan reform must preserve a role for these valuable loan guarantors and affiliated non-profits, and I am pleased that an amendment I offered which explicitly authorizes support for their services was included in the final bill.

As the former superintendent of North Carolina's schools, I know firsthand the needs of our school districts for modernization and renovation funding. I am pleased H.R. 3221 contains $2 billion in each of the next two years

to help schools maintain high-quality facilities that help students learn. I appreciate Chairman MILLER's commitment to work with me to ensure that we use some of this funding in support of our federal responsibility for federally-connected children. In my district, the schools in Harnett County and Cumberland County, as well as those in the rest of the state, are proud to be able to educate the sons and daughters of those who serve and protect our nation. However, the growth at Fort Bragg and Pope Air Force Base under the Base Realignment and Closure (BRAC) process, threatens to overwhelm the school districts' already strained budgets as they work to make room for these students. We have a responsibility to help these schools, and I look forward to working with the chairman to support our military families.

Madam Chair, H.R. 3221 represents a significant investment in the future of our nation, and a historic commitment to our students and working families. I urge my colleagues in joining me in support of this legislation.

IN REMEMBRANCE OF 9/11

HON. BILL CASSIDY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 22, 2009

Mr. CASSIDY. Madam Speaker, as we reflect upon the eighth anniversary of the September 11 attacks, the Americans who perished that day, the Americans who heard the call to arms and sacrificed themselves to defend our lives and liberty, the sacrifice of Americans who remain in the line of fire and their families, let us reaffirm our commitment to Never Forget.

Scott Rogers, a constituent from Baton Rouge, penned the following poem in 2001. It is a tribute to the searing legacy of that fateful day and the values that guarantee we will overcome it.

THE DAY LIBERTY CRIED

(By Scott Rogers)

It was just another Tuesday morn
As people went their way
The cars, the trains were bustling by
Another working day

Although diverse with many faces
These people shared one hue
They lived together with Liberty
Under the colors Red, White, and Blue

Liberty was the one thing they all shared
They nurtured Her in their heart
But little that morn did they realize,
That their world would be torn apart

Liberty was strong She stood proud
But on this fateful morn She cried
In horror She watched as evil attacked
And so many innocent people died

Liberty bowed Her head that day
For She felt somehow that She
Had allowed these acts to come to Her shores
To the great land of the free

But the evil that attacked Her
Could not begin to understand
That Liberty could not be destroyed
Nor our great love for this land

Those who tried to hurt Her
Could not break Her soul
And proudly we fought to rebuild what was lost
Although heavy was our toll

Each brick that fell was carefully removed
Each victim we will always remember
And Liberty is there to remind us all
Each eleventh of September

We will never forget, we must not forget
Yes . . . Liberty did cry that day
But we will never stop pledging ''In God We Trust''
Because? . . . We love this U.S.A.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S9625–S9691

Measures Introduced: Four bills and three resolutions were introduced, as follows: S. 1691–1694, S. Res. 279–280, and S. Con. Res. 40. **Page S9653**

Measures Reported:

S. 806, to provide for the establishment, administration, and funding of Federal Executive Boards, with an amendment in the nature of a substitute. (S. Rept. No. 111–77) **Page S9653**

Measures Passed:

Minority Party Appointments: Senate agreed to S. Res. 279, making minority party appointments for certain committees for the 111th Congress.

Pages S9689–90

Measures Considered:

Department of the Interior, Environment, and Related Agencies Appropriations Act—Agreement: Senate continued consideration of H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, taking action on the following amendments proposed thereto:

Pages S9634–35, S9635–48, S9690

Adopted:

By a unanimous vote of 95 yeas (Vote No. 290), Feinstein Modified Amendment No. 2460, to support the participation of the Smithsonian Institution in activities under the Civil Rights History Project Act of 2009. **Pages S9634–35**

Barrasso Amendment No. 2471, to prohibit the use of wildland fire management stimulus funds in the District of Columbia. **Pages S9638–39**

Reid Modified Amendment No. 2494, to provide for an evaluation of the aquifers in the area of the Jungo Disposal Site in Humboldt County, Nevada. **Pages S9635–36, S9645**

Rejected:

By 27 yeas to 70 nays (Vote No. 291), McCain Amendment No. 2461, to prohibit the use of appropriated funds for the Des Moines Art Center in the State of Iowa. **Pages S9636–37, S9642, S9645–46**

DeMint motion to commit the bill to the Committee on Appropriations, with instructions to report the same back to the Senate forthwith with DeMint Amendment No. 2500, relating to the Secretary of the Interior and water allocations. (By 61 yeas to 36 nays (Vote No. 292), Senate tabled the motion.)

Pages S9641–42, S9646

Pending:

Carper Amendment No. 2456, to require the Administrator of the Environmental Protection Agency to conduct a study on black carbon emissions.

Page S9634

Collins Amendment No. 2498, to provide that no funds may be used for the administrative expenses of any official identified by the President to serve in a position without express statutory authorization and which is responsible for the interagency development or coordination of any rule, regulation, or policy unless the President certifies to Congress that such official will respond to all reasonable requests to testify before, or provide information to, any congressional committee with jurisdiction over such matters, and such official submits certain reports biannually to Congress. **Pages S9642–45**

Isakson Modified Amendment No. 2504, to encourage the participation of the Smithsonian Institution in activities preserving the papers and teachings of Dr. Martin Luther King, Jr., under the Civil Rights History Project Act of 2009. **Page S9645**

Vitter motion to commit the bill to the Committee on Appropriations, with instructions to report the same back to the Senate forthwith with Vitter Amendment No. 2508 (to the instructions on Vitter motion to commit the bill), to prohibit the use of funds to delay the implementation of the Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010–2015. **Pages S9646–48**

A motion was entered to close further debate on the committee amendment in the nature of a substitute, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, September 24, 2009. **Page S9690**

A motion was entered to close further debate on the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a

vote on cloture will occur on Thursday, September 24, 2009. Page S9690

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 11 a.m., on Wednesday, September 23, 2009. Page S9690

Appointments:

United States Senate Caucus on International Narcotics Control: The Chair, on behalf of the Republican Leader, pursuant to the provisions of Public Law 99–93, as amended by Public Law 99–151, appointed Senator Risch as a member of the United States Senate Caucus on International Narcotics Control. Page S9690

Nominations Confirmed: Senate confirmed the following nominations:

Carmen R. Nazario, of Puerto Rico, to be Assistant Secretary for Family Support, Department of Health and Human Services.

David C. Jacobson, of Illinois, to be Ambassador to Canada.

Michael H. Posner, of New York, to be Assistant Secretary of State for Democracy, Human Rights, and Labor.

Lee Andrew Feinstein, of Virginia, to be Ambassador to the Republic of Poland.

Robert D. Hormats, of New York, to be an Under Secretary of State (Economic, Energy, and Agricultural Affairs).

Robert D. Hormats, of New York, to be United States Alternate Governor of the International Bank for Reconstruction and Development for a term of five years; United States Alternate Governor of the Inter-American Development Bank for a term of five years; United States Alternate Governor of the African Development Bank for a term of five years; United States Alternate Governor of the African Development Fund; United States Alternate Governor of the Asian Development Bank; and United States Alternate Governor of the European Bank for Reconstruction and Development.

Barry B. White, of Massachusetts, to be Ambassador to Norway. Page S9691

Messages from the House: Page S9652

Measures Referred: Page S9652

Executive Communications: Pages S9652–53

Additional Cosponsors: Pages S9653–55

Statements on Introduced Bills/Resolutions: Pages S9655–82

Additional Statements: Page S9652

Amendments Submitted: Pages S9682–89

Notices of Hearings/Meetings: Page S9689

Authorities for Committees to Meet: Page S9689

Record Votes: Three record votes were taken today. (Total—292) Pages S9635, S9646

Adjournment: Senate convened at 10 a.m. and adjourned at 7:43 p.m., until 9:30 a.m. on Wednesday, September 23, 2009. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S9691.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Finance: Committee began consideration of an original bill entitled, America's Healthy Future Act of 2009, but did not complete action thereon, and recessed subject to the call and will meet again on Wednesday, September 23, 2009.

WMD PREVENTION AND PREPAREDNESS ACT

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the Weapons of Mass Destruction Prevention and Preparedness Act of 2009, focusing on perimeter security at the nation's biosafety laboratories, including S. 1649, to prevent the proliferation of weapons of mass destruction, to prepare for attacks using weapons of mass destruction, after receiving testimony from former Senators Bob Graham and Jim Talent, both of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism; and Gregory D. Kutz, Managing Director, Forensic Audits and Special Investigations, Government Accountability Office.

SECURITY AND OVERSIGHT AT RESEARCH LABORATORIES

Committee on the Judiciary: Subcommittee on Terrorism and Homeland Security concluded a hearing to examine strengthening security and oversight at biological research laboratories, and to identify a single entity charged with periodic governmentwide strategic evaluation of high-containment laboratories that will determine the number, location, and mission of the Laboratories needed to effectively meet national goals to counter biothreats, after receiving testimony from former Senator Bob Graham, Chair, Commission for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism; Daniel D. Roberts, Assistant Director, Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice; Jean D. Reed, Deputy Assistant to the Secretary of Defense for Nuclear, and Chemical, and Biological Defense Programs;

Brandt Pasco, Compliance Assurance Program Manager, Department of Homeland Security; Nancy Kingsbury, Managing Director, Applied Research and Methods, Government Accountability Office; and Michael Greenberger, University of Maryland Center for Health and Homeland Security, Baltimore.

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: 20 public bills, H.R. 3610–3629; and 7 resolutions, H. Con. Res. 187–189; and H. Res. 759, 761–763 were introduced. **Pages H9806–07**

Additional Cosponsors: **Pages H9807–08**

Report Filed: A report was filed today as follows:

H. Res. 760, providing for consideration of the bill (H.R. 324) to establish the Santa Cruz Valley National Heritage Area (H. Rept. 111–263). **Page H9806**

Speaker: Read a letter from the Speaker wherein she appointed Representative Edwards (MD) to act as Speaker Pro Tempore for today. **Page H9739**

Recess: The House recessed at 12:46 p.m. and reconvened at 2 p.m. **Page H9743**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Coral Reef Conservation Act Reauthorization and Enhancement Amendments of 2009: H.R. 860, amended, to reauthorize the Coral Reef Conservation Act of 2000; **Pages H9744–50**

Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2009: H.R. 1080, amended, to strengthen enforcement mechanisms to stop illegal, unreported, and unregulated fishing; **Pages H9750–55**

Providing for an extension of the legislative authority of the Adams Memorial Foundation: H.R. 2802, amended, to provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy; **Page H9755**

Upper Elk River Wild and Scenic Study Act: H.R. 3113, to amend the Wild and Scenic Rivers Act to designate a segment of the Elk River in the State of West Virginia for study for potential addition to the National Wild and Scenic Rivers System; **Pages H9755–56**

Magna Water District Water Reuse and Groundwater Recharge Act of 2009: H.R. 2265, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Magna Water District water reuse and groundwater recharge project; **Pages H9756–57**

Raising the ceiling on the Federal share of the cost of the Calleguas Municipal Water District Recycling Project: H.R. 2522, to raise the ceiling on the Federal share of the cost of the Calleguas Municipal Water District Recycling Project; **Page H9757**

Amending the Reclamation Wastewater and Groundwater Study and Facilities Act: H.R. 2741, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the City of Hermiston, Oregon, water recycling and reuse project; **Pages H9757–58**

Honoring the Minute Man National Historical Park on the occasion of its 50th Anniversary: H. Res. 599, to honor the Minute Man National Historical Park on the occasion of its 50th Anniversary; **Pages H9758–60**

Expressing support for the goals and ideals of the first annual National Wild Horse and Burro Adoption Day taking place on September 26, 2009: H. Res. 688, to express support for the goals and ideals of the first annual National Wild Horse and Burro Adoption Day taking place on September 26, 2009; **Pages H9760–61**

Congratulating and saluting the Hawk Mountain Sanctuary for celebrating its 75th anniversary: H. Res. 670, to congratulate and salute the Hawk Mountain Sanctuary for celebrating its 75th anniversary, to commend the Hawk Mountain Sanctuary for its contributions to the preservation of

wildlife and the native ecology of the Appalachian Mountains and eastern Pennsylvania, and to commend the Hawk Mountain Sanctuary for its dedication to educating the public and the international community about wildlife conservation;

Pages H9761–62

Honoring the historical contributions of Catholic sisters in the United States: H. Res. 441, amended, to honor the historical contributions of Catholic sisters in the United States by a ⅔ yea-and-nay vote of 412 yeas with none voting "nay", Roll No. 720;

Pages H9763–64, H9774–75

Dr. Martin Luther King, Jr. Post Office Designation Act: H.R. 2971, to designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the "Dr. Martin Luther King, Jr. Post Office", by a ⅔ yea-and-nay vote of 411 yeas with none voting "nay", Roll No. 721; and

Pages H9766–67 H9775–76

Unemployment Compensation Extension Act of 2009: H.R. 3548, amended, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, by a ⅔ yea-and-nay vote of 331 yeas to 83 nays, Roll No. 722.

Pages H9767–74 H9776

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

John J. Shivnen Post Office Building Designation Act: H.R. 2215, to designate the facility of the United States Postal Service located at 140 Merriman Road in Garden City, Michigan, as the "John J. Shivnen Post Office Building" and

Pages H9764–65

Expressing support for designation of September 23, 2009, as "National Job Corps Day": H. Con. Res. 163, to express support for designation of September 23, 2009, as "National Job Corps Day".

Pages H9765–66

Recess: The House recessed at 4:07 p.m. and reconvened at 6:30 p.m. **Page H9774**

Presidential Message: Read a message from the President wherein he notified Congress that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2009—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 110–64). **Page H9744**

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of today and appear on pages H9774–75, H9775–76, H9776. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 11:16 p.m.

Committee Meetings

OVER-THE-COUNTER DERIVATIVES MARKET REGULATION

Committee on Agriculture: Continued hearings to review proposed legislation by the U.S. Department of Treasury regarding the regulation of over-the-counter derivatives markets, part two. Testimony was heard from Gary Gensler, Chairman, CFTC; and Mary L. Schapiro, Chairman, SEC.

HIGH CONTAINMENT BIO-LABORATORIES

Committee on Energy and Commerce: Subcommittee on Oversight and Investigation held a hearing entitled "Federal Oversight of High Containment Bio-Laboratories." Testimony was heard from Nancy Kingsbury, Managing Director, Applied Research and Methods, GAO; and a public witness.

USA PATRIOT ACT

Committee on the Judiciary: Subcommittee on the Constitution, Civil Rights, and Civil Liberties held a hearing on the USA PATRIOT Act. Testimony was heard from Representative Evans; Todd Hinnen, Deputy Assistant Attorney General, National Security Division, Department of Justice; Kenneth L. Wainstein, former Assistant Attorney General, National Security Division, Department of Justice; Suzanne Spauling, former Staff Director, House Permanent Select Committee on Intelligence; and a public witness.

INNOCENCE PROTECTION ACT

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on Reauthorization of the Innocence Protection Act. Testimony was heard from Lynn Overmann, Senior Advisor, Office of Justice Programs, Department of Justice; Pete Marone, Director, Department of Forensic Science, State of Virginia; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Subcommittee on Insular Affairs, Oceans and Wildlife held a hearing on the following bills: H.R. 1054, To amend the Marine Mammal Protection Act of 1972 to allow importation of polar bear trophies taken in sport hunts in Canada before the date the polar bear was determined to be a threatened species under the Endangered Species Act of 1973; H.R. 2213, To reauthorize the Neotropical Migratory Bird Conservation Act; H.R. 3433, To amend the North American

Wetlands Conservation Act to establish requirements regarding payment of the non-Federal share of the costs of wetlands conservation projects in Canada that are funded under that Act, and for other purposes; and H.R. 3537, Junior Duck Stamp Conservation and Design Program Reauthorization Act of 2009. Testimony was heard from the following officials of the U.S. Fish and Wildlife Service, Department of the Interior: Rowan Gould, Deputy Director, Operations; and Paul Schmidt, Assistant Director, Migratory Birds; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Subcommittee on Water and Power held a hearing on the following bills: H.R. 3563, Crow Tribe Water Rights Settlement Act of 2009; H.R. 2288, Endangered Fish Recovery Programs Improvement Act of 2009; and H.R. 2316, Inland Empire Perchlorate Ground Water Plume Assessment Act of 2009. Testimony was heard from Michael Connor, Commissioner, Bureau of Reclamation, Department of the Interior; Chris Tweeten, Chairman, Commission on Reserved Water Rights Compact, State of Montana; Patrick T. Tyrrell, Engineer, Office of the State Engineer, State of Wyoming; Craig Cooper, Water Right Holder, and Retired Water Division 3 Superintendent, State of Wyoming; and public witnesses.

U.S. PAROLE COMMISSION/D.C. PUBLIC SAFETY

Committee on Oversight and Government Reform: Subcommittee on Federal Workforce, Postal Service, and the District of Columbia held a hearing entitled "The Local Role of the United States Parole Commission (USPC): Increasing Public Safety, Reducing Recidivism, and Using Alternatives to Re-incarceration in the District of Columbia." Testimony was heard from Isaac Fulwood, Jr., Chair, U.S. Parole Commission, Department of the Judiciary; Adrienne Poteat, Acting Director, Court Services and Offender Supervision Agency; Laura Hankins, Special Counsel, Office of the Public Defender, District of Columbia; and public witnesses.

CENSUS 2010 INTEGRATED COMMUNICATIONS CAMPAIGN

Committee on Oversight and Government Reform: Subcommittee on Information Policy, Census and National Archives held a hearing entitled "The Census 2010 Integrated Communications Campaign: Criteria for Implementation: Measurements for Success." Testimony was heard from the following officials of the Department of Commerce; Robert Groves, Director, Bureau of the Census; and Judith J. Gordon, Principal Assistant Inspector General, Audit and Evaluation; and a public witness.

SANTA CRUZ VALLEY NATIONAL HERITAGE AREA ACT

Committee on Rules: Committee granted, by a nonrecord vote, a closed rule providing for consideration of H.R. 324, the "Santa Cruz Valley National Heritage Area Act." The rule provides for one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources.

The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule provides that the amendment printed in the report shall be considered as adopted and provides that the bill, as amended, shall be considered as read. The rule waives all points of order against provisions of the bill, as amended.

The rule provides one motion to recommit with or without instructions. Testimony was heard from Representative Grijalva.

CHESAPEAKE BAY PROGRAM REAUTHORIZATION

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing on the reauthorization of the Chesapeake Bay Program. Testimony was heard from Representatives Wittman and Connolly of Virginia; J. Charles Fox, Senior Advisor to the Administrator, EPA; Shari Wilson, Secretary, Department of the Environment, State of Maryland; L. Preston Bryant, Jr., Secretary, Natural Resources, State of Virginia; George S. Hawkins, Department of the Environment, District of Columbia; P. Michael Sturla, Representative, House of Representatives, State of Pennsylvania; Delegate John A. Cosgrove, House of Delegates, State of Virginia; and public witnesses.

VA PHARMACY BENEFITS PROGRAM

Committee on Veterans' Affairs: Subcommittee on Health held a hearing on Is the VA Meeting the Pharmaceutical Needs of Veterans? An Examination of the VA National Formulary, Issues of Patient Safety, and Management of the Pharmacy Benefits Program. Testimony was heard from Solomon Iyasu, M.D., Director, Division of Epidemiology, Officer of Surveillance and Epidemiology, Center for Drug Evaluation and Research, FDA, Department of Health and Human Services; the following officials of the Department of Veterans: Belinda J. Finn, Assistant Inspector General, Audits and Evaluations, Office of Inspector General; Michael Valentino, Chief Consultant, Pharmacy Benefits Management Services, Veterans Health Administration; a representative of a veterans organization, and public witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR WEDNESDAY, SEPTEMBER 23, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Commerce, Science, and Transportation: to hold hearings to examine the nominations of Anne S. Ferro, of Maryland, to be Administrator of the Federal Motor Carrier Safety Administration, and Cynthia L. Quarterman, of Georgia, to be Administrator of the Pipeline and Hazardous Materials Safety Administration, both of the Department of Transportation, 2:30 p.m., SR–253.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine the Defense Contract Audit Agency, focusing on reform, 10 a.m., SD–342.

Committee on the Judiciary: to hold hearings to examine reauthorizing the USA PATRIOT Act, 10 a.m., SD–226.

Full Committee, to hold hearings to examine the nominations of Jacqueline H. Nguyen and Dolly M. Gee, both to be a United States District Judge for the Central District of California, and Richard Seeborg and Edward Milton Chen, both to be a United States District Judge for the Northern District of California, 2:30 p.m., SD–226.

House

Committee on Education and Labor, hearing on H.R. 3017, Employment Non-Discrimination Act of 2009, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, To consider a motion to instruct the Chairman to transmit to the Committee on Rules additional recommended amendments for consideration in connection with H.R. 3200, America's Affordable Health Choices Act of 2009, 10 a.m., 2123 Rayburn.

Committee on Financial Services, hearing entitled " The Administration's Proposals for Financial Regulatory Reform," 9:30 a.m., and a hearing entitled "Federal Regulator Perspectives on Financial Regulatory Reform Proposals," 2 p.m., 2128 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, hearing on an Undue Hardship? Discharging Educational Debt in Bankruptcy, 1 p.m., 2141 Rayburn.

Subcommittee on Courts, Terrorism, and Homeland Security, hearing on an Undue Hardship? Discharging Educational Debt in Bankruptcy, 1 p.m., 2141 Rayburn.

Committee on Oversight and Government Reform, hearing entitled " The Silent Depression: How Are Minorities Faring in The Economic Downturn?" 10 a.m., 2154 Rayburn.

Committee on Science and Technology, Subcommittee on Research and Science Education, to mark up the Cybersecurity Research and Development Amendments Act of 2009, 10 a.m. 2318 Rayburn.

Committee on Small Business, hearing entitled "The Impact of Financial Regulatory Restructuring on Small Businesses and Community Lenders," 1 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, hearing on the Federal Aviation Administration's Call to Action on Airline Safety and Pilot Training, 10 a.m., 2167 Rayburn.

Subcommittee on Economic Development, Public Buildings, and Emergency Management, hearing on Risk-based Security in Federal Buildings: Targeting Funds to Real Risks and Eliminating Unnecessary Security Obstacles, 2 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Oversight and Investigation, hearing on the SES Bonuses and Other Administrative Issues at the U.S. Department of Veterans Affairs, 10 a.m., 334 Cannon.

Permanent Select Committee on Intelligence, executive, briefing on Afghanistan/Pakistan, 2 p.m., 304–HVC.

Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence, executive, hearing on DHS Office of Intelligence and Analysis Reform Efforts, 4 p.m., 304–HVC.

Next Meeting of the **SENATE**

9:30 a.m., Wednesday, September 23

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 90 minutes), Senate will continue consideration of H.R. 2996, Department of the Interior, Environment, and Related Agencies Appropriations Act.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, September 23

House Chamber

Program for Wednesday: Consideration of the following suspensions: (1) S. 1677—Defense Production Act Reauthorization; (2) H. Res. 733—Expressing condolences to the people and government of the Republic of China (Taiwan); (3) H.R. 3593—To amend the United States International Broadcasting Act of 1994 to extend by one year the operation of Radio Free Asia; (4) H. Con. Res. 178—Expressing the sense of the Congress that we honor, commemorate and celebrate the historic ties of the United States and the Netherlands; (5) H.R. 2131—To amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy; (6) H. Con. Res. 74—Supporting the goals and ideals of a decade of action for road safety; (7) H. Res. 491—Encouraging each institution of higher education in the country to seek membership in the Service members Opportunity Colleges (SOC) Consortium; (8) H. Res. 684—Recognizing and honoring Howard University School of Law's 140-year legacy of social justice; (9) H. Res. 696—Acknowledging and congratulating Western Wyoming Community College; (10) H. Res. 455—Congratulating the Wichita State University men's and women's bowling teams; (11) H.R.—To provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 (Sponsored by Rep. Velazquez/Small Business Committee) (12) H.R.—Fiscal Year 2010 Federal Aviation Administration Extension Act (Sponsored by Rep. Oberstar/Transportation and Infrastructure Committee); and (13) H.R.—Surface Transportation Extension Act. Consideration of H.R. 324—Santa Cruz Valley National Heritage Area Act (Subject to a Rule).

Extensions of Remarks, as inserted in this issue.

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